ACTS

ACCESSION NO. 33019

RECEIVED

CATALOGUED

OF THE

EIGHTY-EIGHTH LEGISLATURE

OF THE

STATE OF NEW JERSEY,

AND

TWENTIETH UNDER THE NEW CONSTITUTION.

NEWARK, N. J.:

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1864.

ACTS

OF THE

EIGHTY-EIGHTH LEGISLATURE.

CHAPTER I.

An Act to enable the board of chosen freeholders of the county of Morris to borrow money to pay bounties and to repay the same.

Preamble.

WHEREAS, the adjutant-general of the militia of this state, by his general orders number eleven, dated Trenton, November sixth, eighteen hundred and sixty-three, in accordance with the proclamation of the governor of New Jersey, dated the twenty-third day of October, eighteen hundred and sixty-three, did fix the quotas of the several townships of the county of Morris, of the men required by the government of the United States to make up the numbers still due on the quotas, as published in the adjutant-general's general orders number seven, dated August the third, eighteen hundred and sixty-three, and to fill the quota assigned to the several townships of the said county of Morris, in pursuance of the proclamation of the president of the United States, dated October seventeenth, eighteen hundred and sixty-three, calling for three hundred thousand volunteers; and did give credit for all volunteers mustered into the service of the United States up to the twenty-fourth of October, eighteen hundred and sixty-three, on the quotas published August third, eighteen hundred and sixty-three, which quotas and credits are as follows:

New Jersey State Library

Quotas of townships.

	Quotas of 9441.	Quotas of 8783.	Credits.	Deficiencies.
Chatham,	30	28		58
Chester,	24	22	22	24
Hanover,	40	38		78
Jefferson,	22	21		43
Morris,	69	65	4	129
Mendham,	21	19		40
Pequannock,	69	65		133
Rockaway,	51	50		101
Randolph,	48	46		94
Roxbury,	40	37		77
Washington,	36	34		70
	450	423	26	847

And whereas, the board of chosen freeholders of the county of Morris, at a special meeting of said board, held at Morristown, on the seventh day of January, eighteen-hundred and sixty-four, deemed it necessary and proper to make an effort to fill the deficiencies of said quotas by volunteers, and to pay a bounty of three hundred and fifty dollars to every volunteer who shall enlist for that purpose and be accepted and mustered into the military service of the United States; and whereas, it has been supposed that the said board has no power to borrow money for such purpose, nor to secure the same, nor to impose taxes for the reimbursement of moneys borrowed for that purpose, and said board has applied to be invested with such powers—therefore,

Board of freeholders may borrow money and issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of chosen freeholders of the county of Morris be and they are hereby authorized to borrow, on the credit of the said county of Morris, for the purpose of paying bounties to volunteers to fill the deficiences of said quotas, such sum of money as may be necessary for that purpose, not exceeding two hundred and ninety-six thousand five hundred dollars, and to provide for the payment of the money which shall be so borrowed by issuing bonds in the name of "The Board of Chosen Freeholders of the County of Morris," and under the corporate seal of said board, to be signed by the director of said board and attested by the county collector of said county; the said bonds shall be in such sums as the said board shall deem proper, and shall bear interest at a rate not exceeding six per centum per annum, payable half-yearly, at such place as

the said board shall deem best; the principal of one-tenth part in amount, of said bonds shall be payable in one year from the first day of April, eighteen hundred and sixty-four, and the principal of one-tenth part in amount, of said bonds shall be paid on the first day of April in every year thereafter, until the whole of said bonds shall be paid; and said bonds, as to principal and interest, shall be made payable in manner aforesaid, except that the first payment of interest shall be made on the first day of October, eighteen hundred and sixty-four, and then half yearly thereafter; and the said board of chosen freeholders shall have power to sell and deliver said bonds; *provided*, that none of said bonds shall be sold or delivered by said board, or any of its officers or agents, for less than the par value of said bonds; and for the payment of the principal and interest of said bonds, the said "The Board of Chosen Freeholders of the County of Morris" shall be and they are hereby authorized to pledge the credit of said county and the taxable property therein. Proviso.

2. *And be it enacted*, That any township in said county of Morris, which, after the seventh day of January, eighteen hundred and sixty-four, shall furnish any volunteer or volunteers to fill its said quotas shall be entitled to have a bounty of three hundred and fifty dollars paid to every such volunteer, upon his being mustered into the military service of the United States, from and out of the money raised by the sales of said bonds, and to have every such volunteer credited to the quotas of the township furnishing him. Bounty to volunteers.

3. *And be it enacted*, That the board of chosen freeholders of the county of Morris shall have the power, and it is hereby made the duty of said board, to provide in the manner hereinafter prescribed, by taxation, for the payment of the said bonds, and the interest which shall accrue thereon; and all moneys raised by tax by virtue of this act, shall be exclusively applied to the payment of the principal and interest of said bonds as the same shall become due and payable. Payment by taxation.

4. *And be it enacted*, That the tax to be annually assessed to pay the interest and principal of said bonds shall be apportioned by the said board of chosen freeholders at its annual meeting in every year, to and among the several townships of the said county of Morris, in proportion to the money which shall be furnished to each of said townships by said board, to pay bounties to volunteers to fill said quotas; and the sum so apportioned to each township shall be assessed, levied and collected, as other state, county and township Tax to be apportioned.

taxes are or shall by law be assessed, levied and collected, and when collected shall be paid to the county collector of the county of Morris, for the purpose of paying the interest and principal of said bonds, pursuant to the provisions of this act; and the county collector of said county is hereby authorized and required to pay the interest and principal of said bonds according to the terms and conditions of said bonds.

Board may borrow money.

5. *And be it enacted*, That the said "The Board of Chosen Freeholders of the County of Morris," shall have power and authority to borrow on the faith and credit of said county, as a temporary loan, and for a period not to exceed five months, so much money as will be necessary to pay the interest on said bonds, which will become payable on the first day of October next, and to repay the money so borrowed from and out of the taxes authorized to be assessed and collected by this act.

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

AMOS ROBINS,
President of the Senate.
JOSEPH N. TAYLOR,
Speaker of the General Assembly.

Approved January 28, 1864.

JOEL PARKER.

CHAPTER II.

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

When money for assessments shall be paid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the moneys due on completing any assessment referred to in the fifty-sixth section of the act to which this is supplementary, shall, in case of disability or incapacity of the owner to receive the same, or if such owner will not accept the same and sign a proper receipt therefor, when tendered, be paid into the court of chancery of this state, to abide such order as may be made in relation thereto.

by the chancellor, on application for that purpose; and in case such incapacity shall arise by reason of any lien or encumbrance on the lands to be taken, or by reason of the fee being in remainder or reversion, and the interests and estates of the persons interested not having been reported by the commissioners or separately assessed, the chancellor may, with consent in writing of such parties as may be interested therein, filed in the office of the clerk of chancery, order said moneys to be invested as the said parties may desire, until a final order shall be made thereon; and upon the passing of a resolution by the common council that such payment be made into the court of chancery, the lands of such owners shall be vested in the city.

Repealer.

2. *And be it enacted*, That all acts and parts of acts conflicting with or contravening the intents of this act, be, and the same are hereby repealed, and that this act shall be deemed a public act, and take effect immediately.

Approved January 28, 1864.

CHAPTER III.

An Act to authorize and confirm the erection of wharves and piers by the National Iron Armor and Ship Building Company, in the county of Camden.

Confirmation of rights.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all wharves, piers, docks, or other works heretofore erected, now in course of erection, on or in front of the lands of the National Iron Armor and Ship Building Company, on the river Delaware, in the county of Camden, shall be and are hereby confirmed and declared to be valid and effectual in like manner as though the same had been erected or commenced to be erected under the authority of an act of the legislature of this state.

Penalty for injuring works.

2. *And be it enacted*, That if any person or persons shall wilfully and unlawfully injure, impair, destroy or obstruct said wharves, piers, docks or other works, the person or persons so offending shall forfeit a sum not exceeding one hundred dollars, at the discretion of any justice of the peace in this state, and shall also be liable to pay double the amount

of damages sustained thereby, to be recovered by an action of trespass or any other proper form of action in any court of competent jurisdiction.

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

Approved January 28, 1864.

CHAPTER IV.

An Act to incorporate the New Jersey Tube Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Stephen D. Gould, Andrew Derrom, Franklin C. Beckwith, William Gledhill, and their associates and successors, be and they are hereby created a body politic and corporate, by the name of "The New Jersey Tube Company," for the purpose of manufacturing articles of which iron, brass or copper forms the principal material, and of buying, selling and dealing in the same; and for that purpose may purchase, hold, sell, convey, mortgage, lease or otherwise dispose of such real and personal property as may be needful and proper for use in carrying on said business, or may accrue to them in the course thereof.

Location.

2. *And be it enacted*, That the said company may carry on their business at any place in the county of Passaic, and may establish their principal office at such point in this state as they shall deem proper, and may change the location of their office from time to time as said company, or the directors thereof, may deem best for the interest of said company.

Amount of capital stock.

3. *And be it enacted*, That the capital stock of said company shall be fifty thousand dollars, divided into shares of fifty dollars each; and said shares, and all other shares of stock issued by said company, shall be deemed to be personal property, and be transferable in such manner as shall be prescribed from time to time by the by-laws of the company; and that said company may increase their capital stock from time to time, and may issue shares accordingly, but such stock shall at no time exceed in amount the sum of two hundred and fifty thousand dollars.

4. *And be it enacted*, That it shall be lawful for said com-

pany 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 that books of subscription to said capital stock may be opened under the direction of the board of directors herein named, or some one of them, to be designated for that purpose by said board, and at such time and place as the board may appoint, and shares may be issued accordingly to the subscribers when paid for in full; and when shares to the amount of fifteen 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; and if more stock be subscribed for at any time than is required, the directors may apportion the same among the subscribers in proportion to the amount of their subscriptions.

May issue stock for property.

5. *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 to be president and a suitable person to be secretary, and may afterwards appoint such officers and agents as they may deem necessary; 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 until the first Tuesday in July next, and until others are elected in their stead.

By whom to be managed.

6. *And be it enacted*, That the directors of said company shall be chosen annually, on the first Tuesday of July, at such time and place and on such notice as said by-laws may fix; that all elections shall be by ballot, and that each share of stock shall be entitled to one vote, which may be given in person or by proxy; and if at any time, for any cause, it shall happen that no election shall be held or made at the time herein appointed, the directors for the time being shall continue in office until an election be regularly held according to the requirements of the by-laws in that behalf, or of this act; and that any vacancy in the board hereby appointed, either before or after they are organized, or in any succeeding board, may be filled for the unexpired term by the remainder of such board, or the majority of the same; and that in any election of directors the persons having or receiving

Election of directors.

the greatest number of votes shall be directors, and shall continue in office until their successors are elected.

Payment of installments.

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

Quorum.

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

Corporation may be dissolved.

9. *And be it enacted*, That this corporation may be dissolved at any time by a general meeting of stockholders summoned specially for that purpose by the board of directors, or a majority of them, giving thirty days' notice of such meeting in a newspaper published in said county, at least three times in each week during said period; *provided*, three-fourths in value of the stockholders be present or represented therein; and upon such dissolution the directors for the time being, or the survivors or survivor of them, or such other person or persons as the board shall appoint for that purpose, shall be trustees or trustee for settling the affairs of the company and paying its debts and dividing the surplus among the stockholders, according to their respective interests therein.

Proviso.

Limitation.

10. *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.

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

Approved February 3, 1864.

CHAPTER V.

An Act to supply the loss of the original certificate of incorporation of "The Manhattan Fire Arms Company."

WHEREAS, the original certificate of incorporation of "The Manhattan Fire Arms Company," a corporation duly incorporated in the county of Essex, under the act entitled "An act to authorize the establishment and to prescribe the duties of companies for manufacturing and other purposes," approved March second, eighteen hundred and forty-nine, was duly recorded in the office of the clerk of the said County of Essex, on the fifteenth day of September last, and was mislaid in the said office, so that the same could not after diligent inquiry be found to be filed in the office of the secretary of state, as is required by the first section of said act; and whereas, a copy of the said certificate of incorporation, duly certified by the clerk of the said county of Essex, said certificate also stating the fact of said loss, has been filed in the office of the secretary of state. Preamble.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That the filing in the office of the secretary of state as aforesaid of the said certified copy of said certificate of incorporation, shall be deemed and taken to be a legal compliance, from the day said certificate was so recorded, with so much of said act as requires the said original certificate to be filed in the office of the secretary of state; and the said certified copy shall in all courts and places, and for all purposes, have the same force, effect and validity as the said original certificate of incorporation. Certificate to be filed.

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

Approved February 4, 1864.

CHAPTER VI.

An Act to authorize and enable the Northampton Iron Company to hold lands and real estate in this state.

May own lands in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That "The Northampton Iron Company," a corporation of the State of Pennsylvania, chartered on the tenth day of March, eighteen hundred and fifty-seven, shall be and said company is hereby authorized and empowered to receive and hold in fee simple or otherwise, lands, tenements, hereditaments and real estate situate in this State, not exceeding five thousand acres, and to lease, sell, mortgage or otherwise use or dispose of the interest and estate of said corporation in said lands.

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

Approved February 5, 1864.

CHAPTER VII.

An Act relative to bounties to volunteers in the township of Plumsted.

Preamble.

WHEREAS, the township committee of the township of Plumsted in the county of Ocean, at the desire of a meeting of the inhabitants of said township held at New Egypt on the nineteenth day of August, Anno Domini eighteen hundred and sixty-three, did offer a bounty of two hundred dollars to each man, who should volunteer to be mustered into the service of the United States to fill up the quota of said township under the order of the President of the United States and the orders of the governor of this State of the third of August, eighteen hundred and sixty-three; under which offer thirteen men volunteered and were enlisted into said service, the said committee having expended in that behalf the sum of twenty-eight hundred dollars; and said meeting did further desire that the sum total so ex-

pended by said committee should be raised by taxation upon the taxable inhabitants and estates of the township in the same manner as other taxes are levied and raised, therefore,

Tax to be assessed and raised.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be assessed and raised by tax in the township of Plumsted, county of Ocean, in the present year, at the same time and in the same manner as the other township taxes shall be assessed and raised on the taxable inhabitants of said township the sum of three thousand dollars, being a sum sufficient to pay with interest the amount expended by the township committee of said township for bounties to volunteers who enlisted in the service of the government under the order of the President and the orders of the governor of the third day of August last, and for such incidental expenses as were necessarily incurred.

How appropriated.

2. *And be it enacted*, That the amount so to be assessed and raised under this act shall when collected, be paid to the present township committee to reimburse them for moneys so laid out and expended by them, with lawful interest on the same until paid.

Bounties to volunteers and to execute bonds.

3. *And be it enacted*, That it shall and may be lawful for the township committee of said township for the time being to pay a bounty not exceeding four hundred dollars each to such number of volunteers as may be required to complete the quota of said township under the several calls of the President and the orders of the governor of the third day of August and the sixth day of November, last past, and the said committee shall have power and they are hereby authorized to provide for the payment of such bounties by executing bonds in the name of "the inhabitants of the township of Plumsted, in the county of Ocean," under the respective hands and seals of the township committee, or any two of them, for an amount of money not exceeding fifteen thousand dollars, in such sums and payable at such time or times as the said committee shall determine, with lawful interest, payable annually, and to pledge the property and credit of said township for the payment of the same.

To provide by taxation for payment and interest.

4. *And be it enacted*, That the said township committee shall be empowered to provide by taxation for the payment of such bonds and the interest thereon; and the said committee shall, yearly and every year, until said bonds shall be redeemed and paid off, order and cause to be assessed and collected by tax, at the time and in the manner as other

taxes in the said township are assessed and collected, a sum of money sufficient to pay the interest on said bonds as the same shall become due and to pay and discharge the principal of said bonds at such times as the same shall become due and payable, and that the township collector of said township shall, when such tax or any part thereof, shall be collected, pay the same to the township committee of said township, which shall be by them applied to pay the principal and interest of said bonds as the same shall become payable, *provided*, that not less than fifteen hundred dollars nor more than twenty-five hundred dollars shall be assessed and collected in any one year to pay the principal of said bonds, *provided*, that a poll tax of one dollar upon married men and two dollars upon single men be levied and collected in accordance with the provisions of this act.

Proviso.

Proviso.

Debts and liabilities confirmed.

5. *And be it enacted*, That the debts and liabilities incurred in the said township of Plumsted in consequence of the payment of bounties to volunteers by the township committee thereof, as mentioned in the preamble to this act, be and the same are hereby legalized and confirmed.

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

Approved February 11, 1864.

CHAPTER VIII.

An Act authorizing the erection of a swinging gate across the Double Creek Landing Road, near the village of Barnegat, in the county of Ocean.

Owners may hang swing gates.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the owners of the meadow between the gate commonly known as Caleb Cranmer's Big Gate on the Double "Creek Landing Road" and said Double Creek Landing, to hang a swing gate across said Double Creek Landing Road, at the point where the said gate of Caleb Cranmer's now is: and if any person shall stake, shore or leave open, or cut, break or pull down or destroy said gate, he shall, for every offence, forfeit and pay two dollars, to be recovered by action of debt, with

costs, by any person who shall prosecute for the same, and shall also pay the owners of the soil any damage or damages which they, or any of them, 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 costs.

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

Approved February 11, 1864.

CHAPTER IX.

A Supplement to the act entitled "An act relative to oaths and affidavits," passed February fourteenth, eighteen hundred and thirty-nine.

WHEREAS, a question has arisen as to the validity of affidavits taken and sworn before a notary public under the authority of the common law, by reason of the want of a statute of the legislature of this state expressly conferring upon such officer the power to take affidavits; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all oaths, affirmations and affidavits heretofore made or taken, or which shall be hereafter made or taken, for any lawful purpose, by and before a notary public, duly certified under his hand and official seal, except such as are specified in the proviso to the first section of the act to which this is a supplement, shall be valid and legal; and if any person shall wilfully and corruptly swear or affirm falsely in or by any oath, affirmation or affidavit made or taken in pursuance of this act, such person shall be deemed guilty of perjury and punished accordingly. Oaths before a notary valid.

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

Approved February 11, 1864.

CHAPTER X.

A Supplement to the act entitled "An act to incorporate the Howard Savings Institution," approved March sixteenth, eighteen hundred and fifty-seven.

Time of annual meeting.

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 third Monday in February in each year, instead of the second Monday in April.

Rate of interest.

2. *And be it enacted*, That the rate of interest may, at the discretion of the managers, be so regulated that the interest allowed to depositors having more than five hundred dollars deposited may be at least one per centum less than the interest allowed to other depositors.

Interest on special deposits.

3. *And be it enacted*, That whenever any person indebted to said institution shall deposit moneys therein for the purpose of raising a fund for the payment of such indebtedness, the managers shall have the power, in their discretion, to allow interest on such deposits from the time the same are made.

Repealer.

4. *And be it enacted*, That the sixth section of said act is hereby repealed, except so much of the same as prohibits the said institution from issuing any notes or bills, and excepting also so much of the same as prohibits any manager, officer or agent of the institution from borrowing any money from the said institution; and all compensation to be allowed to managers shall be first determined upon by the board of managers, at their meetings.

Investment in bonds and stocks.

5. *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.

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

Approved February 11, 1864.

CHAPTER XI.

A Supplement to an act entitled "An act to incorporate the Bergen County Farmers' Mutual Fire Insurance Company," approved February twenty-second, eighteen hundred and forty-nine.

Premium notes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every person who shall become a member of said company by effecting insurance therein, shall, before he receives his policy, at the option of said company deposit his promissory note, as required by section fifth of said act, or shall pay in cash such sum of money as shall be determined by the directors to be the premium for said insurance.

Limitation.

2. *And be it enacted*, That said act and this supplement thereto shall continue in force for thirty years from the expiration of the time fixed in section eight of said act, and that the legislature may at any time alter or repeal the same.

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

Approved February 11, 1864.

CHAPTER XII.

A Further Supplement to an act entitled "An act to incorporate the Trenton Saving Fund Society."

In what stocks Society may invest.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the "Trenton Saving Fund Society," in addition to the stocks specified in their charter, to invest money in the public stocks created by the states of New York, Pennsylvania, Ohio, and Kentucky, and in the public stocks or loans of the cities of Trenton, Newark, and Jersey City, and of the several counties of this state, and also to make temporary loans upon personal security, with pledges of collateral securities, at

least equal in value to the amount loaned in each case, to an amount not exceeding at any time twenty per centum of the deposits or funds of the society.

Annual report to be made.

2. *And be it enacted*, That it shall be the duty of the president of the society to forward to the speaker of the house of assembly of this state, on or before the first day of February in each year, a report, under the oath or affirmation of the president and treasurer, of the state of its funds, the amount of deposits and mode of their investment, which statement shall be published in one or more of the newspapers published in the city of Trenton.

Annual meeting.

3. *And be it enacted*, That the managers of said society shall annually on the third Tuesday in January, instead of the first Monday in April, choose by ballot one of their number to be president of the said society, who shall hold his office until the next annual meeting, and until a successor be chosen in his stead.

Deposits by married women not subject to control of husband.

4. *And be it enacted*, That deposits made with the said society by any married woman, or by any single woman who may afterwards marry, shall not be subject to the control of her husband, or be liable for his debts, and such deposits with the interest thereof, may be withdrawn and received by such depositor without the concurrence of her husband, as though she were a single female.

Repealer.

5. *And be it enacted*, That the fifteenth and sixteenth sections of the act entitled "An act to incorporate the Trenton Saving Fund Society," and the first section of an act entitled "A supplement to an act entitled an act to incorporate the Trenton Saving Fund Society, passed the seventh day of March eighteen hundred and forty-four," which supplement was approved on the ninth day of March, eighteen hundred and fifty-five, be and the same are hereby repealed.

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

Approved February 11, 1864.

CHAPTER XIII.

A Further Supplement to an act entitled "An act to incorporate the town of Bergen," approved March eleventh, eighteen hundred and sixty-two.

Preamble. WHEREAS, the town of Bergen, by the corporation thereof, have at sundry times, in pursuance of resolutions passed at public meetings of the citizens thereof, appropriated the total sum of sixty-eight thousand and five hundred dollars for the purpose of paying bounties to volunteers, in obedience to the requirements of patriotism and the desire to sustain the general government in its efforts to suppress the existing rebellion; and whereas, by supplement to the charter of said town, approved February twenty-fifth, eighteen hundred and sixty-three, the acts of the town council in raising a first sum of fifteen thousand dollars was ratified and confirmed; and whereas, the said corporation have issued their bonds for said fifteen thousand dollars, payable in three years from the date thereof; and whereas, the acts of said corporation, in its further loans of said additional sums of twenty-five thousand dollars and twenty-eight thousand and five hundred dollars, for the payment of bounties, require to be ratified and confirmed; and whereas, the inhabitants of the town of Bergen desire to fund the whole amount of said loans, in order that the payment of the same may be equalized as hereinafter provided; now therefore,

Appropriation ratified. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the appropriation of fifty-three thousand and five hundred dollars made by the town council of Bergen, in furtherance of the wishes of the inhabitants of said town, as expressed in public meetings at sundry times, together with the bonds or scrip or other evidences of indebtedness issued for the same, be and they are hereby ratified and confirmed.

Priority of debt. 2. *And be it enacted*, That the said amount of fifty-three thousand and five hundred dollars shall be deemed and taken as a debt of the said town of Bergen, over and above any loans now authorized by the aforesaid act, or by any supplements thereto, anything therein to the contrary notwithstanding.

May issue bonds.

3. *And be it enacted*, That it shall be lawful for the said corporation to issue coupon bonds, to an amount not exceeding fifty-six thousand dollars, in payment of said loans, the interest which may have accrued thereon, and for refunding moneys paid out of the treasury of the town as necessary expenses for recruiting and enlisting volunteer soldiers.

Amount of bonds.

4. *And be it enacted*, That said coupon bonds may be issued in sums of not less than one hundred dollars each, as the town council may by ordinance determine, bearing interest at a rate not exceeding seven per centum per annum; Proviso. *provided however*, that of said whole amount of bonds issued for said sum of fifty-six thousand dollars, an amount not exceeding four thousand dollars, with the interest thereon, shall be made payable on January first, eighteen hundred and sixty-five, and four thousand dollars annually thereafter, until said whole amount of said bonds shall have been liquidated and said bonds cancelled.

Additional tax.

5. *And be it enacted*, That it shall be the duty of the said corporation to levy and collect, annually, in the same manner in which other taxes shall be levied, the sum of four thousand dollars, and such additional amount as shall be necessary for the payment of interest on outstanding bonds.

May issue coupon bonds.

6. *And be it enacted*, That for the purpose of providing means for the payment of the sum of fifteen thousand dollars in bonds already issued and confirmed by the act approved February twenty-fifth, eighteen hundred and sixty-three, it shall be lawful for the corporation of the town to issue coupon bonds in sums of not less than one hundred dollars, with interest payable semi-annually at a rate not exceeding seven per centum per annum, and the principal sum of said bonds payable in fifteen years from date of issue of any of said bonds, and it shall be lawful for the corporation of said town to provide by ordinance for the exchange for said new bonds, upon surrender and cancellation of the old bonds issued in payment of loan of said fifteen thousand dollars first borrowed for payment of soldiers' bounties.

Repealer.

7. *And be it enacted*, That all acts or parts of acts in any way contravening the true meaning and intention of this act be and are hereby repealed.

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

Approved February 11, 1864.

CHAPTER XIV.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act entitled "A supplement to an act concerning roads," approved March twenty-third, eighteen hundred and fifty nine, shall not apply to the county of Hudson; but the act to which this is a supplement shall be in force in the said county of Hudson, the same as if the said supplement had not been passed. Where to apply.

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

Approved February 11, 1864.

CHAPTER XV.

An Act to confirm the title of the Ashland School District, of the township of East Orange, in the county of Essex, to certain land and premises belonging to said district.

WHEREAS, "The Trustees of the Second Presbyterian Church in Orange," conveyed a certain lot of land, situate in the (present) township of East Orange, in the county of Essex, to the "Trustees of the School in the Eastern District of Orange," by deed dated July twelfth, in the year eighteen hundred and thirty, and recorded in Book P six, of deeds for said county of Essex, on pages five hundred, and five hundred and one; and whereas, although the name and boundaries of said district have been changed on several different occasions, a public school has been regularly maintained, and is still maintained, on the premises; and whereas, on or about the twentieth day of January, in the year eighteen hundred and sixty, the then board of trustees of said district with the consent of the taxable inhabitants of said district, mortgaged the said lot and premises to Simeon Harrison, for the sum of one thousand dollars; and whereas, in P

the recent division of the town of Orange, the said lot and premises have been assigned to the said "The Ashland School district," of the township of East Orange, and the trustees of said district have duly entered into possession thereof; and whereas, doubts have arisen as to the legality of such transfer of the said property, and as to the sufficiency of the title of the said district thereto—therefore,

Title legalized

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the title to the said lot of land and premises is hereby declared to be vested in fee simple absolute, in the said "The Ashland School District," of the township of East Orange, in the county of Essex; to have and to hold unto the said "The Ashland School District," their successors and assigns, forever, free, clear and discharged from any and all trusts whatsoever upon which the same may have been heretofore held, subject however, to the said mortgage incumbrance of one thousand dollars.

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

Approved February 13, 1864.

CHAPTER XVI.

An Act to incorporate the Masonic Hall Association of the City of Hudson.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John M. Wilson, John Roeinmelt, John Sheville, John J. Ructo, Charles J. Roe, Abraham Newkirk, Peter F. Wortendyke and Charles Gobisch, and their associates, free and accepted masons of the State of New Jersey, and their successors, be and the same are hereby declared to be a body politic and corporate in law, by the name, style and title of "The Masonic Hall Association of the City of Hudson," 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 which may hereafter become due or owing to the said association in any court of law or equity or elsewhere.

Powers.

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 fifteen thousand dollars. Proviso.

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, treasurer, secretary, and seven trustees, who, together shall constitute and compose the board of directors, and 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. Officers. Proviso.

4. *And be it enacted*, That the said association or corporation shall have a common seal, with power, at their pleasure, to change, alter and renew the same. Seal, &c.

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

Approved February 13, 1864.

CHAPTER XVII.

An Act to incorporate the Dale Manufacturing Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thomas N. Dale, George Richmond, John R. Harris, Joseph H. Brown and Rufus F. Conant, 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 constituted a body corporate for the purpose of carrying on at Paterson, in this state, the business of manufacturing sewing silks, twists, and fabrics, consisting of silk, wool, linen and cotton, and other business incident thereto and conected with the same, by the name of the Dale Manufacturing Company. Names of corporators.

2. *And be it enacted*, That the original capital stock of said Capital stock.

company shall be one hundred and fifty thousand dollars, with power to increase the same to any amount not exceeding three hundred thousand dollars, which stock shall be divided into shares of one hundred dollars each.

Election of directors.

3. *And be it enacted*, That the stock, property and concerns of said company shall be managed and conducted by not less than five nor more than seven 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 February, in the year of our Lord one thousand eight hundred and sixty-five, and on the first Monday in February annually thereafter, at such time and place in the city of Paterson aforesaid as the directors for the time being shall direct, of which election public notice shall be given in one of the newspapers printed and published in the city of Paterson aforesaid, at least two weeks previous thereto; and the first directors

First directors

shall be Thomas N. Dale, George Richmond, John R. Harris, Joseph H. Brown and Rufus F. Conant, and who shall hold their office until the first Monday in February, in the year of our Lord one thousand eight hundred and sixty-five, and until others are elected in their places.

Subscriptions called in.

4. *And be it enacted*, That it shall be lawful for the directors 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 city of Paterson aforesaid.

Non election not forfeiture.

5. *And be it enacted*, That in case an election at any time should not be made on the day specified in this act, this corporation for this cause shall not be deemed to be dissolved, but it may and shall be lawful to hold such election on such other day as may be provided by the ordinances, by-laws or resolutions of said corporation.

Stock transferable.

6. *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.

7. *And be it enacted*, That the said corporation shall possess the general powers and be subect to the restrictions and liabilities contained in the act entitled "An act concerning corporations," approved the fourteenth day of February, eighteeen hundred and forty-six, and the acts supplementary thereto and amendatory thereof, so far as the same are applicable. Powers.

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

Approved February 13, 1864.

CHAPTER XVIII.

An Act to incorporate Schiller Lodge, Number Eighty, 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 Michael Stiger, John Miller, Bernhart Schnell, Jacob Fell, Henry R. Meyer, John T. Meyer, John Yetter, John Smith, John Reddinger, John Bohlinger, Joseph Schnetzer, Joseph C. Meyer, Frederick Holtz and George Fink, and their associates, officers and members of "Schiller Lodge Number Eighty, 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 "Schiller Lodge Number Eighty, 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 the same to use at pleasure; *provided always*, that the Names of corporators. Proviso.

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 February 13, 1864.

CHAPTER XIX.

An Act to extend the benefits of the Poor-house Farm and the institutions thereon, in the county of Hudson, to all the townships and cities in said county, to authorize the establishment of a Lunatic Asylum on said farm, and to provide for the support of the institutions thereon and for their construction.

Poor house, jail, &c., how supported and maintained.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the poor-house, jail, work-house, asylum for the care and maintenance of insane persons, established and to be established on the poor-house farm of the county of Hudson, and the construction thereof and the purchase of said farm, under the direction of the board of chosen freeholders of the said county, shall be for the benefit of the whole county of Hudson in the manner by this act provided, and shall be paid for, supported and maintained by the county taxes assessed and levied and to be assessed and levied on the whole of the said county of Hudson, in like manner as all other county taxes are assessed and levied, any law relating to any city or township in said county to the contrary notwithstanding.

To keep paupers of each township.

2. *And be it enacted*, That every city and township in the said county is authorized to send such pauper or paupers as is, are or shall be a charge in any such city or township to the said poor-house farm, there to be kept and maintained so long as chargeable on any such city or township.

Regulations.

3. *And be it enacted*, That the board of chosen freeholders of the county of Hudson are authorized to make such rules and regulations and enter into such arrangements with the cities and townships in the county of Hudson, or any of them, as may be deemed advisable for the receipt of paupers and

other persons entitled by law to the benefits of the said poor-house farm and the institutions thereon, or that may be built or erected thereon, and the transmission of such persons from the cities and townships in the said county to said farm, and also such other rules and regulations as shall be deemed proper for the regulation and government of the said poor-house farm and the institutions thereon, or that may be put thereon.

Lunatic asylum.

4. *And be it enacted*, That the board of chosen freeholders of the county of Hudson are authorized to establish a Lunatic Asylum in the county of Hudson on the said poor-house farm.

Buildings and regulations.

5. *And be it enacted*, That to establish such lunatic asylum the said board are authorized to fit up any building or buildings now on said farm, and to erect any additional building or buildings; to lay out and arrange the grounds there, so as to adapt them for that purpose; to employ a superintendent who shall be a physician of skill and learning, and such other officers and agents, as shall be necessary for the proper care, management and control of the said asylum and the persons therein; that the said board are empowered to make such reasonable rules and regulations for the government of the said asylum as they shall deem proper or necessary.

Insane paupers to be placed in asylum.

6. *And be it enacted*, That in all cases in which by the laws of this State the expense of the maintenance, charge and care of an insane pauper in the Lunatic Asylum of this State now is made chargeable to the county of Hudson, or shall hereafter be made so chargeable, it shall be lawful after the insanity of the pauper shall be ascertained and certified in the manner prescribed by the provisions of "An Act for the organization of the State Lunatic Asylum and for the care and maintenance of the insane," and the supplements thereto, to place such insane pauper in the asylum of the said county, at the expense of the said county, there to remain for the length of time set forth in the said act and the supplements thereto.

Mode of admission.

7. *And be it enacted*, That in all cases where, by the laws of this State, a person in indigent circumstances, not a pauper, becomes insane, and application shall be made in his behalf in the mode and manner prescribed by the act last aforesaid and the supplements thereto, then it shall be lawful to place such person in the said county asylum for the length of time in the said act expressed, and the supplements thereto, if such person be chargeable to the said county.

8. *And be it enacted*, That in all cases where by the

Insane persons indicted to be admitted

twenty-seventh section of the said act, a person shall have escaped indictment or have been acquitted of a criminal charge upon trial on the ground of insanity or otherwise, as provided by the said section, and such person would be chargeable to the county of Hudson, the court shall, under the mode of proceeding in said section set forth, and as by that section authorized, order the said person to be sent to the said county asylum, there to remain, according to the provisions of the said act, it being the intention of this act to substitute the county for the State asylum, in case such asylum shall be established on said farm.

Criminals insane.

9. *And be it enacted*, That when any person is in confinement under indictment, or under sentence of imprisonment, or for want of bail for good behavior, or for keeping the peace, or appearing as a witness, or in consequence of any summary conviction, or by order of any justice, or any other civil process, shall appear to be insane, as set forth in the twenty-eighth section of the said act, and such proceedings shall be had as in said section set forth, and such person shall be ordered to be removed to the asylum, and the expenses of the maintenance of such persons shall devolve by law or the provisions of said act on the county of Hudson, such person shall be sent to the said county asylum authorized by this act.

Same, if acquitted.

10. *And be it enacted*, That when persons are charged with misdemeanors, and acquitted on the ground of insanity, as by the twenty-ninth section of the said act are required to be sent to the asylum, such persons, if chargeable to the county of Hudson, shall be sent to the county asylum hereby authorized.

May receive patients for pay.

11. *And be it enacted*, That the said board, in their discretion, can receive insane patients in said asylum for pay, under such regulations as they may prescribe, the proceeds of which pay shall be expended under the direction of the said board toward the support of the said asylum.

When to be opened.

12. *And be it enacted*, That the said board shall by resolution declare when the said asylum shall be ready for the reception of persons authorized there to be sent by the provisions of this act, and until such resolution shall be passed no persons shall be there sent or received, unless in such special cases as the board aforesaid shall expressly sanction.

13. *And be it enacted*, That this act shall be deemed a public act, and shall be so construed in all courts and places, and shall take effect immediately.

Approved February 13, 1864.

CHAPTER XX.

An Act to authorize the inhabitants of the townshsp of Raritan, in the county of Hunterdon, to raise by taxation the amount expended by the town committee of said township in paying bounties to volunteers, and to reimburse such of the taxable inhabitants of said township as have already paid more than their just and equal proportion of the sum expended by the said town committee.

WHEREAS, The inhabitants of the said township of Raritan, in town meeting assembled, on the seventh day of December, Anno Domini one thousand eight hundred and sixty-three, did direct that the sum of twenty-four thousand nine hundred dollars be raised by a tax to be immediately levied upon the inhabitants and taxable property of said township, and expended by the town committee of said township in paying bounties to volunteers; and whereas, such assessment was made and a portion thereof collected and expended by the town committee in paying bounties; and whereas, the inhabitants of said township, in town meeting assembled on the thirteenth day of January, Anno Domini, one thousand eight hundred and sixty-four, did order and direct that the town committee borrow the sum of nine thousand dollars and expend the same in paying bounties to volunteers, and did also order that a new assessment be made to raise the sum of eighteen thousand five hundred dollars to cover the whole amount collected under the first assessment, and also the amount ordered to be borrowed, and that the town committee appropriate the money raised by this last assessment first, in paying the money borrowed, and secondly, in paying those who have paid the whole amount of the first assessment, the difference between the first assessment and the second assessment so that the whole amount expended be paid equally by all the taxable inhabitants of said township, according to the value of their taxable property; and whereas, doubts have arisen whether such assessments could be made effective, according to existing laws—therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the assessor of said township of Raritan shall immediately after the passage and approval Tax to be assessed.

of this act, assess and levy the said sum of eighteen thousand five hundred dollars, by assessing and levying, first, a poll tax of one dollar upon every white male inhabitant of said township, of the age of twenty-one years and upwards, and then by assessing and levying the balance of said sum of eighteen thousand five hundred dollars upon and against the personal property of the taxable inhabitants of said township and the real estate situate in said township, according to the valuation thereof at the last regular annual assessment, and shall, within fifteen days after the passage and approval of this act, deliver such assessment or a duplicate thereof to the collector of said township, and the collector of said township shall, within five days after he shall receive such assessment or duplicate thereof, give notice, by setting up notices in four of the most public places in said township that if any of the persons against whom such assessment is made shall neglect or refuse to pay the tax assessed against him, her or them, for the space of four weeks from and after the date of such notice, they will be regarded as delinquents and be proceeded against accordingly; and the said collector shall, within fifteen days after he shall receive such assessment or a duplicate thereof, give notice to each taxable inhabitant of said township of the amount of tax assessed against him, her her or them, by written or printed notice, served personally or by leaving the same at his, her or their usual place of abode; and in case any of the persons against whom an assessment shall be made under this act shall neglect or refuse to pay his, her or their tax, within four weeks from and after the date of the notice to be given by the collector, they shall be deemed delinquents, and the said collector shall, within three days after the expiration of the time limited herein for the payment of the said taxes, make out a list of such delinquents, with the amount of tax assessed against each such delinquent and remaining unpaid, and deliver the same to any justice of the peace of said township, and the justice of the peace to whom such list of delinquents is delivered shall, within three days after the same is delivered to him, issue his warrant in the same manner and form as he is now directed and required by law for the collection of taxes due from delinquent tax payers, and shall deliver said warrant to the collector of said township, who shall proceed to execute it in the same manner that he is now required by law to execute the ordinary tax warrant.

Notice to proceed against delinquents.

Justice to issue warrant.

Regulation.

2. *And be it enacted*, That such of the taxable inhabitants

of said township as have already paid the amount of tax assessed against them, under the assessments ordered by the town meeting held the seventh day of December, Anno Domini one thousand eight hundred and sixty-three, shall not be returned as delinquent taxpayers, but shall be credited on the assessment authorized by this act, with so much of the amount already paid as will be sufficient to pay the amount assessed against them under this act.

Appropriation of moneys.

3. *And be it enacted*, That all monies collected and received by the collector, under such assessment, and tax warrant, shall be paid by him to the town committee of said township, whenever the chairman of said committee shall demand the same, and the said town committee shall appropriate the monies received from said collector under the assessment ordered by this act; first, in paying the money borrowed by the direction of the town meeting held the thirteenth day of January, Anno Domini one thousand eight hundred and sixty-four, and when the whole of that sum shall have been paid, then the balance shall be appropriated in paying such of the taxpayers of said township as have already paid the amount assessed against them by order of the town meeting, held the seventh day of December, Anno Domini one thousand eight hundred and sixty-three, the difference between that assessment and the one authorized by this act.

Fees.

4. *And be it enacted*, That the assessor for making the assessment authorized by this act, shall receive eight cents for each name on the duplicate, and the collector shall receive twelve cents for each name on the duplicate for collecting said tax, and the justice of the peace to whom the list of delinquents shall be delivered, shall receive the sum of three dollars for the services required of him by this act.

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

Approved February 13, 1864.

CHAPTER XXI.

A Supplement to an act entitled "An act to incorporate the Hndson County Gas Light Company."

Capital stock increased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the directors of the said company shall have power to increase the capital stock thereof to the amount of three hundred thousand dollars, divided in shares of fifty dollars each, as in the said act to which this is a supplement is provided.

May borrow money and issue bonds.

2. *And be it enacted*, That the said company shall have power to borrow money from time to time to any amount which they may deem proper, not exceeding one-half its capital stock actually paid in, and to mortgage their works, property and franchises, and to make, execute and deliver all proper and necessary bonds, obligations and assurances for securing the payment of the money so borrowed, with interest not exceeding seven per cent. per annum, and it shall be lawful for the said company and they are hereby authorized to sell and dispose of such bonds, obligations and assurances, also the bonds issued according to section ten of the act to which this is a supplement, to any person or persons or corporation, at any rate or price they may be able to realize or obtain for the same at the time of such sale, without the same being invalidated thereby or any person or persons or corporation being liable to any penalty or forfeiture therefor.

Bonds not invalidated.

3. *And be it enacted*, That the bonds issued and sold in accordance with section ten of the act to which this is a supplement are not and shall not be invalidated by reason of their having been sold at a less rate than par.

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

Approved February 13, 1864.

CHAPTER XXII.

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.

May 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 town committee of the township of East Orange, created by the act to which this is a supplement, to borrow the sum of eight thousand dollars upon the credit of said township, in its corporate character, and to secure the payment of the same by giving the bonds of said township in such sums and for such length of time as said committee may deem best, and to apply such money so borrowed to the payment of the share or part of the volunteer bounty fund which said last named township now owes under and by virtue of the provisions of said act of incorporation, and of the supplement to the act of incorporation of said town of Orange, approved March eighteenth, eighteen hundred and sixty-three.

Duties of assessor defined.

2. *And be it enacted*, That the duty required of the assessors of the several townships by the third section of the act entitled "An act concerning taxes," shall be performed by the assessor of the township of East Orange within fifteen days after the second Monday in July hereafter; and the commissioners of appeal in cases of taxation in said township shall meet annually on the fourth Tuesday of September, instead of the fourth Tuesday of November, as heretofore.

Times of assessment and payment.

3. *And be it enacted*, That the duty which the collector of said township is now required to perform by the tenth section of the act aforesaid, shall be performed on the first day of August, instead of the first day of October, in each year hereafter; and the time of payment of moneys to the collector of the county of Essex shall be the twenty-second day of October, instead of the twenty-second day of December, in each year; and the duty required of the collector of said township by the twelfth section of said act, shall be performed on the twentieth day of October, instead of the twentieth day of December in each year.

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

Approved February 13, 1864.

CHAPTER XXIII.

An Act to incorporate the Marlborough and Quinton's Bridge Turnpike Company.

Commissioners to receive subscriptions.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the subscription books of the capital stock of the Marlborough and Quinton's Bridge Turnpike Company shall be opened by Robert M. English, Johnson Hitchner, Job Ayres, George Hires, Jr., William Shimp, George M. Ward, Joseph Loveland, 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 twenty days prior to the opening of said books, by publishing the same in at least two of the newspapers published in this state.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be five thousand dollars, with liberty for the said company to increase the same to seven thousand dollars, and shall be divided into shares of twenty-five dollars each, and that when fifty 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 "Marlborough and Quinton's 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.

Subscriptions, how called in and 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 of them, which money shall be paid over to the treasurer of the company as soon as one shall be appointed, and the residue of the subscription shall be paid in installments, at such times and at 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 installments 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

Proviso.

stock subscribed for except the first installment, by work upon said road, under such regulations, at such time, and upon such notice as the directors may determine.

Limitation of subscriptions.

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 in to the respective subscribers, or their representatives, in proportion to the sums paid in by them.

Election of directors.

5. *And be it enacted*, That when 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 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.

President how appointed and duties.

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 Salem, 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 some other suitable person, who for

the time being shall possess the same powers and authority and perform all duties herein prescribed.

Powers of directors.

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 in the county of Salem, 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.

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 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.

No forfeiture for 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.

11. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road from the cross road at Marlborough, opposite Job Ayres' house, in the county of Salem and township of Upper Alloways Creek, to the village of Quinton's Bridge, in said county and township, which said turnpike road shall be constructed on and along the public highway leading from the village of Quinton's Bridge to Marlborough cross roads, 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 highways 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 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 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, it appointed, shall have power to assess damages for the right of way only.

May construct road.

Proviso.

Proviso.

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 twelve 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 said road not less than fourteen feet in breadth; and whenever the said road in passing over low ground, shall be raised so much at the margin or side as to render carriages passing thereon liable to overset, the said company shall cause railings to be erected and maintained on the sides, so as to prevent horses and carriages from running off.

Width, grade and bridges.

May enter on lands adjoining.

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 said road, doing as little damage thereto as possible, repairing any breach they may make in the enclosures thereof, and to make all ditches and underdrains across and through such lands necessary for properly draining said road, and that when 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 Salem, 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 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 true report according to the best of their skill and understanding, to meet at the time and place appointed and proceed to view and examine the said lands or materials and make a just and equitable estimate or appraisement of the value of the same, and assessment of damages to

be paid by the said company for such land 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 clerks office of the county of Salem, 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 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.

May erect gates and take tolls.

14. *And be it enacted*, That as soon as the said company shall have constructed said road in a workmanlike manner, according to the several 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 a 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;
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 be lawful for the tollgatherers 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

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 to or from the public worship of those persons commonly called "Seventh Day Baptists" on the seventh day of the week, or to or from any mill to which he may usually resort for grinding of grain for his family use, or horses, carriages, sleighs or sleds carrying persons to or from a funeral, or any person passing to or from his common business on his farm.

Mile posts to be erected.

15. *And be it enacted*, That before the said company shall receive toll for travelling said road, they shall cause mile-stones or posts to be erected and maintained, one for each and every mile on the said road, and on each stone or post shall be fairly and legibly marked the distance the said stone is from Quinton's Bridge, 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."

Penalty for injuring works.

16. *And be it enacted*, That if any person shall wilfully break down, throw down or deface any of the mile-stones or posts so erected on the said road, or wilfully tear down and deface any of the 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 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.

Not to delay 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 hindered or defrauded.

To keep to the right.

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.

Proceedings when road is not kept in repair.

19. *And be it enacted*, That if the said company shall not keep the said road and bridges in repair, and complaint thereof shall be made to any justice of the peace of the said county of Salem 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 said gate or turnpike exact toll of travellers, he shall for each offence forfeit and pay twenty dollars to be sued for by any person who will prosecute for the same in an action of debt with costs of suit; and the 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 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 same 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.

When to take tolls.

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 travelling thereon, agreeably to the foregoing rates.

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

Approved February 15, 1864.

CHAPTER XXIV.

An Act to incorporate the Bergen Point Gas Light Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John H. Watson, Andrew D. Melick, Solon Humphreys, Abram B. Warner and Walter B. Palmer, and all and every person or persons who may become subscribers according to the mode hereinafter prescribed, and their successors, be and the same are hereby created a body politic and corporate in fact, by the name of "The Bergen Point Gas Light Company"; and by the said name the said corporation shall have power to sue and be sued, plead and be impleaded, contract and be contracted with, and to make, manufacture and sell illuminating gas, to be made from coal or other proper materials, for the purpose of lighting the streets,

buildings, manufactories and public grounds, situated in the township of Bayonne and vicinity, and under and by the aforesaid corporate name and style, the said corporation shall have power and authority to enter into and execute any and all proper contracts, agreements, understandings, undertakings, and covenants for the furtherance of the objects for which the said corporation is created, with power and right to enforce the same, in all proper way and manner under the laws of this state; and shall be capable of purchasing, taking and holding any estate, real or personal, necessary to give effect to the specified purpose of this corporation, for the accommodation of their business and concerns, or which it may be necessary for the said corporation to acquire and hold for the purpose of securing debts, which have become due to them in the regular business of the said corporation; *provided*, that the real estate shall not exceed what may be necessary for the purpose mentioned; and also to purchase and hold any and all patents and patent rights necessary and proper for the purpose of carrying out the object and intent for which such corporation is created, and for the accommodation of its business and concerns. Proviso.

2. *And be it enacted*, That the said corporation shall be and is hereby empowered and authorized to enter upon and make any and all necessary and proper excavations for the purpose of laying down, and to lay down, all necessary and proper gas pipes and conductors, and to erect all necessary and proper posts, burners, lights and reflectors, in any and all of the streets, lanes, alleys, avenues, roads, highways and public grounds within the said township of Bayonne and vicinity, and to do all things necessary and proper to be done for the purpose of lighting the same, and the dwellings, stores, and other buildings and places in said township of Bayonne and vicinity; *provided*, that the public travel shall at no time be unreasonably and unnecessarily obstructed or impeded thereby, nor shall the said streets, lanes, alleys, avenues, roads, highways and public grounds be permanently injured by the same, but the said corporation shall put and leave such streets, lanes, alleys, avenues, roads, highways and public grounds in as good, perfect and permanent condition as the same were in before the laying of said pipes, and the erection of said posts. Powers. Restrictions.

3. *And be it enacted*, That the capital stock of the corporation shall not exceed one hundred thousand dollars, in shares of twenty-five dollars each; and the persons named in Capital stock.

the first section of this act are hereby appointed to receive subscriptions to the capital stock; and the said commissioners, or a majority of them, shall open books for that purpose, at such time or times, and in such place or places, within this state, as they, or a majority of them, shall designate by public advertisement to be previously inserted at least three weeks in a public newspaper printed in the county of Hudson, and shall continue the same until the said capital stock shall be subscribed, or at their discretion close the same after they have remained open two days, and again open the same at some other time or times, place or places, giving public notice thereof as aforesaid, and may require each subscriber to pay to them at the time of subscribing, not exceeding twenty per centum 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 subscription until the whole capital stock is taken; and said directors may call on the subscribers for the payment of installments in such sums and at such times and under such forfeitures at they may deem expedient.

Election of directors.

4. *And be it enacted*, That the management of the concerns of the said company shall be vested in five directors, to be selected from the stockholders, a majority of said directors to be citizens of the state of New Jersey; and said directors shall choose, by a plurality of votes, from among themselves, a president, and as soon as may be after eight thousand dollars shall have been subscribed, the said commissioners, or a majority of them, shall convene the said stockholders, by public notice in a newspaper published in the county of Hudson, at such time and place in the township of Bayonne as they may designate, to choose the first board of directors, who shall hold their offices from the first Monday in April next ensuing, and until others are elected in their stead; and the election for directors shall be held annually on the first Monday in April in the township of Bayonne, and public notice of such election shall be given at least ten days previously, by publication in a newspaper published in the county of Hudson; all vacancies in the board of directors may be filled for the unexpired term by appointment, to be made by the remaining directors, and all elections for directors shall be by ballot of the stockholders,

or their proxies, allowing one vote for each share which they shall hold in their name at the time of voting.

Corporation not dissolved for 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 for that cause, nor for any non-user, be dissolved, but, such election shall be held in the manner prescribed by the by-laws at any time within one year.

Quorum.

6. *And be it enacted*, That the directors for the time being shall form a board, and a majority be a quorum, for the transaction of business.

Stock personal property.

7. *And be it enacted*, That the stock of the corporation shall be transferred according to its by-laws and regulations, and shall be considered personal property, and the stock and transfer books shall be open at all times to the inspection of the stockholders; and the books of account in which shall be fairly and truly entered all the transactions of the company, shall be open at all reasonable times to their inspection.

Penalty for injuring works.

8. *And be it enacted*, That if any person shall wilfully injure any conduit, pipe, gasometer or other thing appertaining to the works of the company, or obstruct the same, the person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not exceeding three hundred dollars, or imprisonment not exceeding two years, or both; *provided*, no such criminal prosecution shall impair the right of the company to an action for damages by a civil suit.

Proviso.

Limitation.

9. *And be it enacted*, That the corporation established by this act, shall continue in force fifty years, and shall possess the general powers, and be subject to the restrictions and liabilities imposed by "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, so far as applicaele.

May borrow money.

10. *And be it enacted*, That the said company shall have power to borrow money to an amount not exceeding one-half its capital stock paid in, and to mortgage their works, property and franchises, and to execute all necessary assurances for securing the money so borrowed, with interest not exceeding seven per centum per annum, and may receive property suitable for its purposes, at a valuation to be agreed upon, in lieu of cash subscriptions.

Public act.

11. *And be it enacted*, That this act shall be deemed a public act, but the corporation shall not be exempt from the sum or sums of money required to be paid to the state trea-

surer, by an act entitled "An act to increase the revenue of the State of New Jersey," approved March the sixth, eighteen hundred and fifty-eight, and it shall take effect immediately.

Approved February 17, 1864.

CHAPTER XXV.

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

May issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of chosen freeholders of the county of Monmouth to provide for the payment of the indebtedness incurred by them in paying bounties to volunteers mustered into the service of the United States, 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 the sum of two hundred and fifty 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 six per centum per annum, payable annually, and to pledge the property and credit of the said county for the payment of the same, which bonds it shall be lawful for the board of chosen freeholders and their successors to sell and assign; *provided*, that no bond shall be sold by the said corporation for less than its par value; *provided further*, that the bonds so to be issued shall be redeemable within twenty years from the passing of this act.

Proviso.

To provide by taxation for payment and interest.

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 bonds to be issued by the authority thereof shall be redeemed and paid off, order and cause to be assessed and collected by tax at the time and in the manner that other taxes in the said county are assessed and collected, a sum of money sufficient

to pay the interest 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 interest and principal of said bonds and indebtedness as the same may become due and payable; *provided*, that not less than five thousand dollars nor more than twenty-five thousand dollars of the principal of said bonds and indebtedness shall be made redeemable in any one year. Proviso.

3. *And be it enacted*, That the taxes authorized to be levied and collected by this act shall be apportioned among the several townships in said county, in the ratio of the number of volunteers each township was required to furnish under the several calls therefor; but in case any township shall not be relieved from a draft for its proportion of men under said calls and a draft shall take place for the deficiency, then such township shall be assessed only in proportion to the number of men raised under said calls. Tax to be apportioned.

4. *And be it enacted*, That it shall be the duty of the said corporation to apply the proceeds of the bonds that may be issued by virtue of this act, to the payment and satisfaction of the debt and liabilities incurred in paying bounties to volunteers as aforesaid. How appropriated.

5. *And be it enacted*, That the debt and liabilities incurred by said corporation in consequence of the payment of bounties to volunteers as aforesaid, and the action of the said corporation thereupon be and the same are hereby legalized, ratified and confirmed. Acts legalized

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

Approved February 17, 1864.

CHAPTER XXVI.

An Act to incorporate the Camden Woolen Mills.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jonas Livermore, Thomas H. Moore, Edward C. Knight and Seth B. Stitt, and such other Names of corporators.

persons as 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 "Camden Woolen Mills," for the purpose of manufacturing, 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 two hundred and forty thousand dollars, in shares of five hundred dollars each, with the privilege of increasing the same as hereinafter provided.

May hold real estate.

2. *And be it enacted*, That the said corporation may purchase, use, hold, possess and enjoy such real estate in the county of 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.

Proviso.

Books of subscription to be opened.

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 two hundred and forty thousand dollars shall have been subscribed, and the sum of one hundred and twenty 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.

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 four hundred and eighty thousand dollars, and it shall be lawful for the directors of the said corporation, to call for and demand of the stockholders respectively, all such sums of money as are by them subscribed, at such times and in such proportions as the said directors shall see fit, under the pain of 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 installment, 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.

Increase of stock.

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 bye-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 board competent to transact business;

Election of directors.

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 report

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.

Semi-annual dividends.

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.

Not dissolved for failure to elect.

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, ten days' notice being given of the time and place of such election.

Buildings, &c., may be used as stock.

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 stock shall be taken at a valuation approved by a majority of the board of directors or a majority of the stockholders.

Books to be kept.

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.

Limitation.

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.

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

Approved February 17, 1864.

CHAPTER XXVII.

An act to incorporate the Ocean County Land Improvement and Manufacturing Company.

Preamble.

WHEREAS, it is represented that Amos P. Stanton, Fletcher Westray, S. B. Caldwell, George W. Wylie, William G. Pierce, Samuel Van Benschoten and Charles Stanton, and others their associates, now own certain large tracts of unimproved land in the county of Ocean, which they design improving; and there being several valuable streams of water running through said lands, which may be rendered available for manufacturing purposes; and whereas, individual effort is insufficient for the purpose of accomplishing said objects; and whereas, it is necessary for the success of the undertaking of the said associates that they shall be able to convey the said premises, from time to time, to such as may be desirous of purchasing, notwithstanding death or other cause affecting the individuals owning or who may own the said lands; therefore,

Names of corporators.

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, Amos P. Stanton, Fletcher Westray, S. B. Caldwell, George W. Wylie, William G. Pierce, Samuel Van Benschoten and Charles Stanton, and their associates, and such other persons as may be hereafter associated with them, shall be and they are hereby constituted and declared a body corporate and politic, in fact and in law, by the name of the "Ocean County Land Improvement and Manufacturing Company," and by that name shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels, and of per-

forming all other acts necessary or proper for accomplishing the objects of the said corporation hereby created.

Capital stock.

2. *And be it enacted*, That the capital stock of the said company shall be one hundred thousand dollars, with the privilege, from time to time, of increasing the same to any sum not exceeding five hundred thousand dollars, divided into shares of one hundred dollars each, which shall be subscribed and paid at such times, in such manner, in such installments and upon such notice as the directors of the said company by their by-laws or otherwise may direct and appoint; and in case of failure by any stockholder to pay his or her installments at the time and place appointed for the payment thereof, or within thirty days thereafter, such stockholder shall incur a forfeiture of his or her share or shares and of all previous payments thereon for the use of said company.

Personal property.

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

Board of directors, how chosen.

4. *And be it enacted*, That the affairs of the said company shall be managed by a board of not less than five nor more than thirteen directors, to be chosen by the stockholders of the said company, annually, at such time and in such manner as by the by-laws of the said company may be directed, and who shall serve for one year and until others shall be chosen in their stead; notice of which said election shall be previously given, for two weeks at least, in some newspaper published in the county where the said election is to be held; that a majority of said board shall constitute a quorum for the transaction of business; that the said directors shall from time to time elect a president out of their body, and shall also elect and employ such other officers as may be convenient and necessary; that said directors may fill vacancies in their own board until the next annual election; and that Amos P. Stanton, Fletcher Westray, S. B. Caldwell, George W. Wylie, William G. Pierce, Samuel Van Benschoten and Charles Stanton shall be the first directors of said company, who, or a majority of them, shall, as soon as convenient after the passage of this act, assemble and organize said company, and shall continue in office until others, as hereinbefore directed, shall be chosen in their stead.

First directors

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 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 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. Corporation may be dissolved.

6. *And be it enacted*, That this act shall continue for thirty years, and it shall be lawful for the legislature of this state to alter, modify or repeal the same, whenever in their opinion the public good may require it. Limitation.

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

Approved February 17, 1864.

CHAPTER XXVIII.

An Act to authorize the inhabitants of the township of East Amwell, in the county of Hunterdon, to raise by taxation the amount paid by the town committee of said township as bounties to procure volunteers.

WHEREAS, The inhabitants of the township of East Amwell, in the county of Hunterdon, in town meeting assembled, did, on the first day of January, one thousand eight hundred and sixty-four, authorize and direct the town committee of said township to borrow the sum of eleven thousand five hundred dollars and expend the same in paying bounties to volunteers, to fill up the quotas of said township; and whereas, the said sum of eleven thousand five hundred dollars has been expended as directed; and whereas, the said inhabitants assembled in town meeting on the day aforesaid did, by unanimous vote, order that the sum to be borrowed and expended as aforesaid should be raised by taxation; and whereas, doubts have arisen whether such Preamble.

tax can be lawfully assessed according to existing laws—therefore,

$11,500 to be assessed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the assessor of the said township of East Amwell shall, immediately after the passage and approval of this act assess the said sum of eleven thousand five hundred dollars expended by the town committee of said township in the payment of bounties as aforesaid, by assessing first a poll tax of three dollars upon and against every white male inhabitant of said township of the age of twenty-one years and upwards, and then the balance of the said sum of eleven thousand five hundred dollars upon the real and personal property of the taxable inhabitants of said township, according to the valuation thereof at the last regular annual assessment, and deliver such assessment or the duplicate thereof as soon as the same shall be completed to the collector of said township; and the collector of said township shall, immediately after the delivery to him of such assessment or the duplicate thereof, give notice, by public advertisement signed by himself and set up in four of the most public places in said township, that in case any of the persons against whom such assessment has been made shall neglect or refuse to pay his, her or their tax for the space of four weeks from and after the date of such notice, they shall be deemed delinquents and proceeded against accordingly; and the collector of said township, shall, within ten days after the delivery of such assessment or the duplicate thereof, demand the payment of the tax or sum assessed against each taxable inhabitant of said township by written or printed notice delivered to the taxable inhabitant in person or left at his or her usual place of abode; and in case any of the tax assessed under this act shall remain unpaid at the time of the expiration of the four weeks from and after the date of the notice to be given by said collector, the said collector shall make out a list of the delinquents with the sums assessed upon and against them respectively and remaining unpaid, and shall deliver such list to any justice of the peace of said township within five days from and after the expiration of the four weeks' notice to be given by said collector, and the justice of the peace to whom such list is delivered shall immediately on the receipt of such list issue his warrant in the same manner as is directed and required by law in the collection of other township taxes, and deliver said warrant to the collector of said township, who shall execute the same in the same manner that he is autho-

rized and directed by law to execute warrants issued for collection of other township taxes.

2. *And be it enacted*, That the assessor of the said township of East Amwell shall be entitled to receive two cents and no more, and the collector of said township shall be entitled to receive four cents and no more, for each name on the duplicate, for assessing, levying and collecting the tax by this act authorized to be assessed, levied and collected. Fees of assessor and collector.

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

Approved February 17, 1864.

CHAPTER XXIX.

A Supplement to an act entitled "An Act to incorporate the Paterson Horse Railroad Company," approved March sixth, 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 lawful for the Paterson Horse Railroad Company to build and operate their main track through Market street and Congress street, in the city of Paterson, and to connect the same with the track of the Erie Railway Company, at some point in Railroad avenue or Market street, as said companies may deem best. Route and connection.

2. *And be it enacted*, That the said Horse Railroad Company may build and operate branches to their said road, with necessary turnouts, through Main street to the Passaic river, through Broadway and Prospect street and Van Houten street to Boudinot street, and through Boudinot street to Mill street; and that they may abandon such part or parts of the route specified in the act to which this is a supplement, as they may deem unnecessary; and that the road to be built under and by virtue of this supplement shall be built and used subject in all things to the provisions of the sixth section of the act to which this is a supplement. Road and branches where to run

3. *And be it enacted*, That said Horse Railroad Company may build and operate a branch road by some convenient route to the grounds of the Passaic County Agricultural May build road to agricultural grounds.

Society, and may charge and collect a sum not exceeding ten cents for each passenger carried by them on said route.

May increase capital stock.

4. *And be it enacted*, That for the purposes of this act the said Horse Railroad Company may increase their capital stock to a sum not exceeding one hundred thousand dollars; and that the eighth section of the act to which this is a supplement be and the same is hereby repealed.

May borrow money.

5. *And be it enacted*, That said corporation may borrow from time to time such sums of money as shall be necessary to build, construct, repair and equip the branch roads hereby authorized, and to secure payment thereof by bond and mortgage, or otherwise, on their said road and branches, privileges, franchises, appurtenances and property, at a rate of interest not exceeding seven per centum per annum.

Must obtain consent of city of Paterson.

6. *And be it enacted*, That before said company construct their railroad in any of the streets named in this act, or in the act to which this is a supplement or in any other of the streets of said city of Paterson, the consent of the mayor and alderman of said city shall be obtained for that purpose, which consent shall be given by ordinance to be passed by them, and may be on such reasonable terms conditions and regulations as they may by such ordinance prescribe; and that such railroad shall be constructed under the direction of the superintendent of streets or other officer of said city for that purpose designated.

What taxes to pay.

7. *And be it enacted*, That the capital stock and property of said company shall be liable to taxation, as other corporations are liable to taxation therefor in this state; and that taxes shall be assessed upon the said corporation and collected from them in the same manner that taxes are or may be assessed and collected in said city.

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

Approved February 17, 1864.

CHAPTER XXX.

An Act supplementary to the act entitled "An act to incorporate trustees of religious societies," approved April seventeenth, eighteen hundred and forty-six.

Roman Catholic churches may be incorporated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any Roman catholic church or congregation now existing or which may hereafter exist in this state to be incorporated under and by virtue of the provisions of this act.

Who to be corporators.

2. *And be it enacted*, That the Roman catholic bishop of the diocese in which such church or congregation may be, the vicar-general of such diocese and the pastor of such church or congregation for the time being, or a majority of them, may select two lay members of such church or congregation and may with said laymen sign a certificate, setting forth the name by which they and their successors shall be known and distinguished as a body corporate, and transmit the said certificate to the clerk of the court of common pleas of the county in which such church or congregation may be located, whose duty it shall be forthwith to file and record the same, for which he shall be entitled to receive one dollar, and thereupon such church or congregation shall be a body corporate, by the name or title so taken, certified and recorded.

Powers.

3. *And be it enacted*, That the persons so signing said certificate shall be the trustees of such corporation, and they and their successors shall by such name of incorporation be able and capable to acquire, purchase, receive, have and hold any lands, tenements, hereditaments, legacies, donations, moneys, goods and chattels in trust for the use of such church or congregation to an amount not exceeding three thousand dollars a year, exclusive of the church edifices, school houses and parsonage, and the lands whereon the same are or may be erected, and burying places, and the same or any part thereof to sell, grant, assign, demise, alien and dispose of; to sue and be sued, plead and 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.

Succession.

4. *And be it enacted*, That in order to perpetuate a line of succession in the trustees of every such church or congrega-

tion, the successor in office for the time being of such bishop, vicar-general and pastor respectively shall by virtue of his office be the trustee of such church or congregation in place of his predecessor, and such lay members shall hold their office for one year, and the office of any such layman shall become vacant by his removal out of the limits of such church or congregation, and whenever the office of any such layman shall become vacant by death, removal, resignation or otherwise, his successor shall be appointed in the manner herein provided for the selection of the original lay members of such board of trustees.

President. 5. *And be it enacted*, That such corporation may elect annually, or oftener if necessary or expedient, one of their own members to be president, who shall keep the minutes and enter the orders, acts and proceedings of the corporation in a book to be kept for that purpose; shall have the custody of the common seal and the papers, documents, deeds, writings and books of or relating to such corporation, and who is hereby authorized and empowered to convene such corporation as occasion may require.

Quorum. 6. *And be it enacted*, That the proceedings, orders and acts of a majority of all the members of such corporation, but not of a less number, shall be valid and effectual in law.

Not dissolved for failure to elect. 7. *And be it enacted*, That if any corporation created under or by virtue of the provisions of this act shall be dissolved by failure to continue the succession of the trustees thereof it may be revived and the church or congregation re-incorporated under this act, in the mode herein prescribed, at any time within six years from the date of such dissolution; and thereupon all the property, real and personal, belonging to such dissolved corporation at the time of its dissolution shall vest in such new corporation.

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

Approved February 17, 1864.

CHAPTER XXXI.

An Act to confirm the action of the board of chosen freeholders of the county of Camden in appropriating money for bounties to volunteers, and to authorize them to issue bonds and to provide for the payment of the same.

Preamble. WHEREAS, the board of chosen freeholders of the county of Camden, since the first day of July, Anno Domini one thousand eight hundred and sixty-three, have, by resolution offered various large sums of money as bounties to volunteers to fill the quotas of the townships of said county under the various calls for troops made by the President of the United States, and have authorized the commissioners of the sinking fund of said county, appointed by the authority of an act of the legislature of New Jersey, entitled "An act to fund the floating debt of the county of Camden and to provide for the payment of the same," approved March eighteenth, eighteen hundred and fifty-eight, to borrow such sums of money as might be necessary for the payment of the said bounties, and to issue the bonds and pledge the faith of the said county for the payment of the same; and whereas, the said commissioners of the sinking fund have borrowed or advanced a large portion of the sum so necessary for the purpose aforesaid, and have already issued (in conformity with the provisions of the act above referred to) the bonds of the said county for the payment of a portion of the said money; and whereas, it is proper and right that the action of the said board of chosen freeholders and commissioners in the premises should be sanctioned and confirmed by law, and that they should be authorized to fund and issue bonds for the whole of the indebtedness which has been incurred for the payment of such bounties to volunteers as have been offered by their authority, and the expenses incident thereto, by issuing bonds therefor, and to provide for the payment of the same, and to raise money for that purpose by taxation—therefore,

Board of freeholders may borrow money. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the action of the board of chosen freeholders of the county of Camden, and of the said commissioners of the sinking fund, in offering bounties for volunteers, borrowing money, issuing bonds for the payment thereof, and

all other the acts by the said board or by their authority done in the premises, and the indebtedness thereby incurred, be and the same are each and all hereby authorized, sanctioned and confirmed, and declared to be legal, valid and effectual in law, as if done by virtue of an act of the legislature specially authorizing the same.

May issue bonds.

2. *And be it enacted*, That it shall be lawful for the board of chosen freeholders of the said county of Camden, for the purpose of paying or securing the payment of the bounties offered by their authority for volunteers to enlist in the armies of the United States, and the expenses incident thereto, and the moneys borrowed or advanced to pay the same, to cause the bonds of the said county of Camden to be issued to an amount, not exceeding in the whole issued for that purpose, three hundred thousand dollars; the said bonds to be issued in such sums, and with such dates and times of payment, as the said board of chosen freeholders may have directed or may hereafter direct by resolution; and in all respects, not herein otherwise provided for, to be issued and disposed of in conformity with the provisions of the said act, entitled "An act to fund the floating debt of the county of Camden, and to provide for the payment of the same," hereinbefore referred to.

Bonds to be valid and binding, and to be paid by tax.

3. *And be it enacted*, That the said bonds herein authorized or confirmed and sanctioned, and the indebtedness thereby incurred, shall be valid and binding upon the inhabitants of the said county of Camden, and the taxable property thereof, in the same manner as other authorized debts of the said corporation; and in order to provide for the payment of the interest and principal moneys thereof there shall be raised by tax, at the same time and in the same manner as the other county taxes are raised, such sum annually, in addition to the other moneys raised by taxes in said county, as the board of chosen freeholders may direct, which said sum when raised shall be under the care and management of the said commissioners of the sinking fund, whose duty it shall be to apply so much of the same as may be necessary for that purpose to the payment of the interest accruing from time to time on said bonds, and to use and apply the balance thereof as a fund for the payment of the principal money of said bonds as the same shall respectively become due.

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

Approved February 18, 1864.

CHAPTER XXXII.

An Act to incorporate the East Trenton Porcelain Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles Moore, Daniel B. Bodine, Imlah Moore, Theodore W. Hill and Robert L. Hutchinson 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 East Trenton Porcelain Company," for the purpose of manufacturing porcelain ware, crockery ware, and every description thereof, and all articles which relate thereto; and for that purpose may hold such real estate, water privileges, machinery and effects as may be needful to carry on the said business, or may accrue to them in the course thereof, and may sell, mortgage, lease, or otherwise dispose of the same.

Capital tock

2. *And be it enacted*, That the capital stock of the company shall be fifty 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 city of Trenton as a majority of them may appoint, giving at least five days notice in two 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 the stockholders, for the purpose of organizing said company.

Directors.

3. *And be it enacted*, That the business of the said corporation shall be managed by not less than three nor more than five 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, either in person or by proxy, for every share of stock he may own.

By-laws.

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 the United States, and may appoint such subordinate officers as the business of the corporation may require.

Stock personal estate.

5. *And be it enacted*, That the stock of 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 nett profits of the corporation.

Capital may be increased.

6. *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 Trenton.

Books to be kept.

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

Powers and restrictions.

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.

Approved February 18, 1864.

CHAPTER XXXIII.

An Act to authorize the township of Brick, in the county of Ocean, to raise money to pay volunteers.

Preamble.

WHEREAS, the inhabitants of the township of Brick, in the county of Ocean, at a special town meeting, convened on the fifth day of December, eighteen hundred and sixty-three, in pursuance of legal notice authorized by the township committee and signed by the clerk, did authorize and direct the township committee to negotiate a loan sufficient in amount to pay the quota of volunteers from said township each a bounty of two hundred dollars; and whereas, said quota being filled only in part, a second town meeting, legally called, on the ninth day of February, eighteen hundred and sixty-four, authorized and directed the township committee to increase said bounty to an amount not

exceeding three hundred and fifty dollars, and also to increase the amount of said loan in proportion; said loan, with the interest accruing thereon, and the necessary expenses incurred in the collection and disbursement of the same, to be levied and collected from the taxable inhabitants of the said township of Brick, in accordance with the resolutions adopted at the above named town meetings; therefore,

Township committee may borrow money.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of the township of Brick, in the county of Ocean, be and they are hereby authorized and empowered to borrow a sum sufficient in amount, and to issue bonds or scrip for the same, to pay each and every volunteer mustered into the United States service and properly accredited to said township, not exceeding said quota, the aforesaid bounty, such amount not to exceed in the aggregate eighteen thousand dollars.

To be liquidated by tax.

2. *And be it enacted*, That the said indebtedness of the township of Brick shall be liquidated and cancelled in six years, commencing with the assessment of eighteen hundred and sixty-four, in accordance with the resolutions adopted at said two town meetings, by a per capita or poll tax on each and every taxable inhabitant, legal voter of said township, of four dollars annually, the balance to be levied and collected by an ad valorem tax on all the taxable property of the township, in equal annual installments, for six consecutive years.

In same manner as other taxes.

3. *And be it enacted*, That the said loan, or any part thereof, borrowed and paid for the above specified purpose, with the interest and expenses incurred, be levied and collected by the same officers in the same manner and at the same time that the other township taxes are levied and collected, and the officer so collecting said moneys to pay the same to the township committee, to be disbursed and used by them as herein provided.

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

Approved February 18, 1864.

CHAPTER XXXIV.

An Act to authorize the inhabitants of the township of Bedminster, in the county of Somerset, to raise money and issue bonds.

Preamble. WHEREAS, the inhabitants of the township of Bedminster, in the county of Somerset, at a special town meeting held on the twenty-eighth day of December, eighteen hundred and sixty-three, voted to raise by taxation eight thousand one hundred dollars, for the purpose of paying to each person who might thereafter be enlisted by volunteering or otherwise into the armies of the United States, under the last call of the President for three hundred thousand men, a bounty of three hundred dollars, and to issue bonds for the purpose of raising said amount, and whereas the said township is without legal authority to raise the money by taxation or otherwise, or to issue bonds—therefore

Township may issue bonds. 1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the township committee of the said township of Bedminster, to provide for the payment of said bounty money by issuing bonds in the name of "The inhabitants of the township of Bedminster, in the county of Somerset," executed under the hands and seals of the said township committee or a majority of them, for an amount of money not exceeding eight thousand one hundred dollars, in such amounts as the township committee shall deem proper, payable on the first day of January, eighteen hundred and sixty-five, bearing interest at a rate not exceeding six per cent. per annum; and with the proceeds of the sale of said bonds to make payment of such bounty.

Payment by taxation. 2. *And be it enacted*, That the township committee of the said township be and they are hereby authorized and required to add to the amount of money to be raised by tax for township purposes for the year eighteen hundred and sixty-four, the said sum of eight thousand one hundred dollars, together with a sum sufficient to pay the interest which will have accrued on the said bonds up to the first day of January, eighteen hundred and sixty-five; and that they shall cause the amount so added to be assessed and collected in the said township in the manner and at the time of assessing and col-

lecting other township taxes, and with the money so collected to pay off and redeem said bonds, principal and interest, on or before the first day of January, eighteen hundred and sixty-five.

3. *And be it enacted*, That the proceedings of the said town meeting mentioned in the preamble hereto, be and the same are hereby ratified and confirmed. Confirmation of proceedings

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

Approved February 18, 1864.

CHAPTER XXXV.

An Act to incorporate the Turnverein of Carlstadt, in the county of Bergen.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Ruttinger, Cassimer Kuntz, Philip King, Jacob Fortenbach, Jacob Hochst, and such other persons as may become associated with them, be and they are hereby constituted and made a body politic and corporate, to be known in fact and law as "The Turnverein of Carlstadt," and by that name they and their successors shall be capable of sueing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of judicature whatsoever, and they and their successors, respectively, may have and use a common seal, and have power to make, alter and renew the same at pleasure; and by their common seal may make, enter into and execute any contract or agreement touching the objects of said incorporation, and may acquire and hold real and personal estate necessary for the objects of the incorporation; *provided*, the same shall not exceed in value the sum of fifteen thousand dollars. Corporators.

2. *And be it enacted*, That the object of this association shall be, the improvement and perfection of physical education, to afford relief to the members thereof in case of sickness or distress, and to found and maintain a free school for the education of such children as may apply for admission to the same. Object.

Powers and regulations.

3. *And be it enacted*, That the said corporation shall have power to prescribe rules and orders for the general government thereof, for the admission and expulsion of its members, and for the election, times of service and duties of its officers.

Privileges.

4. *And be it enacted*, That so much of the property of said corporation as may be used for a free school, and under the value of seven thousand dollars, shall not be subject to the payment of any tax under the laws of this state.

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

Approved February 18, 1864.

CHAPTER XXXVI.

An Act to authorize the Society known as St. John's Lodge, Number One, Free and Accepted Masons, of Newark, New Jersey, to fill vacancies in their Board of Trustees.

Preamble.

WHEREAS, In and by an act of the legislature of the State of New Jersey, entitled "An act to authorize the Trustees of the Newark Academy to sell and convey certain real estate in the city of Newark," approved March twenty-fourth, one thousand eight hundred and fifty-five, John R. Weeks, James J. Carter, Luther Goble, John H. Landell and Walter Harris, as trustees of said St. John's Lodge, were authorized and empowered to convey to the trustees of the Newark Academy any right, title and interest they might have, or which might be held in trust for them, in the said academy premises, and to receive the money to be paid therefor and appropriate the same to the trusts, uses and purposes in said act referred to; and whereas, the said trustees of St. John's Lodge have duly conveyed to the said trustees of the Newark Academy such right, title and interest, and received the consideration therefor; and whereas, the said Luther Goble, one of the said trustees, has departed this life, and it is desirable that some member of said St. John's Lodge should be elected to fill the vacancy created by his death, and that the said St. John's Lodge should have the power to fill any vacancy which may hereafter occur in said board of trustees, and doubts

having arisen as to the power of said St. John's Lodge to fill such vacancy or vacancies; 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 said society known as St. John's Lodge, Number One, Free and Accepted Masons, of Newark, New Jersey, at its first regular meeting in the month of March next ensuing the passage of this act, to elect by ballot a member of said society to be trustee in the place and stead of said Luther Goble, deceased. Election by ballot.

2. *And be it enacted*, That whenever any vacancy shall occur in said board of trustees, either by death, voluntary resignation, expulsion from said society, or voluntary withdrawal therefrom, or refusal or failure of said trustees to make an annual report of their receipts and disbursements at the time to be specified by the by-laws of said St. John's Lodge, it shall and may be lawful for said society, at its regular meeting next preceding the day known in said society as the festival of St. John the Evangelist, to elect by ballot a member of said society to be trustee to fill such vacancy. Vacancies, how filled.

3. *And be it enacted*, That the trustees to be elected by virtue of this act, shall, with the surviving trustees, hold and appropriate all money which may come to their hands on account of said St. John's Lodge, Number One, to the same trusts, uses and purposes as are expressed in the said act, referred to in the foregoing preamble. Powers of trustees.

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

Approved February 18, 1864.

CHAPTER XXXVII.

An Act to change the name of "The Second Baptist Church of Cohansey, at Bridgeton," incorporated by certificate dated September twenty-ninth, one thousand eight hundred and twenty-eight, and recorded in the clerk's office of Cumberland county.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of "the Second Name changed

Baptist Church of Cohansey, at Bridgeton," is hereby changed to "the first Baptist Church of Bridgeton."

Confirmation of rights.

2. *And be it enacted*, That the titles of all lands heretofore conveyed by the said corporation are hereby confirmed, and that all lands and real estate now held by the same, and all bequests heretofore made, and now pending, shall be held by the said corporation, the same as if the name or title thereof had not been changed; and further, that all the legal rights and liabilities of said corporation shall remain the same as if this act had not been passed.

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

Approved February 18, 1864.

CHAPTER XXXVIII.

An Act to authorize the inhabitants of the township of Union, in the county of Ocean, to raise money to pay bounties to volunteers.

Preamble.

WHEREAS, the inhabitants of the township of Union, in the county of Ocean, did assemble and organize themselves into a meeting in pursuance of public notice given throughout said township; and whereas, at said meeting it was resolved that for the purpose of avoiding a draft that a bounty of three hundred dollars per man be offered to fill the aforesaid township's quota of men (said quota being twenty-six), and that said bounty be raised as follows, viz: first, a poll tax of ten dollars per year for two years be levied on each single man having no family to support; second, a poll tax of five dollars per year for two years, to be levied on every other taxable male inhabitant of said township; third, the balance to be raised by taxation upon real and personal property; all of said taxes to be assessed and collected in the same manner as other taxes are now assessed and collected; and whereas, the inhabitants of the said township are desirous to have the action of said township legalized, and that the township committee shall have lawful authority to borrow money upon the credit of

the said township to pay said bounty, until the same shall be assessed and collected; therefore,

Township may 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 township of Union to borrow money upon the credit of said township to pay said bounty to volunteers, and for that purpose they are hereby authorized to issue bonds in the name of "The inhabitants of the township of Union, in the county of Ocean," under the respective hands and seals of said township committee, or any three of them, for an amount of money not exceeding eight thousand dollars, in such sums and payable at such time or times as said township committee shall deem proper, and to pledge the property and credit of the township for the payment of the same, which bonds it shall be lawful for said township committee to sell and assign.

To be paid by poll and other tax.

2. *And be it enacted*, That for the purpose of providing for the payment of said bonds and interest thereon, it shall be lawful to assess a poll tax of ten dollars a year for two years upon every single man having no family to support, and a poll tax of five dollars per year for two years upon every other male taxable inhabitant of said township, and the balance to be assessed upon the real and personal property of said township, said poll taxes and said taxes upon real and personal property to be assessed and collected in the same manner as other taxes are now assessed and collected.

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

Approved February 18, 1864.

CHAPTER XXXIX.

Supplement to an act entitled "An act to incorporate the Trenton Gas light Company," approved February nineteenth, eighteen hundred and forty-seven.

Extension of powers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the Trenton Gas Light Company to lay down their gas pipes, and to erect gas posts, burners, &c., in the townships of Hamilton, Lawrence and Ewing, with the right to exercise and perform

all the privileges, rights and powers, subject to all the limitations and restrictions as were conferred and embraced in the act to which this is a supplement.

Approved February 18, 1864.

CHAPTER XL.

A Supplement to an act entitled "An act for the better relief and employment of the poor of the county of Salem.

Preamble. WHEREAS, in the act of the legislature approved March the twenty-fourth, eighteen hundred and fifty-five, entitled "A further supplement to an act for the better relief and employment of the poor of the county of Salem," the third and eleventh sections of the said act entitled "An act for the better relief and employment of the poor of the county of Salem," were by mistake repealed in the third section of said supplement, thereby taking away from the "board of trustees" mentioned in the said act to which this is a supplement, their corporate powers.

Repealer. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the third section of said supplement entitled "A further supplement to an act for the better relief and employment of the poor of the county of Salem," be and the same is hereby repealed, and that the third and eleventh sections of the act to which this is a further supplement, be and are hereby restored.

Acts valid. 2. *And be it enacted*, That all the acts and proceedings, grants and conveyances made by and to the individuals appointed by the board of freeholders of the county of Salem and acting as trustees of the poor of said county since the passage of the aforesaid supplement, be confirmed and in all things held as valid and effectual as if the said third section and eleventh section had not been repealed.

Repealer. 3. *And be it enacted*, That the second and tenth sections of the act entitled "An act for the better relief and employment of the poor of the county of Salem" to which this is a further supplement, be and the same are hereby repealed.

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

Approved February 18, 1864.

CHAPTER XLI.

A Supplement to the act entitled "An Act to incorporate the Newark Fire and Marine Insurance Company," approved March fifth, eighteen hundred and fifty-seven.

Dividends.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the twelfth section of the act to which this is a supplement be amended, and the same is now so amended that it shall and may be lawful for the directors of the said company to make dividends of so much of the past and future profits thereof, and in such proportions as said directors may deem advisable, among and between the stockholders of said company and persons insured therein, subject however to the provisions and conditions of said twelfth section.

Corporate name changed

2. *And be it enacted*, That hereafter the corporate name of said company shall be "The Newark City Mutual Insurance Company," and by that name the same shall hereafter be known and called; by that name the said company shall have and possess all such corporate powers as were given and granted by said act, and be subject to the restrictions and liabilities contained in said act, and shall also hold absolutely, to all intents and purposes, all such estate, property and effects as are now held and belong to the said "The Newark Fire and Marine Insurance Company."

Contracts, &c. not altered.

3. *And be it enacted*, That nothing herein contained shall be construed to alter or change any contract, covenant, agreement or engagement made by or with the said company; but that the same shall continue and be and remain in force the same as though this act had never been passed, and that upon any such contract, covenant, agreement or engagement said company may sue or be sued, plead or be impleaded, in and by the said corporate name of "The Newark City Mutual Insurance Company," and no plea in abatement or otherwise shall be permitted by any court or courts, in any suit or suits, action or actions, process or processes, proceeding or proceedings, which may be brought, had or prosecuted upon the same, by or against the said company, for or on account of such change in the corporate name of said company.

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

Approved February 18, 1864.

CHAPTER XLII.

An act to incorporate the Ogden Mine Rail Road Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George Richards, Lyman A. Chandler, Joseph G. Fell, William A. Wood, Anson G. P. Segur, William Furmstone and Asio Pardee, 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 Ogden Mine Rail Road Company."

Capital stock.

2. *And be it enacted*, That the capital stock of the said company shall be two hundred and fifty 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.

Books of subscription to be opened.

3. *And be it enacted*, That the above named persons or a majority of them shall open books to receive subscriptions 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 the county of Sussex in this state.

Election of directors.

4. *And be it enacted*, That at the time of subscription for said stock the sum of fifteen 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 beheld 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 an-

nually 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.

Not to be void for 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 places.

Quorum.

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 installments not to exceed twenty-five dollars on each share; *provided*, that no two installments shall be demanded within thirty days of each other, and in case of the non-payment of said installments, or of any one of them, to forfeit the share or shares upon which such default shall arise.

Proviso.

Power to lay out road.

7. *And be it enacted*, That the president and directors of said corporation shall be and they hereby are authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from the mine known and called "The Ogden Mine," in the township of Sparta, in the county of Sussex, to some convenient and accessible point or points on the lake or pond known and called Lake Hopatcong, in the county of Morris, with the privilege of extending the said railroad as far as may be necessary to connect the same with the Morris canal or any feeder thereof, and with the Morris and

Essex railroad, or with either of them, 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 counties of Morris and Sussex, subject to the restrictions herein contained; and it shall be lawful for said company to lay out and locate said rail road 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, 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 rail road 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.

Description of road and branches.

Proceedings in case agents 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 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 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 said counties in which said lands lie, to remain on record therein; 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 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.

Proviso.

Parties dissatisfied may 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 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 commis-

sioners shall have awarded in favor of the said owner or owners, then judgment thereon with costs shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the said owner or owners, and shall find the same or a less sum than the company shall have offered or the said commissioners awarded, then the said costs to be paid by 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 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 any legal disability or residing out of this state, the same being first paid into the court of chancery.

Duties of company.

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, where any 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 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 individual, to provide and keep in repair suitable and convenient wagon ways over or under the same; and further, 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.

Powers and privileges.

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 freights 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.

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.

Penalty for injuring works.

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.

Oath of president when road is finished.

14. *And be it enacted*, That as soon as the said railroad is finished so as to be used from the said Ogden mine, or any of the said mines, or any opening, working shaft, or vein of any of said mines, to the said Lake Hopatcong, 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 all expenses, in the office of the secretary of state, and annually thereafter he shall, under oath or affirmation, make a statement to the legislature of this state of the proceeds and expenses of said road, and whenever the financial condition of the said road and company shall warrant the declaration of dividends to the amount of seven per centum per annum, the said corporation shall pay to the treasurer of this state, a tax of one-half of one per centum on the cost of said road, to be paid annually on the first Monday in Janu-

ary; and that until the declaration and payment by the said company of regular and successive dividends, the said corporation shall be regularly assessed and pay tax for the value of its real estate, as now taxed in the said township wherein it lies, at the same time and rate, in the same manner, for the same purposes, and by the same person or persons as other taxes assessed in the said township.

New proceedings for more land.

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.

Contracts for freight.

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.

Limitation.

17. *And be it enacted*, That if the said railroad shall not be commenced within three years, and completed and in use from the said Ogden mine to said Morris canal, or a feeder thereof, within six years from the fourth day of July next, then and in that case this act shall be void.

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.

Limitation.

19. *And be it enacted*, That this act may be altered, amended or repealed, at the pleasure of the legislature and shall take effect immediately, and shall continue in force for the period of twenty years.

Approved February 19, 1864.

CHAPTER XLIII.

An Act to incorporate the Bergen and Hudson City Gas Light Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George Gifford, Josiah J. Burgess, Garret Van Horn, George V. De Mott, James Montgomery, William Spear, and all and every person or persons who may become subscribers according to the mode hereinafter prescribed, and their successors, be and the same are hereby created a body politic and corporate in fact, by the name of "The Bergen and Hudson City Gas Light Company"; and by the said name the said corporation shall have power to sue and be sued, plead and be impleaded, contract and be contracted with, and to make, manufacture and sell illuminating gas, to be made from coal or other proper materials, for the purpose of lighting the streets, buildings, manufactories and public grounds, situated in the town of Bergen and Hudson City, and under and by the aforesaid corporate name and style, the said corporation shall have power and authority to enter into and execute any and all proper contracts, agreements, understandings, undertakings, and covenants for the furtherance of the objects for which the said corporation is created, with power and right to enforce the same, in all proper way and manner under the laws of this state; and shall be capable of purchasing, taking and holding any estate, real or personal, necessary to give effect to the specified purpose of this corporation, for the accommodation of their business and concerns, or which it may be necessary for the said corporation to acquire and hold for the purpose of securing debts, which have become due to them in

the regular business of the said corporation; *provided*, that the real estate shall not exceed what may be necessary for the purpose mentioned; and also to purchase and hold any and all patents and patent rights necessary and proper for the purpose of carrying out the object and intent for which such corporation is created, and for the accommodation of its business and concerns. Proviso.

2. *And be it enacted*, That the said corporation shall be and is hereby empowered and authorized to enter upon and make any and all necessary and proper excavations for the purpose of laying down, and to lay down, all necessary and proper gas pipes and conductors, and to erect all necessary and proper posts, burners, lights and reflectors, in any and all of the streets, lanes, alleys, avenues, roads, highways and public grounds within the said town of Bergen and Hudson City, and to do all things necessary and proper to be done for the purpose of lighting the same, and the dwellings, stores, and other buildings and places in said town of Bergen and Hudson City; *provided*, that the public travel shall at no time be unreasonably and unnecessarily obstructed or impeded thereby, nor shall the said streets, lanes, alleys, avenues, roads, highways and public grounds be permanently injured by the same, but the said corporation shall put and leave such streets, lanes, alleys, avenues, roads, highways and public grounds in as good, perfect and permanent condition as the same were in before the laying of said pipes, and the erection of said posts; *provided further*, that nothing contained in this act shall be construed as authorizing or empowering the said company to tear up or interfere with any avenue, street or lane within the corporate limits of the city of Hudson or town of Bergen, without the consent of the mayor and common council of said city first had and obtained, or in the town of Bergen, without the consent of the town council of said town first had and obtained. Restrictions. Proviso. Proviso.

3. *And be it enacted*, That the capital stock of the corporation shall not exceed two hundred thousand dollars, in shares of twenty-five dollars each; and the persons named in the first section of this act are hereby appointed to receive subscriptions to the capital stock; and the said commissioners, or a majority of them, shall open books for that purpose, at such time or times, and in such place or places, within this state, as they, or a majority of them, shall designate by public advertisement to be previously inserted at least three weeks in a public newspaper printed in the county of Hudson, and Capital stock.

shall continue the same until the said capital stock shall be subscribed, or at their discretion close the same after they have remained open two days, and again open the same at some other time or times, place or places, giving public notice thereof as aforesaid, and may require each subscriber to pay to them at the time of subscribing, not exceeding twenty per centum 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 subscription until the whole capital stock is taken; and said directors may call on the subscribers for the payment of installments in such sums and at such times and under such forfeitures at they may deem expedient.

Election of directors.

4. *And be it enacted*, That the management of the concerns of the said company shall be vested in five directors to be selected from the stockholders, a majority of said directors to be citizens of the state of New Jersey; and said directors shall choose, by a plurality of votes, from among themselves, a president, and as soon as may be after eight thousand dollars shall have been subscribed, the said commissioners, or a majority of them, shall convene the said stockholders, by public notice in a newspaper published in the county of Hudson, at such time and place in the town of Bergen or Hudson City as they may designate, to choose the first board of directors, who shall hold their offices from the first Monday in April next ensuing, and until others are elected in their stead; and the election for directors shall be held annually on the first Monday in April in the town of Bergen, and public notice of such election shall be given at least ten days previously, by publication in a newspaper published in the county of Hudson; all vacancies in the board of directors may be filled for the unexpired term by appointment, to be made by the remaining directors, and all elections for directors shall be by ballot of the stockholders or their proxies, allowing one vote for each share which they shall hold in their name at the time of voting.

Corporation not dissolved for 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 for that cause, nor for any non-user, be dissolved, but such election shall be held in the manner prescribed by the

by-laws at any time within one year; *provided*, that at least ten days' notice be given. Proviso.

6. *And be it enacted*, That the directors for the time being shall form a board, and a majority be a quorum, for the transaction of business. Quorum.

7. *And be it enacted*, That the stock of the corporation shall be transferred according to its by-laws and regulations, and shall be considered personal property, and the stock and transfer books shall be open at all times to the inspection of the stockholders; and the books of account in which shall be fairly and truly entered all the transactions of the company, shall be open at all reasonable times to their inspection. Stock personal property.

8. *And be it enacted*, That if any person shall wilfully injure any conduit, pipe, gasometer or other thing appertaining to the works of the company, or obstruct the same, the person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not exceeding three hundred dollars, or imprisonment not exceeding two years, or both; *provided*, no such criminal prosecution shall impair the right of the company to an action for damages by a civil suit. Penalty for injuring works. Proviso.

9. *And be it enacted*, That the corporation established by this act, shall continue in force twenty years, and shall possess the general powers, and be subject to the restrictions and liabilities imposed by "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, so far as applicable. Limitation.

10. *And be it enacted*, That the said company shall have power to borrow money to an amount not exceeding one-half its capital stock paid in, and to mortgage their works, property and franchises, and to execute all necessary assurances for securing the money so borrowed, with interest not exceeding seven per centum per annum, and may receive property suitable for its purposes, at a valuation to be agreed upon, in lieu of cash subscriptions. May borrow money.

11. *And be it enacted*, That this act shall be deemed a public act, but the corporation shall not be exempt from the sum or sums of money required to be paid to the state treasurer, by an act entitled "An act to increase the revenue of the State of New Jersey," approved March the sixth, eighteen hundred and fifty-eight, and it shall take effect immediately. Public act.

Approved February 19, 1864.

CHAPTER XLIV.

An Act to legalize loans made by the Mayor and Common Council of Jersey City for purposes relating to the maintainance of the Federal Government, and provide for the raising of further sums.

Preamble. WHEREAS, the mayor and common council of Jersey City have, by sundry resolutions approved during the years eighteen hundred and sixty-three and eighteen hundred and sixty-four, appropriated the sum of three hundred thousand dollars for the purpose of paying bounties to volunteers and for other purposes relating to the maintainance of the federal government, and have raised a large portion of said sum by loans; and whereas, the said mayor and common council are apprehensive that a necessity may arise for further appropriations for the purpose aforesaid—therefore,

Loans ratified 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the loans made by the mayor and common council of Jersey City, in the preamble to this act mentioned, be and they are hereby confirmed and validated, and that the mayor and common council aforesaid be and they are hereby empowered to borrow, in the manner hereinbefore directed, a further sum not to exceed the amount of two hundred thousand dollars, to be expended at such times and in such manner as to them may seem advisable for the purposes in the said preamble set forth.

May issue bonds. 2. *And be it enacted*, That for the purpose of enabling the said "The Mayor and Common Council" to secure the payment of the said sums of three hundred thousand dollars already appropriated, and the sum of two hundred thousand dollars herein authorized, it shall be lawful for the said "The Mayor and Common Council" to issue bonds for the payment thereof, payable at such times and at such rates of interest, not exceeding seven per centum per annum, as they may deem expedient.

Loans debt of city. 3. *And be it enacted*, That the said loans hereby confirmed and authorized shall be deemed and taken as a debt of the said city, in addition to any loans heretofore authorized.

Repealer. 4. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed,

and this act shall be deemed a public act and take effect immediately.

Approved February 19, 1864.

CHAPTER XLV.

An Act to authorize the inhabitants of the township of Union, in the county of Hudson, to raise money by issuing bonds, and for other purposes.

Preamble. WHEREAS, the inhabitants of the township of Union, in the county of Hudson, being desirous that the call of the government for troops to support its authority and suppress the rebellion should be filled with volunteers rather than with drafted men, did recommend to the township committee of said township to offer bounties for that purpose; and whereas, the said township committee, acting upon said recommendation, have paid bounties to volunteers; and whereas, it is deemed desirable that the indebtedness so created should be gradually paid off—therefore,

Township committee may issue bonds. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the township committee of the township of Union, in the county of Hudson, to provide for the payment of the said indebtedness by issuing bonds in the name of the inhabitants of the township of Union, in the county of Hudson, under the respective hands and seals of the said township committee, for an amount of money not exceeding eight thousand dollars, in such sums, and payable at such time or times, as the said township committee shall deem proper, bearing interest at a rate not exceeding seven per cent. per annum, payable annually, and to pledge the property and credit of the said township for the payment of the same; which bonds it shall be lawful for the said township committee and their successors to sell and assign; *provided*, that no bond shall be sold by the said township committee for less than its par value; *and provided further*, that the bonds so issued shall be redeemable at a period of time not to exceed ten years from the passage hereof. Proviso.

Provide by taxation for payment. 2. *And be it enacted*, That the township committee of the said township of Union shall have power and authority to

provide by taxation for the payment of the said bonds and the interest thereon; and the said township committee shall yearly and every year, until the bonds to be issued by the authority hereof shall be redeemed and paid off, order and cause to be assessed and collected, by tax, at the time and in the manner that other taxes in the said township are assessed and collected, a sum of money sufficient to pay the interest on the said bonds as the same shall become due and payable, and to pay and discharge the principal at the several times it shall become due and payable; and that the township collector of said township, or other person for the purpose appointed, shall, when such tax, or any part thereof, shall be collected, pay the same to the township committee of said township; and all such moneys so to be raised by virtue of this act shall be inviolably applied by said township committee to pay the interest and principal of said bonds as the same shall become due and payable; *provided*, not more than one thousand dollars of the principal of said bonds to be issued as aforesaid shall be made redeemable in any one year.

Proviso.

Poll tax.

3. *And be it enacted*, That in every such assessment of the above mentioned tax, it shall be the duty of the assessor first to assess a separate and special poll tax of one dollar upon every white male inhabitant of said township of the age of twenty-one years and upwards, excepting the polls of all soldiers that may be or shall have been in the service of this state or of the United States, since the first day of May, eighteen hundred and sixty-one.

How appropriated.

4. *And be it enacted*, That it shall be the duty of the said township committee to apply the net proceeds of the bonds that may be issued by virtue of this act, to the payment and satisfaction of the debt and liabilities incurred in said township by the township committee thereof in paying bounties to volunteers as aforesaid.

Acts legalized

5. *And be it enacted*, That the debt and liabilities incurred in the said township of Union, in consequence of the payment of bounties to volunteers, as mentioned in the preamble hereto, and the action of the said committee thereupon are hereby ratified and confirmed.

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

Approved February 19, 1864.

CHAPTER XLVI.

An Act to confirm the acknowledgments and proofs of deeds, mortgages and other instruments in writing taken by William Peet.

Preamble. WHEREAS, It appears to the legislature that William Peet, of the city of New York, was on the eighteenth day of March, eighteen hundred and fifty-eight, duly appointed by the governor of this state, a commissioner for the state of New York, to take the acknowledgment and proof of deeds or mortgages of land lying in this state, or of any other instrument in writing under hand and seal, required by the laws of this state to be acknowledged or proved, and that the said William Peet proceeded under the said appointment to take acknowledgments and proofs of deeds, mortgages and other written instruments, and, from misapprehension of the laws of this state, continued to take them longer than said laws authorized him to do, by reason of which defective acknowledgments and proofs, innocent persons may be subjected to great loss and inconvenience—therefore, for remedy of the same,

Acts of William Peet legalized. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no acknowledgment or proof of any deed, mortgage or other instrument of writing heretofore taken and certified by the said William Peet, shall be deemed defective by reason of such acknowledgment or proof having been taken and certified after his term of office had expired; but all such acknowledgments and proofs shall have the same vitality and effect as if the said William Peet had been at the time of taking and certifying such acknowledgments or proofs duly authorized by law to take and certify the same.

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

Approved February 19, 1864.

CHAPTER XLVII.

An Act to authorize the inhabitants of the township of Warren, in the county of Somerset, to raise money.

Preamble.

WHEREAS, the inhabitants of the township of Warren, in the county of Somerset, at a special town meeting legally called by the township committee on the second day of January, one thousand eight hundred and sixty-four, did unanimously vote to authorize the township committee to borrow eleven thousand one hundred dollars on the credit of the township, to pay a bounty of three hundred dollars to each and every person said township is bound to furnish for the war, under the two last calls of the President—therefore,

May borrow money.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of the township aforesaid be authorized and required to borrow the sum of eleven thousand one hundred dollars, on the credit of the township of Warren aforesaid, immediately, and pay the sum of three hundred dollars to each and every person said township is bound to furnish according to the vote of the inhabitants of said township.

To provide by taxation for payment and interest.

2. *And be it enacted*, That the inhabitants of said township be and the same are hereby authorized and empowered to raise by assessment on the taxable property in said township, the sum of eleven thousand one hundred dollars, with the interest accruing thereon, and the expenses attending the loaning, paying out, assessing, collecting and paying off said debt, one half of the aforesaid sum with interest and expenses shall be assessed and collected in the year one thousand eight hundred and sixty-four, and the balance of the aforesaid sum of eleven thousand one hundred dollars with the interest and expenses, in the year one thousand eight hundred and sixty-five, at the same time and in the same manner that the other taxes are assessed and collected in each of the aforesaid years.

Township committee may borrow a further sum.

3. *And be it enacted*, That the township committee aforesaid are authorized and required to borrow on the credit of the township aforesaid, a further sum not to exceed the amount of fifteen thousand dollars, to be loaned and expended at such time and in such manner as a majority of the inhabitants of

said township shall direct by their votes at a town meeting called for that purpose, and that the township committee shall call a town meeting for the purpose aforesaid whenever twenty voters of said township shall request them so to do in writing; and that the said sum not to exceed fifteen thousand dollars shall be assessed, collected, and paid out in the same manner and at the same time as directed by the second section of this act.

4. *And be it enacted*, That the collector of the said township of Warren, shall pay over the sums so raised, to the township committee, to be by them applied to the payment of any moneys borrowed for the purpose aforesaid. How appropriated.

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

Approved February 19, 1864.

CHAPTER XLVIII.

An Act to authorize the township of Bayonne, in the county of Hudson, to raise by taxation the amount of money paid by them to procure volunteers from said township.

WHEREAS, the inhabitants of the said township being desirous that the call of the government for troops to support its authority and suppress the rebellion, should be filled with volunteers rather than with drafted men, did by public meetings held in said township, recommend and request the township committee of said township to offer bounties for that purpose; and whereas the said township committee acting upon said recommendation and request, have paid the sum of sixteen thousand five hundred dollars for bounties and issued the bonds of the township therefor, bearing interest at the rate of seven per centum per annum, payable semi-annually; and whereas it is deemed desirable that said indebtedness so created should be gradually paid off—therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of said township of Bayonne, shall have power and authority to provide by taxation for the payment of the said bonds and May provide by taxation for payment of bonds.

the interest thereon, and the said township committee shall yearly and every year, until the bonds so issued by the authority hereof shall be redeemed and paid off, order and cause to be aseessed and collected by tax, at the time and in the manner that other taxes in the said township are assessed and collected, a sum of money sufficient to pay the interest on the said bonds as the same shall be due and payable, and to pay and discharge the principal at the several times it shall become due and payable; and the township collector of said township or other person for that purpose appointed, shall, when such tax or any part thereof, shall be collected, pay the same to the township committee of said township; and all such moneys so to be raised by virtue of this act shall be inviolably applied by said township committee to pay the interest and principal of said bonds, as the same shall become due and payable; *provided*, that not less than two thousand dollars nor more than two thousand five hundred dollars of the principal of said bonds issued as aforesaid shall be made redeemable in any one year.

Proviso.

Acts ratified. 2. *And be it enacted*, That the debt and liabilities incurred in said township of Bayonne, in consequence of the payment of bounties to volunteers, as mentioned in the preamble hereto, and the action of the said committee thereupon, are hereby legalized, ratified and confirmed.

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

Approved February 19, 1864.

CHAPTER XLIX.

An Act to authorize the inhabitants of the township of Fairfield, in the county of Cumberland, to raise money by issuing bonds, and for other purposes.

Preamble. WHEREAS, the inhabitants of the said township, at a special town meeting, called December twenty-first, eighteen hundred and sixty-three, being desirous that the call of the general government for troops to support its authority and suppress rebellion should be filled with volunteers, rather than with drafted men, did recommend and request the

township committee of said township to offer two hundred dollars to each volunteer to the number of sixty-nine, that being the quota set off to the township; and whereas, the said township committee, acting upon said recommendation and request, have issued bonds for that purpose; and whereas, it is deemed advisable that the indebtedness so created should be gradually paid off—therefore,

May issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the township committee of the township of Fairfield, in the county of Cumberland, to provide for the payment of the said indebtedness by issuing bonds in the name of "The inhabitants of the township of Fairfield, in the county of Cumberland," under the respective hands and seals of the said township committee, or three of them, for any amount of money not exceeding thirteen thousand eight hundred dollars, in such sums and payable at such time or times as the said township committee shall deem proper, bearing interest at a rate not exceeding six per centum per annum, payable annually, and to pledge the property and credit of the said township for the payment of the same, which bonds it shall be lawful for the said township committee and their successors to sell and assign; *provided*, that no bond shall be sold by the said township committee for less than its par value; *and provided further*, that the bonds so to be issued shall be redeemable at a period of time not to exceed six years from the passage hereof.

Proviso.

To provide for payment by taxation.

2. *And be it enacted*, That the township committee of the township of Fairfield shall have power and authority to provide by taxation for the payment of the said bonds and the interest thereon, and that the said township committee shall yearly and every year, until the bonds to be issued by the authority hereof shall be redeemed and paid off, order and cause to be assessed and collected by a tax, at the same time and in the same manner that other taxes in the said township are assessed and collected, except that the poll tax on single men shall be five dollars each, a sum of money sufficient to pay the interest on the said bonds as the same shall become due and payable, and to pay and discharge the principal at the several times it shall become due and payable; and that the township collector of said township, or other person for that purpose appointed, shall, when such tax or any part thereof shall be collected, pay the same to the township committee of the said township, and all such moneys to be raised

by virtue of this act shall be inviolably applied by said township committee to pay the interest and principal of said bonds, as the same shall become due and payable; *provided*, that not more than one-sixth of the amount of the bonds so issued shall be made redeemable in any one year.

Proviso.

When to pay liabilities.

3. *And be it enacted*, That it may and shall be lawful for the township committee to cause the indebtedness of the township to be paid off in less than six years; *provided*, the inhabitants in town meeting assembled shall so request; *provided further*, that it shall not be lawful to pay it off in a period less than three years, if the committee should think proper to obtain the consent of the inhabitants for a less period than six years.

Proviso.

How appropriated.

4. *And be it enacted*, That it shall be the duty of the said township committee to apply the net proceeds of the bonds that may be issued by virtue of this act to the payment and satisfaction of the debts and liabilities incurred in said township by the township committee thereof paying bounties to volunteers as aforesaid.

Acts ratified.

5. *And be it enacted*, That the debts and liabilities incurred in said township of Fairfield, in consequence of the payment of bounties to volunteers, as mentioned in the preamble hereto, and the action of the said committee thereupon are hereby ratified and confirmed.

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

Approved February 19, 1864.

CHAPTER L.

An Act to authorize the inhabitants of the township of Chesterfield in the county of Burlington to raise by tax an amount necessary to pay the bounties advanced to volunteers of the said township.

Preamble.

WHEREAS, the inhabitants of the township did in town meeting assembled on the twelfth day of January, Anno Domini eighteen hundred and sixty-four, authorize the township committee of said township to borrow a sufficient sum of money to pay a bounty to volunteers to fill up their quotas

under the calls of the President of the United States, and whereas, they did also authorize that such sums of money should be raised by a poll and property tax, therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Chesterfield, in the county of Burlington, are hereby autnorized to borrow through their township committee a sum of money sufficient to pay the moneys advanced and paid to the volunteers under the last two calls of the President of the United States, not exceeding the sum of nine thousand dollars, and they are hereby further authorized to assess and collect the same by taxation. May borrow money.

2. *And be it enacted*, That the said sum shall be raised by a poll tax of five dollars on each inhabitant of the said township enrolled and subject to be drafted for the United States so far as the same may extend. Poll tax.

3. *And be it enacted*, That the remainder of the said moneys so advanced for the bounties to the volunteers shall be raised by a tax on the real estate and personal property of the inhabitants in the said township. Remainder by tax.

4. *And be it enacted*, That the said taxes shall be assessed, made, levied and collected by the same persons in the same manner, at the same time, and under like fees, fines and penalties as other township taxes are levied and collected. When to be raised.

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

Approved February 19, 1864.

CHAPTER LI.

An Act to authorize the inhabitants of Maurice River township, Cumberland county, to raise money.

WHEREAS, the nine months volunteers of the township of Maurice River, county of Cumberland, did, in their loyalty, volunteer their services and their lives to their country, therefore the inhabitants of said township did at their last annual town meeting, held on the 10th day of March last, pass a resolution by a unanimous vote to grant to said volunteers the sum of fifty dollars to each and every man; and whereas, it is necessary that a law should be passed tc Preamble.

legalize the raising of said money by taxation, and owing to the last legislative term having so nearly expired we failed to get a law passed to legalize the same; therefore,

May borrow money.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of said township be and the same are hereby authorized to borrow a sum sufficient, and the same to be expended as soon as possible thereafter by said committee in paying said bounty to said volunteers.

Raise the same by taxation.

2. *And be it enacted*, That the said amount of money borrowed for said purpose, and whatever amount of interest shall accrue thereon, shall be raised by assessment on the taxable property in said township, and in such sum or sums as the said township committee shall deem proper to have assessed, from year to year, to liquidate the sum to be expended in paying said bounty to said volunteers.

When assessed and collected.

3. *And be it enacted*, That the said assessment shall be made and collected at the same time, and in the same manner as other taxes are assessed and collected.

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

Approved February 19, 1864.

CHAPTER LII.

An Act to authorize the inhabitants of the township of Chester, in the county of Morris, to raise by tax an amount necessary to pay the bounties advanced to volunteers under the call of the Governor, of July twenty-seventh, eighteen hundred and sixty-three.

Preamble.

WHEREAS, the inhabitants of the township of Chester, in the county of Morris, did advance to the volunteers under the call of July twenty-seventh, eighteen hundred and sixty-three, for the United States service, from said township, the sum of four thousand four hundred dollars, to aid the state in filling her quota of men called for by the governor; and whereas, it is necessary that a law should be passed by the legislature to legalize the raising of said sum by taxation; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of said township be, and the same are hereby authorized to raise by assessment on the taxable property in said township, a sum sufficient to liquidate the amount together with the interest thereon advanced and expended in raising said volunteers. May raise by taxation.

2. *And be it enacted*, That the said assessment shall be made and collected at the same time and in the same manner as other taxes are assessed and collected. How raised.

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

Approved February 19, 1864.

CHAPTER LIII.

An Act to authorize the inhabitants of the township of Bordentown, in the county of Burlington, to raise money by tax sufficient to pay the bounties advanced to the three years' volunteers of said township.

WHEREAS, The inhabitants of the township of Bordentown, in the county of Burlington, at a special town meeting, held on the twenty-second day of December last, did authorize the sum of eight thousand dollars to be raised and borrowed, to advance to the three years' volunteers, and that the said sum be repaid by taxation on the taxable inhabitants by a poll-tax of five dollars, and the balance to be raised on the taxable property of the said inhabitants—therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Bordentown be and they are hereby authorized to raise by an assessment and a poll tax of five dollars on each male taxable inhabitant of said township, and by an assessment and tax on the taxable property in said township, the said sum of eight thousand dollars borrowed for the benefit of said township and expended for the purpose specified in the preamble to this act, with the interest which has accrued and may accrue thereon. Authorized to raise $8,000.

2. *And be it enacted*, That the said assessment shall be

When assessment to be made.

made, levied and collected between the first days of April and May next, by the same persons, in the same manner, and under the like fees, fines and penalties as the other township taxes are levied and collected, and thereupon the said sum of eight thousand dollars, with the interest which has accrued or may accrue thereon, shall be paid by the collector thereof, out of any township funds in his hands on the presentation and surrender by the lawful holders of the notes, bonds, certificates or obligations issued and given by the committee of the township aforesaid.

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

Approved February 19, 1864.

CHAPTER LIV.

An Act to incorporate the German Club of Hoboken.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Leonard J. Stiastuy, Charles Wehle, Louis Althof, J. A. Fischer, Charles F. Tag, Hans Kudlich, Hermann H. Brunges, John G. Linnemann, Francis Bolting, Ernst B. Lucke and Frederick Muser, and all other persons as are now or shall hereafter become their associates, are hereby created, declared and constituted a body corporate and politic for the promotion of the arts and science, of music, painting, sculpture and designs, by the name and style of the "German Club of Hoboken."

Powers.

2. *And be it enacted*, That the said corporation hereby created shall possess all the powers and privileges that are possessed by corporations incorporated under and by virtue of an act entitled "An act concerning corporations," approved February the fourteenth, eighteen hundred and forty-six.

Amount of capital stock.

3. *And be it enacted*, That the capital stock of said corporation shall not exceed the sum of sixty thousand dollars, and shall be divided into shares of ten dollars each, which shall be transferable in the manner and upon the conditions that shall be prescribed by the by-laws of the said corporation, and that the said corporation may commence its opera-

tions as soon as the sum of eight thousand dollars of its capital stock is paid in.

4. *And be it enacted*, That no stockholder shall be entitled to vote in said corporation at any election or in any other matter unless he shall have been elected to membership in said corporation, and any stockholder may be elected as such member, at such time, in such manner and under such restrictions as the by-laws of such corporation shall prescribe, and each member shall be entitled to but one vote at any election or meeting of said corporation, except at the passing of acts and resolutions relating to any conveyance, sale, purchase or mortgage of any real estate by the said corporation, at the passage of which each member shall be entitled to one vote, which may be given either in person or by proxy, for each share of the capital stock of said corporation held by him, but no member shall cast more than fifty votes. Who to vote.

5. *And be it enacted*, That the affairs of said corporation shall be managed by a board of trustees of not less than nine nor more than seventeen in number, and the persons named in the first section of this act shall be the first trustees of said corporation until the first Wednesday of September next or until new trustees shall be elected in their place. Board of trustees.

6. *And be it enacted*, That said corporation, at any general meeting of its members, shall have power to make and enact such constitution, by-laws, rules and regulations for the government and management of its affairs as shall not be contrary to the laws of this state, and from time to time alter, modify and repeal the same, and by said constitution, by-laws, rules and regulations may determine what officers and trustees shall be elected and appointed, the mode and manner of their election and appointment, and determine and regulate their powers and duties and their time of meeting; and may thereby also determine the amount of the uniform monthly payment to be required of each member of said corporation 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. By-laws and regulations.

7. *And be it enacted*, That the said corporation may take and receive by gift, demise and bequest any money and property whatever, in addition to the property the said corporation is entitled to have and to hold by virtue of this act, which and the proceeds of which shall be used in such a manner as the constitution and by-laws prescribe. May take legacies, &c.

No compensation.

8. *And be it enacted*, That no trustee of said corporation shall receive any compensation whatever for his services as such trustee, or as an officer of such corporation.

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

Approved February 19, 1864.

CHAPTER LV.

An Act to legalize appropriations and payments made by the Board of Chosen Freeholders of the county of Hudson for bounties for soldiers called into the service of the United States.

Preamble.

WHEREAS, the board of chosen feeholders of the county of Hudson have appropriated and paid the sum of forty thousand dollars for bounties to procure the enlistment of soldiers in the service of the United States; and whereas the said board desire that such payment shall be legalized, to the end that the same may be raised by taxation; now therefore,

Appropriation legalized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said sum of forty thousand dollars so paid and appropriated by the said "The Board of Chosen Freeholders of the County of Hudson" is hereby declared and made a valid and lawful payment and appropriation, and the said sum may be raised by taxation as a part of the county tax of the said county of Hudson.

2. *And be it enacted*, That this act shall take effect immediately, and shall be taken in all courts and places as a public act.

Approved February 19, 1864.

CHAPTER LVI.

A Further Supplement to an act, entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

WHEREAS, The citizens of Hoboken, desiring that the call of the government for troops to be furnished by said city to aid in suppressing the rebellion, should be filled with volunteers rather than with drafted men, did offer and pay bounties to secure that object, and for the purpose of paying such bounties, did raise the sum of thirty-five thousand dollars upon the faith of certain promissory notes, guaranteed by numerous citizens of said city; and whereas, it is necessary that provision should be made for the payment of such indebtedness, and it is desirable that the same should be gradually paid off—therefore, Preamble.

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 mayor and council of the city of Hoboken to provide for the payment of the said indebtedness by issuing bonds under their corporate seal and the signature of the said mayor, for an amount of money not exceeding thirty-five thousand dollars, in such sums, and payable at such time or times as the said mayor and council shall deem proper, bearing interest at a rate not exceeding seven per centum per annum, payable semi-annually, with coupons attached, and to pledge the property and credit of said city for the payment of the same; which bonds it shall be lawful for the mayor and council, and their successors to sell and assign; *provided*, that no bond shall be sold by the said mayor and council for less than par; *provided also*, that the bonds to be issued by virtue of this act shall be redeemable at a period of time not to exceed twenty years from the passage hereof. City may issue bonds. Proviso.

2. *And be it enacted*, That the said mayor and council shall have power and authority to provide by taxation for the payment of said bonds and the interest thereon, and that they shall yearly and every year, until the bonds so to be issued shall be redeemed and paid off, order 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 and discharge the principal May provide for payment by taxation.

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at the several times it shall become due and payable, and the interest on the said bonds as the same shall become due; *provided*, that not less than one thousand dollars, nor more than three thousand dollars of the principal of said bonds shall be made redeemable in any one year; *and provided further*, that the said mayor and council shall cause to be assessed and collected a special poll-tax of one dollar upon every white male inhabitant of the said city of Hoboken, of the age of twenty-one years and upwards, and shall also cause to be assessed all real and personal estate in the said city of Hoboken, now liable to taxation for city purposes, at the full and actual value thereof, at such rate per dollar as will be sufficient to produce the sum required to be raised, after deducting the said special poll-tax.

Proviso.

Proviso.

Application.

3. *And be it enacted*, That it shall be the duty of the said mayor and council to apply the net proceeds of the said bonds to the payment and satisfaction of the indebtedness incurred as aforesaid by the payment of volunteers.

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

Approved February 19, 1864.

CHAPTER LVII.

Supplement to an act entitled "An Act authorizing commissioners and others to execute deeds to the heirs or devisees of deceased purchasers," approved March sixteenth, eighteen hundred and fifty-four.

How deed is made when purchaser has died.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any person who hath heretofore purchased, or may hereafter purchase real estate at any commissioners', executor's or guardian's sale shall have died, or may hereafter die, after such sale has been made and the conditions thereof subscribed and agreed to by the purchaser, but before the same has been confirmed by the proper court, or before the deed for such real estate has been delivered, it shall and may be lawful for such commissioners, executors, administrators or guardians, after such sale shall be duly confirmed by the proper court, to execute and deliver

to the heirs or devisees of the purchaser a deed for the real estate so sold, which deed, when delivered to the heirs of a purchaser dying intestate, or to the devisees of a purchaser leaving a will, who, by said will, would be entitled thereto, shall have the same force and effect as if delivered to the purchaser when living; *provided*, the said heirs or devisees shall perform the conditions of sale, subscribed and agreed to by the purchaser. Proviso.

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

Approved February 19, 1864.

CHAPTER LVIII.

A Supplement to the act entitled "An act to confirm certain debts and liabilities incurred by the townships of the county of Camden in raising money for purposes incident to the war," approved March sixth, eighteen hundred and sixty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to confirm certain debts and liabilities incurred by the townships of the county of Camden in raising money for purposes incident to the war," approved on the sixth day of March, eighteen hundred and sixty-three, be and the same hereby is extended and made to include all debts, liabilities and securities of the character therein mentioned, which have been contracted, incurred or made since the approval of said act, and all such debts and liabilities shall be as binding upon the property and effects of the inhabitants of said township as though the same had been previously authorized by law and all such securities shall be as valid and effectual as if they had been expressly authorized by law prior to their having been contracted, incurred, made or given; and the inhabitants of any such township or townships may at their annual town meeting or at any special town meeting held for the purpose order any such sums of money assessed and collected after such mode and form as they may think proper. Powers of former act extended.

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

Approved February 19, 1864.

CHAPTER LIX.

A Supplement to the act entitled "An Act to authorize the business of Banking," approved February twenty-seventh, eighteen hundred and fifty.

Additional stocks to be deposited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any association of persons formed and organized under the act to which this is a supplement, to deposit, in addition to the stocks mentioned in said act and the supplements thereto, the bonds of the city of Paterson, issued according to law by the mayor and aldermen of said city, bearing interest not less than seven per cent. per annum, and also to deposit the bonds or scrip of the water commissioners of Jersey City, and also the corporate bonds of the mayor and common council of Jersey City now issued or which may be hereafter issued according to law, bearing interest not less than six per cent. per annum, as a basis or security for their circulating notes, subject to all the provisions and restrictions in said act authorizing the business of banking.

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

Approved February 19, 1864.

CHAPTER LX.

An Act to amend an act entitled "An act to enable the owners and possessors of the meadow, marsh and swamp lands on Newport or Autuxet Creek, in the county of Cumberland, to make a dam across the creek, and to erect and maintain banks, dikes, dams and water works sufficient to prevent the tide from overflowing the same.

Owners may construct a dam.

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 owners and possessors of the meadow, marsh and swamp lands now under water or exposed to the overflow of the tides in Newport or Autuxet Creek, in the county of Cumberland, to make and construct a dam across said creek, beginning at Fast landing, on property belonging to Clement J. Lee, and then to extend up Newport or Autuxet Creek to a spot known as Clark's landing, and then to cross said creek to some suitable or convenient place on Jones Island, and as shall seem most beneficial to all parties interested, with such sluices, sluice-races and other water works, and of such materials, character and dimensions as they or the managers may deem necessary or proper to exclude the tide from said meadows and swamps, and to drain, irrigate and otherwise improve the same; and after the said dams, banks, sluices and other water works shall be so made and constructed, the same to maintain and keep in suitable and proper repair in manner and form as hereinafter described.

Corporate name.

2. *And be it enacted*, That the owners and possessors of said meadow or swamp shall be known as the Newport Meadow Company; and it shall be lawful for the said owners and possessors, their agents and representatives, to meet at the Newport academy, in the town of Newport, township of Downes, in the said county of Cumberland, on the first Monday in April, Anno Domini one thousand eight hundred and sixty-four, and annually thereafter on the same day, and between the hours of one and five o'clock in the afternoon of said day, to choose by ballot or otherwise, and by a plurality of votes, such person or persons as they may think proper for managers, and a treasurer and clerk, for and until the next annual meeting thereafter or until their successors are elected; and a notice, signed by any of the said company

and left at the residence or dwelling of each owner, or by advertising the same in three of the most public places in the neighborhood of said meadows at least one week previous to the time of the first meeting aforesaid, shall be considered a legal notice for said meeting; and at such election for officers the mode of voting shall be in person or by proxy, in the following ratio; every owner of meadow or swamp in said company shall be entitled to one vote for any quantity not exceeding five acres which he, she or they may possess, and one vote for each and every five acres not exceeding twenty acres, and one vote for each and every additional ten acres.

May enter on adjoining lands.

3. *And be it enacted*, That for the purpose of making and constructing said dams and water works, the said managers shall have full power to take and use any earth, mud or sod, or other material, in any part of said meadow, swamp or marsh land the most convenient thereto, and to have free egress and ingress for themselves and their hands and teams through any part thereof, doing no unnecessary damage to the owner or owners thereof, and making him or them proper compensation therefor, to be determined by agreement of the parties; and if they cannot agree, then by two judicious and disinterested men in the neighborhood, mutually chosen by the parties; and in the event they cannot agree upon any appraisement or damages, then the said appraisers may choose a third person of the neighborhood, being a freeholder and disinterested, to join them therein, any two of whom agreeing, their appraisement, made and certified in writing, shall be binding and conclusive to the parties, and shall be paid by the said company to the person or persons injured or aggrieved as aforesaid; they, the said appraisers, giving five days' notice in writing to the parties in question of the time and place of meeting to determine said appraisement; but if the owner or owners of such land shall refuse or neglect, upon notice given him or them to so do, to choose one of the said appraisers, then the manager or managers as aforesaid may choose them both; and in case the said appraisers so chosen cannot agree upon an appraisement of the damages, then the said appraisers may choose a third person of the neighborhood, being a freeholder, to join them therein, any two of whom agreeing, their appraisement, made and certified as aforesaid, shall be binding and conclusive to the parties.

Special meetings.

4. *And be it enacted*, That whenever the managers of said company for the time being shall deem it necessary to call a special meeting of the company, they shall give at least seven

days' notice thereof to its members, by advertisements, under their hands, set up in three of the most public places in the neighborhood of the said meadow, designating the time, place and object of such meeting.

Compensation to officers.

5. *And be it enacted*, That all the officers chosen or to be chosen by the said meadow holders, shall be entitled to receive from the said company a compensation for all services required of them by this act, to be fixed upon and determined by a majority of the votes present at the annual meeting of said company.

Proceedings and operations, how conducted.

6. *And be it enacted*, That all the rest of the proceedings and operations of said company, of every nature and kind soever, shall be performed and conducted in the same way and under the same powers, and with the same limitations and restrictions, as if this company had been created and formed under the act of the legislature of this state entitled "An act to enable the owners of tide swamps and marshes to improve the same, and the owners of meadow already banked in and held by different persons to keep the same in good repair," passed the twenty-ninth day of November, seventeen hundred and eighty-eight, and the several supplements thereto.

Repealer.

7. *And be it enacted*, That all other acts of this state inconsistent with the provisions of this act, so far as they relate to this meadow, be and the same are hereby repealed.

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

Approved February 19, 1864.

CHAPTER LXI.

A Supplement to an act entitled "An act to incorporate the Upper Clonmel Meadow Company," approved March eleventh, eighteen hundred and fifty-eight.

Preamble.

WHEREAS, the owners and possessors of the meadow and marsh adjoining the Clonmel creek, in the county of Gloucester, and lying between the fast land of Benjamin Lodge and that of the farm occupied by Charles Parker, were by the act to which this is a supplement incorporated under

the name of the "Upper Clonmel Meadow Company," and certain persons therein named were by the said act appointed commissioners, who were among other things authorized and empowered to make a survey of the exterior limits of said meadows and marsh, and also of each owner's and possessor's meadows and marsh, exhibiting the entire bounds of said survey, as also of the number of acres held by the several owners and possessors, and to make a valuation of the same having a regard to quantity and quality; and also to locate the water courses, floodgates and sluices necessary to be opened, made and maintained; and whereas, the said commissioners having performed the duties prescribed in said act as appears by their report in writing under the hands of the said commissioners bearing date the twenty-eighth day of June, one thousand eight hundred and fifty-eight, and valuation recorded pursuant to said act in the clerk's office of the said county of Gloucester, Book D of records, page three hundred and eighty-three, &c., the said owners and possessors organized under said act of incorporation, elected managers pursuant to said act, and became a body corporate and politic by the said name of "The Upper Clonmel Meadow Company;" and whereas, additional powers are desired on the part of the managers of the said company; therefore,

Report ratified and owners incorporated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said report of the said commissioners be and the same is hereby ratified and confirmed, and that the said owners and possessors of the said meadows and marsh, and their successors, from the time of passing said act and for ever hereafter, be deemed and declared a body corporate and politic in fact and in law, by the name of "The Upper Clonmel Meadow Company," with all the powers and privileges, except as herein provided, given and declared in and by the said act to which this is a supplement.

Powers.

2. *And be it enacted*, That the said company at their annual and other meetings of the said owners and possessors, shall have power to order to be raised such sum or sums of money as they may deem necessary for the use of the company and for the maintenance of their banks, dams, sluices and other works, and for the opening and keeping open all the main sluice races and watercourses heretofore maintained at the general expense of the said company, and it shall be

the duty of the managers of the said company and they are hereby empowered to assess upon and collect the same of the several owners or possessors of the meadow and marsh within the bounds of the commissioners' survey according to the quantity and value of the said meadow and marsh held by them respectively.

3. *And be it enacted*, That in all actions authorized to be brought by the said managers of said company it shall be sufficient to declare shortly in case or in debt for money laid out and expended, or for money due on assessment and to give the assessment or other special matter and this act, and the act to which it is a supplement in evidence; and on proof of notice (when notice is required) having been given as required by said act, the court in which such action may be brought shall give judgment for the sum assessed or for the sum otherwise due against the defendant with costs of suit. Mode of legal proceedings.

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

Approved February 19, 1864.

CHAPTER LXII.

An Act to authorize the inhabitants of Clinton, in the county of Hunterdon, to raise bounty money.

WHEREAS, the inhabitants of the township of Clinton, in the county of Hunterdon, did, on the twenty-third day of December, eighteen hundred and sixty-three, after eight days' notice being given by the township clerk, at the written order of the town committee, assemble and organize themselves into a town meeting, and the said meeting thus assembled did unanimously vote and direct the committee to raise by tax a sum sufficient to pay to each volunteer for the war in the three years' service to make up the quota of ninety-eight men required from said township under the two last calls from the general government for men, the sum of three hundred and fifty dollars; and in case there should not be a sufficient number of volunteers to relieve the township of a draft, then to pay to each drafted man liable to the said service, three hundred dollars, providing Preamble.

that such drafted man shall have paid into the hands of the township committee on or before the third day of January, eighteen hundred and sixty-four, the sum of twenty-five dollars; and whereas, said committee were directed to borrow the residue of whatever sum of money it would be necessary to pay volunteers or drafted men as aforesaid, in such a manner as they should deem most expedient, and that the amount of moneys so borrowed should be raised by tax to be levied on the real and personal estate of the township, to be levied and collected in the same manner as the other taxes shall be assessed and collected for the year eighteen hundred and sixty-four; therefore,

Acts of township legalized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the acts and doings of the township committee and the inhabitants of the township of Clinton, in the county of Hunterdon, mentioned in the preamble to this act, are made valid in all respects, and binding upon the inhabitants and taxable property in said township, excepting so much of the vote of the township as required twenty-five dollars to be paid into the hands of the committee on or before January third, eighteen hundred and sixty-four, shall be extended to March first, eighteen hundred and sixty-four.

Amount to be assessed and raised by taxation.

2. *And be it enacted*, That it shall be lawful for the assessor of the said township who may be elected at the next annual meeting thereof, and the said assessor is hereby directed to assess upon the taxable property of said township, at the same time and in the same manner that the other taxes of said township are assessed, and in addition thereto such sum of money as shall be certified to him by the town committee of said township, or a majority of them, to be necessary for the repayment of whatever sum said committee shall have borrowed to pay volunteers or drafted men, according to the provisions of this act, with the interest thereon, which amount so assessed shall be levied and collected by the same person, in the same manner, at the same time, and under like fees, fines and penalties as other township taxes are levied and collected; and whatever loans shall have been made to the township as aforesaid shall be paid out of the township fund.

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

Approved February 19, 1864.

CHAPTER LXIII.

A Supplement to an act entitled "An act to incorporate the Board of Education of the City of Camden," approved February ninth, eighteen hundred and fifty-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 three mills in the dollar in any one year. Rate of tax.

2. *And be it enacted*, That so much of section four of the act entitled "An act to incorporate the Board of Education of the City of Camden," approved February ninth, eighteen hundred and fifty-four, as conflicts herewith be and the same is hereby repealed. Repealer.

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

Approved February 24, 1864.

CHAPTER LXIV.

A Supplement to the act entitled "An act to authorize the City Council of the City of Camden, to raise by law a sum not exceeding twelve thousand dollars, for the purpose of erecting a new school house in the North Ward of said City of Camden," approved February twenty-eighth, eighteen hundred and sixty- one.

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, are hereby authorized and directed to raise by loan a sum not exceeding ten thousand dollars, and to secure the payment thereof by bond or bonds, under the common seal of the city and the signature of the mayor and other proper officers of said city, which said money shall be appropriated under the direction of the board of education of the city of City may borrow $10,000.

Camden, for the sole and exclusive purpose of paying the deficiency in building said school house, completing and furnishing the same, and enclosing the grounds connected therewith.

Board to assume payment.

2. *And be it enacted*, That the board of education of the city of Camden are hereby directed and required to assume the payment of said bond or bonds, and for that purpose to give a bond or bonds in their corporate name and under their common seal, to the city of Camden conditioned for the payment of the sum 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 may be paid off on or before July first, eighteen hundred and eighty-four.

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

Approved February 24, 1864.

CHAPTER LXV.

An Act further to renew the charter of the Farmers' and Merchants' Bank of Middletown Point, and to increase the capital stock thereof.

Extension of charter.

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 Farmers' and Merchants' Bank of Middletown Point," passed the third day of February, in the year one thousand eight hundred and thirty, and an act entitled "An act to renew the charter of the Farmers' and Merchants' Bank of Middletown Point," approved January the twenty-eighth, one thousand eight hundred and forty-seven, shall be and hereby are continued for and during the term of twenty years from and after the time of said last mentioned act of renewal limited for its continuance.

May increase capital.

2. *And be it enacted*, That if the stockholders of said company shall at any time hereafter deem it expedient, it shall be lawful for them to increase the amount of their capital stock to any sum not exceeding two hundred thousand dollars, in the same manner and under the same provisions as are directed in said act first above mentioned.

3. *And be it enacted*, That the said additional stock shall and may be called in from time to time as the directors of the said bank for the time being shall deem expedient; and the books for subscribing said stock shall be opened at such times and in such manner as the directors shall order, of which four weeks' notice shall be given in one or more of the newspapers published in the county of Monmouth; and the same, when so called in, shall be allotted ratably among the several stockholders of the stock of said bank in proportion to the number of shares held by them respectively at least ten days before the time of subscribing to such new stock; and in case it shall happen that at the time noticed for subscribing to any such additional capital any of the stockholders shall decline or neglect to subscribe for the same, he or she shall forfeit the privilege thereto, and the remaining stockholders, or such of them as then apply for the purpose, shall be entitled to the privilege of subscribing as aforesaid in proportion to the shares held by them respectively as aforesaid, or the said directors may from time to time sell the shares forfeited as aforesaid as they may think most for the interest of the said bank, for the best price or prices that can be obtained, not less than their par value, and the overplus, if any, to be credited to the account of the profits of the said bank. How additional stock may be increased.

4. *And be it enacted*, That the notice for the election of directors and for the payment of the said capital stock of said bank by installments, required to be given by the original act in one of the newspapers printed at Freehold, New Brunswick and Trenton, shall be given, instead thereof, in one or more of the newspapers published in Monmouth county. Notice of election.

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

6. *And be it enacted*, That all the directors of said corporation shall be residents of this state, and shall be jointly and severally liable for the payment of all the bills or notes of said corporation which may be in circulation at the time of its becoming insolvent, and may be jointly or severally prose- Directors liable for debts.

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

Proviso.

Pro rata in case of deficiency.

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

Liability of stockholders.

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

Proviso.

9. *And be it enacted*, That in case of an action or suit at

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

10. *And be it enacted*, That nothing in this act contained shall be construed to alter or change the present charter of said corporation, but the same shall continue, as if this act had not been passed, up to the expiration of the time limited for its continuance, when this act shall take effect. Present charter not altered

Approved February 24, 1864.

CHAPTER LXVI.

An Act to authorize "The Board of Chosen Freeholders of the County of Mercer" to issue bonds for money borrowed to pay bounties to volunteers.

WHEREAS, "The Board of Chosen Freeholders of the County of Mercer," being desirous that the quotas required of the said county, under the two last calls of the administration, for troops to prosecute the existing war, should be filled with volunteers rather than with drafted men, did order a committee of five members of the board to borrow, on the faith of the said county of Mercer, certain sums of money, at different times, for the purpose of paying a bounty to each volunteer required to fill the said two quotas from said Mercer county, who might be mustered into the service of the United States, and credited to said county; and whereas, for the purpose of readily and promptly raising the amount of money necessary for the purposes aforesaid, it was resolved by the said board of chosen freeholders, that the said committee should issue the bonds of said Mercer county for the money thus borrowed, and that the said bonds should be exempt from all city, township and county tax; and whereas, the said committee did so borrow Preamble.

certain sums of money, and appropriate the same for the payment of such bounties to volunteers; and whereas, it is proper that the indebtedness so created should be faithfully and honorably paid; therefore,

Board may issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the said "The Board of Chosen Freeholders of the County of Mercer" to provide for the payment of the said indebtedness, and for any further indebtedness that may be incurred in raising bounties for volunteers under the existing calls of the government, by issuing bonds in the corporate name and under the corporate seal of said county; to be signed by the director of the said board of chosen freeholders, and attested by their clerk, for an amount of money not to exceed the sum of four hundred thousand dollars, of such denominations and payable at such times as said board of chosen freeholders shall deem proper, and bearing interest at the rate of six per centum per annum, payable semi-annually, and to pledge the property and credit of the said county for the payment of the same; which said bonds it shall be lawful for the said board of chosen freeholders to sell and negotiate for the best price that can be obtained therefor; *provided*, that the bonds so to be issued shall be redeemable within twenty years from the passing of this act.

Proviso.

May provide by taxation for payment.

2. *And be it enacted*, That the said "The Board of Chosen Freeholders of the County of Mercer" shall have power and authority, and they are hereby authorized, to provide by taxation in said county for the payment of the said bonds and indebtedness, and the interest thereon; and shall yearly and every year, until the bonds to be issued by authority hereof shall be redeemed and fully paid, order and cause to be assessed and collected by taxes, at the time and in the manner that the taxes in the said county are assessed and collected, a sum of money sufficient to pay the interest on the said bonds and indebtedness, as the same shall become due and payable; and to pay and discharge the principal thereof, at the several times it shall become due and payable; and that all such moneys so to be raised by taxes by virtue of this act shall be exclusively applied to the payment of the interest and principal of said bonds and indebtedness, as the same may become due and payable.

Apportionment.

3. *And be it enacted*, That the taxes authorized to be levied and collected by virtue of this act shall be yearly apportioned among the townships and the city of Trenton in

said county, in the ratio of the number of volunteers the said townships and the city of Trenton respectively were severally required to furnish under the two last calls as aforesaid.

4. *And be it enacted*, That the loan authorized by this act shall be called "The Volunteer Bounty Loan," and the bonds to be issued therefor may be either coupon bonds or registered bonds payable to the purchaser or to his order, that all said bonds shall be numbered, and a registry of the number, denomination, date of issuing, time of payment, to whom issued, and the price obtained therefor shall be made in a book for that purpose, to be provided at the expense of the county. To be called "Volunteer Bounty Loan."

5. *And be it enacted*, That the debt and liabilities incurred by the said "The Board of Chosen Freeholders of the County of Mercer" in consequence of the payment of bounties to volunteers, as mentioned in the preamble hereto, and the action of the said board thereupon, are hereby ratified and confirmed except so far as relates to the exemption of said bonds from taxation. Acts ratified.

6. *And be it enacted*, That it shall be the duty of the said board of chosen freeholders to apply the proceeds of the bonds that may be issued by virtue of this act, to the payment and satisfaction of the debt and liabilities incurred in paying bounties to volunteers as aforesaid, and in paying such further bounties to volunteers under the existing calls of the government. Appropriation of proceeds.

7. *And be it enacted*, That it shall be lawful for the said "The Board of Chosen Freeholders of the County of Mercer" to appoint a commissioner of the funds to be raised by taxation as provided for by this act, to be called the commissioner of the volunteer bounty fund of the county of Mercer, who shall be a resident of said county, and who shall hold his office for the term of five years, unless sooner removed for misbehavior in office, and until a successor be appointed in his stead, whose duty it shall be to pay the interest and principal sum of said bonds and indebtedness as the same shall severally become due, and to keep an accurate account of the amount of money annually received and paid out by him for the purpose aforesaid; and the treasurer of the city of Trenton, and the collectors of the several townships respectively, within the said county of Mercer, are hereby authorized and directed to pay annually, to the said commissioner of the volunteer bounty fund, the several sums of money to be raised by taxes as aforesaid in the said city and Commissioner of funds to be appointed.

the several townships respectively, on or before the twenty-second day of December in every year, for the purpose of paying the yearly interest on said bonds and indebtedness, and for redeeming the yearly amount of principal money thereof authorized to be paid; for which payment to the said commissioner by the said treasurer and collectors, the receipt of the said commissioner shall be their sufficient voucher; the said commissioner shall receive a stated yearly salary, to be established by the said board of chosen freeholders, to be paid quarterly by the collector of said county of Mercer upon an order signed by the director of said board.

Accounts to be audited yearly and estimate to be made.

8. *And be it enacted*, That the said commissioner of the volunteer bounty fund shall annually, on or before the first day of May, or oftener if required by the said board of chosen freeholders, present his account to the said board of chosen freeholders who shall thereupon proceed to audit the same; the said commissioner shall also, at the time of presenting his account as aforesaid, lay before the said board of chosen freeholders the estimates of the amount of money required to be raised by tax in the said county of Mercer, for the purpose of paying the interest and principal to become due the ensuing year on the said bonds and indebtedness, specifying the amount of money required from the city of Trenton and the several townships respectively in said county, and to report and suggest such other matters, as he may deem expedient respecting the said fund.

Bond to be given.

9. *And be it enacted*, That before the said commissioner shall proceed to execute the duties of his office he shall enter into a bond to the said "The Board of Chosen Freeholders of the County of Mercer," in such sum and with such sureties as the said board of chosen freeholders shall from time to time approve, conditioned for the true and faithful execution of the trust reposed in him.

Moneys, &c., to be delivered over to successor.

10. *And be it enacted*, That all moneys, books, redeemed bonds, and papers of every description whatever, held by said commissioner, relating to his duties as aforesaid, shall be delivered to his successor in office.

Vacancy, how filled.

11. *And be it enacted*, That in case of the death, resignation or removal from the county, or removal from office on account of misbehavior of the said commissioner, the said board of chosen freeholders shall appoint another commissioner for the unexpired term, with the same duties, powers and obligations as aforesaid.

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

Approved February 26, 1864.

CHAPTER LXVII.

An Act to confirm certain debts and liabilities incurred by the Board of Chosen Freeholders of the county of Essex, in raising money for purposes incident to the war, and authorizing them to issue bonds.

Preamble. WHEREAS, the Board of Chosen Freeholders of the county of Essex have contracted certain debts and liabilities in raising money to pay volunteers who have enlisted in the present war of the United States of America, and for other purposes incident to said war; and whereas it is right and proper that such debts and liabilities so created shall be faithfully and honorably paid; now therefore, for the purpose of confirming such debts and liabilities and the securities that have been or may be given—therefore,

Debts and liabilities legalized. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any such debts or liabilities as are mentioned in the preamble of this act, contracted by the board of chosen freeholders of the county of Essex, and any bond, note or other security or evidence of indebtedness that hath been issued by said corporation to secure the payment of such debt or liability, shall be as valid and effectual as if the contracting of such debt or liability, or the making of such bond, note, security or evidence of indebtedness, had been expressly authorized by law prior to the making of such contract or security, or the contracting such debt or liability.

May issue bonds not to exceed $800,000. 2. *And be it enacted*, That it shall be lawful for the said corporation to issue from time to time their coupon bonds, with interest not exceeding seven per cent. per annum, payable semi-annually, for any debts or liabilities aforesaid, and to substitute such bonds for any outstanding evidences of indebtedness issued by said board of chosen freeholders of the county of Essex; *provided*, that the whole amount of such indebtedness shall not exceed eight hundred thousand dollars; and that it shall be lawful to raise by taxation, as a part of

Proviso.

the county tax of the said county of Essex, money to pay said debts or liabilities, or any portion thereof, or the interest thereon.

Mayor and common council to assume payment of bonds

3. *And be it enacted*, That it shall be lawful for the mayor and common council of the city of Newark to guarantee and assume to pay the bonds so as aforesaid to be issued by the board of chosen freeholders of the county of Essex, to an amount equal to the cost of procuring such volunteers for the city of Newark as may have been or shall be credited to said city, under any call for volunteers heretofore made by the government of the United States, and to provide by special tax for the payment of the principal and interest thereof; and in case the said the mayor and common council of the city of Newark shall so as aforesaid guarantee and assume to pay said amount of said bonds, and provide as aforesaid for the payment of the same and the interest thereon, that the residue of the said indebtedness of said county for the purposes aforesaid, and the bonds issued therefor, with the interest thereon shall be assessed to and shall be borne and paid by the townships alone of said county, and that none of the limitations, restrictions or conditions contained in the thirty-fifth and sixty-eighth sections of the act entitled "An act to revise and amend the charter of the city of Newark," approved March eleventh, eighteen hundred and fifty-seven, shall be held to be applicable to or in any wise to affect this act; but this act shall be and remain as effectual to all intents and purposes as if the said sections had not been enacted.

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

Approved February 26, 1864.

CHAPTER LXVIII.

An Act to authorize the inhabitants of the township of Downe, in Cumberland county, to raise money.

Preamble.

WHEREAS, the inhabitants of the township of Downe, in the county of Cumberland, New Jersey, at a special town meeting held December nineteenth, eighteen hundred and sixty-three, did pledge themselves to advance the sum of

two hundred dollars to each three years' volunteer for the United States service from said township, to aid the state in filling her quota of men called into service by the governor, and relieve themselves from the odium of a draft; to do this the money had to be borrowed on individual responsibility; and whereas, it is necessary that a law should be passed by the legislature to legalize the raising of said sum by taxation—therefore,

Township to raise one-half their indebtedness in one year.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the said township be and they are hereby authorized and required to raise by an assessment and a poll tax of five dollars on all single men inhabitants of said township, and by an assessment and tax on the taxable property in said township, one-half of their indebtedness at their next annual town meeting, and the other half in the same manner at their annual town meeting in the following year to liquidate the amount advanced and expended in raising volunteers.

Mode.

2. *And be it enacted*, That the said assessment shall be made and collected at the same time and in the same manner as other taxes are assessed and collected.

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

Approved February 26, 1864.

CHAPTER LXIX.

An Act to authorize the township committee of the township of Hopewell, in the county of Cumberland, to raise money.

May raise money to pay volunteers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of the township of Hopewell, in the county of Cumberland, be and they are hereby authorized and empowered to raise or cause to be raised by taxation, at the same time and in the same manner that other taxes are raised, an amount of money equal to the bounty paid, to encourage enlistments of volunteers in said township, under the last three calls of the President of the United States, for troops, the said amount

so raised to be applied exclusively to the liquidation of indebtedness incurred by the payment of said bounties.

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

Approved February 26, 1864.

CHAPTER LXX.

An Act to confirm certain acts of the township committee and inhabitants of the township of Greenville, in the county of Hudson, and to authorize the raising of money for volunteers.

Preamble. WHEREAS, The inhabitants of the township of Greenville, in the county of Hudson, after eight days' notice given by the township clerk, at the written request of the township committee did on the thirteenth day of August, eighteen hundred and sixty-three, assemble and organize themselves into a meeting, and did, at such meeting, unanimously vote to authorize and direct the township committee "to issue notes or bonds bearing seven per centum interest, payable at such dates as the township committee may select, the whole amount not to exceed three thousand six hundred dollars;" and whereas, the credit of said township was pledged at said meeting by vote for the payment of said sum or such portion as the township committee should expend in payment of a bounty of two hundred dollars to each of the sixteen volunteers called for from said township, and such other necessary expenses which had been or might be incurred in the enlistment of said volunteers, and to that end the amount required was directed to be assessed and collected from the taxable property of the township; and whereas, at a subsequent meeting of said inhabitants, held on the fifth day of November, eighteen hundred and sixty-three, on call of the township committee after eight days' notice given by the township clerk, it was voted to direct and authorize the township committee to issue the bonds of the township for an amount not exceeding five thousand dollars to pay bounties and other expenses incurred in the enlistment of seventeen volunteers, the quota

of said township under the last call of the governor; and whereas, by an act entitled "An act to create from the town of Bergen, in the county of Hudson, a new township to be called the township of Greenville," approved March eighteenth, eighteen hundred and sixty-three, the said township of Greenville was made liable to pay a part or proportion of money raised previous to the passage of said act by the town of Bergen for the payment of bounty to volunteers, and such part or proportion having been determined and adjusted as in said act prescribed by the commissioners therein appointed for said township of Greenville and the commissioners appointed under the provisions thereof by the council of the town of Bergen, at the sum of three thousand six hundred and ninety-eight dollars and twenty-two cents, for the payment whereof provision remains to be made—therefore,

Bonds and acts of township ratified.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the bonds heretofore issued to the amount of eight thousand four hundred and fifty dollars, the acts done, and the debts and liabilities contracted and incurred by the township committee and inhabitants of the township of Greenville in the county of Hudson, for the purpose of raising and paying bounties to volunteers and other expenses incurred in their enlistment to make up the several quotas of men heretofore called for from said township, be, and the same are hereby confirmed and made valid in all respects, and binding upon the inhabitants and taxable property in said township, as if said bonds had been issued, acts done and debts incurred under express authority by statute previously enacted.

Shall provide for payment to town of Bergen.

2. *And be it enacted*, That the township committee shall provide for the payment to the town of Bergen of the said sum of three thousand six hundred and ninety-eight dollars and twenty-two cents with accrued interest at seven per centum, by issuing bonds in the name of the inhabitants of the township of Greenville, in the county of Hudson, under the hands and seals of the township committee, or any three of them, in such sums (not exceeding in the aggregate the sum so required to be paid), and payable at such times as they may deem proper, bearing interest at a rate not exceeding seven per centum per annum, and which bonds may be sold or assigned by the township committee or their successors at a price not less than par.

Shall provide for payment of bonds by taxation.

3. *And be it enacted*, That the said township committee shall provide by taxation for the payment of said bonds issued and to

be issued as hereinbefore mentioned, and the interest thereon, and shall yearly and every year, until all said bonds are paid, order to be assessed by the township assessor, in addition to the other taxes assessed in said township, a sum of money sufficient to pay off all the accrued interest on said bonds and a sum of two thousand dollars in addition thereto, which sum shall be a lien upon the property assessed as other taxes, and shall be collected in the same manner as other taxes in said township, and the same remedies shall exist in case of non-payment as in case of other taxes.

How moneys applied.

4. *And be it enacted*, That the township collector or other person authorized shall pay such sum collected for the purpose aforesaid, to the township committee, or upon their order to the treasurer of the township, and the same shall be under the care and management of the township committee, whose duty it shall be to apply so much thereof as may be necessary for the purpose, to the payment of the interest accruing from time to time on said bonds, and to use and apply the residue as a fund for the payment of the principal of said bonds as they shall become due.

Public act.

5. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately, and all acts or parts of acts inconsistent with this act are hereby repealed.

Approved February 26, 1864.

CHAPTER LXXI.

An Act to authorize the inhabitants of the township of Upper Freehold, in the county of Monmouth, to raise money.

Preamble.

WHEREAS, the inhabitants of the township of Upper Freehold, in the county of Monmouth, at a special town meeting legally called by the township committee on the thirtieth day of January, Anno Domini eighteen hundred and sixty-four, did unanimously vote to authorize the township committee to borrow seven thousand dollars on the credit of the township to pay bounties to volunteers under the last call of the president—therefore,

May borrow $7,000.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of

the township of Upper Freehold aforesaid be authorized to borrow the sum of seven thousand dollars on the credit of the said township immediately, and pay therewith bounties to volunteers who may enlist under said call.

2. *And be it enacted*, That the inhabitants of the said township be and the same are hereby empowered and authorized to raise by assessment on the taxable property in said township the sum of seven thousand dollars, with the interest accruing thereon, and the expenses attending the loaning, paying out, assessing, collecting and paying off said debt, said sum to be assessed and collected during the year eighteen hundred and sixty-four, at the same time and in the same manner that the other taxes are assessed and collected. May raise by tax to pay the same.

3. *And be it enacted*, That the collector of the said township of Upper Freehold shall pay over the sum so raised to the township committee, to be by them applied to the payment of any moneys borrowed for the purpose aforesaid. Directions.

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

Approved February 26, 1864.

CHAPTER LXXII.

An Act to authorize the inhabitants of the township of Hope, in the county of Warren, to raise by tax bounty money for volunteers.

WHEREAS, the inhabitants of the township of Hope, in the county of Warren, did, on the twenty-sixth day of September, eighteen hundred and sixty-three, upon notice given by the town clerk, assemble and organize themselves into a town meeting; and said meeting thus assembled did vote unanimously to raise by tax a sum sufficient to pay each volunteer from said township a bounty of three hundred dollars; and whereas, the sum of three thousand and seventy-five dollars have been paid by the said township—therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of said township be and the same are hereby authorized to raise by assess- Inhabitants authorized to raise money.

ment on the taxable property in said township a sum sufficient to liquidate the amount advanced and expended in raising volunteers.

Mode of proceeding.

2. *And be it enacted*, That the said assessment shall be made and collected at the same time and in the same manner as other taxes are assessed and collected the present year.

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

Approved February 26, 1864.

CHAPTER LXXIII.

An Act to authorize Tewksbury township, Hunterdon county, to raise money to pay bounties.

Preamble.

WHEREAS, the inhabitants of the township of Tewksbury, in the county of Hunterdon, did publicly assemble themselves together, on call of the committee of said township, and by a vote did authorize a tax in a sum not exceeding eighteen thousand nine hundred dollars to be levied on the estate, real and personal of said township, for the purpose of paying a bounty of three hundred dollars per man to fill the quota of said township under the recent calls of the President of the United States, the quota of Tewksbury township being deficient in the number of sixty-three men; and whereas, afterward the said township did again assemble upon call of the committee and ratified and confirmed the acts of the previous town meeting; therefore.

Inhabitants authorized to raise money.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of said township be and the same are hereby authorized, to raise by assessment of the taxable property in said township such sum of money as the township committee may deem expedient, not exceeding eighteen thousand nine hundred dollars, for the purpose of paying a bounty of three hundred dollars per man as aforesaid.

Mode of proceeding.

2. *And be it enacted*, That the said assessment shall be made and collected at the same time and in the same manner as other taxes are assessed and collected.

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

Approved February 26, 1864.

CHAPTER LXXIV.

An Act to legalize certain acts of the inhabitants of the township of West Amwell, in the county of Hunterdon, and also of the assessor, collector and township committee of said township.

Preamble.

WHEREAS, the inhabitants of the township of West Amwell, in the county of Hunterdon, did on the seventeenth day of August, A. D. eighteen hundred and sixty-three, upon notice given in due form by the township clerk, assemble and organize into a town meeting, and the said meeting did vote to raise by tax, and pay a bounty of two hundred dollars to each volunteer for the war to fill the quota of said township, and the said money was paid, and the quota of said township filled, and the township committee did order the same to be assessed and paid with the other tax for township, county and state purposes, and the same was so assessed; and whereas, the said inhabitants of the said township did on the twenty-second day of December, A. D. eighteen hundred and sixty-three, upon notice given in due form by the township clerk, assemble and organize into a town meeting, and the said meeting did vote to raise by tax, and pay a bounty of four hundred dollars to each volunteer for the war to fill the last quota of said township, upon the tax assessment or duplicate of the year eighteen hundred and sixty-three; and also for the purposes aforesaid, an extra assessment of a poll tax of two dollars per man, the said last mentioned bounty having been paid by the said committee, and assessed upon the basis aforesaid; therefore,

Proceedings of township meeting ratified.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the doings and proceedings of the said several town meetings, and the acts of the township committee, assessor and collector in voting, assessing and collecting said taxes for said bounties be, and the same are

hereby ratified, confirmed, and in all respects made valid and binding upon the inhabitants of said township.

Duty of collector.

2. *And be it enacted*, That immediately after the passage of this act it shall be the duty of the township collector to give public notice of the payment of the said tax, and at the end of ten days to return, under oath, to a justice of the peace all delinquent tax payers of the said last mentioned tax, and the said justice shall forthwith issue his warrant against such delinquents in the same manner as is now provided by the act entitled "An Act concerning Taxes," approved April fourteenth, eighteen hundred and forty-six, and the same remedies for the collection of said tax shall be had in all respects as in and by the said act is provided.

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

Approved February 26, 1864.

CHAPTER LXXV.

An Act to authorize the inhabitants of the township of Pequonoc, in the county of Morris, to raise money.

Preamble.

WHEREAS, the inhabitants of the township of Pequonoc, in the county of Morris, have, in answer to the call of the government for soldiers to suppress the rebellion, raised a large proportion of the quota of said township by volunteers, and in so doing many of the citizens of said township have advanced and loaned to the said township various sums of money, which have been used in paying bounties, for which sums so loaned the lenders received the certificates of the town committee of said township, to be redeemed out of the township funds, when and as soon as the same should be raised by a tax authorized for that purpose; and whereas, it is just and right that said moneys shall be raised and paid in the same manner as other township expenses are raised and paid—therefore,

Debts legalized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the debts and liabilities incurred by the town committee of said township of Pequonoc for the payment of bounties to volunteers, as mentioned in the

preamble to this act, and all proceedings of said township committee thereon be and the same are hereby legalized, ratified and confirmed, and declared to be a debt due from said township, and to be paid as hereinafter provided.

2. *And be it enacted*, That it shall be and it is hereby made the duty of the township committee of said township yearly and every year hereafter, until the aforesaid certificates are fully redeemed and paid, to provide for the payment of one-fifth part of the gross amount thereof, with interest on so much as shall from time to time remain unpaid, by notifying the assessor of said township for the then current year of the amount to be paid that year, and directing the same to be assessed and collected with the other taxes of said township; and such assessor shall thereupon, on receiving such notice and direction from the said township committee, or a majority of them, assess the amount mentioned in said notice upon the taxable property of said township, in addition to the other taxes of said township; and the township collector of said township is hereby directed to collect said tax and to pay the amount thereof out of any township funds in his hands to the township committee on or before the thirty-first day of December of each year, to be used by said committee for the express and specific purpose of redeeming said certificates. One-fifth part, with interest, to be paid yearly.

3. *And be it enacted*, That the said tax shall be assessed and collected at the same time, for the like fees and under the same penalties that the other taxes of said township are assessed and collected. Mode.

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

Approved February 26, 1864.

CHAPTER LXXVI.

An Act to confirm a deed of conveyance made by the "Vincentown Incorporated School District Number Eight" to the "Vincentown Branch of the Burlington County Railroad Company."

WHEREAS, the "Vincentown Incorporated School District Preamble.

Number Eight" did by their certain deed of conveyance duly executed under the hands and seals of George Egley, William M. Allen and Stacy B. Eayre, trustees of said incorporated school district, bearing date the thirty-first day of October, in the year of our Lord one thousand eight hundred and sixty-three, grant, bargain, sell, alien, enfeoff, release, convey and confirm unto the said, the "Vincentown Branch of the Burlington County Railroad Company," their successors and assigns, "all that certain lot of land and premises, situate on westerly side of the road leading from Vincentown to Columbus, in the township of Southampton, in the County of Burlington, and thus bounded and described, viz: beginning at a stone in or near the middle of the aforesaid road, and corner to land of now or recently John Butterworth, and runs thence along said road (first) south, twenty-seven degrees and fifteen minutes west, two chains and twenty-seven links, to a stake or stone in said road corner to said Butterworth, thence along his line (second) north, seventy-eight degrees west, three chains and sixty links, to a stake or stone in said Butterworth's line, thence (third) north, thirty degrees and thirty minutes east, three chains and twenty links, to a stake or stone in said Butterworth's line, thence along his line (fourth) south, sixty-two degrees and forty-five minutes east, two chains and eighty-five links, to the place of beginning, containing eighty-two hundredths of an acre of land, be the same more or less; and whereas, as to the validity of said deed, and of the right and power of the said "Vincentown Incorporated School District Number Eight" so to make conveyance of the said lot of land and real estate; for remedy whereof,

Confirmation of deed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said deed of conveyance be, and the same is hereby in all things confirmed as valid and effectual in law, and shall be deemed and taken to convey to and vest in said, the "Vincentown Branch of the Burlington County Railroad Company," and their successors and assigns, an estate of inheritance in fee simple, of in and to the said lot of land and premises, forever, and that the said deed of conveyance, or the record thereof, shall be received in all courts of law and equity, as full and complete evidence thereof.

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

Approved February 26, 1864.

CHAPTER LXXVII.

An Act for the relief of Union School District Number Two, in Deerfield township, Cumberland county.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for Union school district number two, in Deerfield township, Cumberland county, to raise money for the purpose of building a new school house in said district, whenever a majority of the legal voters comprising said district shall at a public meeting lawfully called for that purpose so determine. May raise money.

2. *And be it enacted*, That all acts or parts of acts inconsistent with the above act, shall be repealed, so far as union school district number two, in Deerfield township, Cumberland county, is concerned. Repealer.

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

Approved February 26, 1864.

CHAPTER LXXVIII.

A Supplement to the act entitled "An act to extend the charter of the Orange Bank, in the county of Essex," approved March nineteenth, eighteen hundred and forty-five.

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 Orange Bank," passed February twenty-sixth, eighteen hundred and twenty-eight, with the supplement thereto, which was passed March second, eighteen hundred and thirty-six, and the said act entitled "An act to extend the charter of the Orange Bank, in the county of Essex," which was approved March nineteenth, eighteen hundred and forty-five, be and the same are hereby continued and extended for and during the term of twenty years from Charter extended.

and after the time limited by the said acts for their continuance.

Stock may be reduced.

2. *And be it enacted*, That the directors of said bank are hereby authorized, by the vote of a majority of their whole number, to reduce the capital stock of the said bank to two hundred thousand dollars, either by reducing the par value of the shares into which said capital is divided, or by cancelling a sufficient number of the shares owned and taken, or to be owned and taken, by said bank in the satisfaction of debts due to said bank, or in such other manner as to said directors or a majority of them may seem most for the interest of the shareholders, and that the said directors, or a majority of them, are also authorized, in their discretion, and in the manner aforesaid, to consolidate the "new stock" (so called) of said bank, so that the said new stock, which is now only partially paid up, shall become full stock, like the original capital; and that the said capital stock of two hundred thousand dollars, when so reduced and consolidated, shall and may be held and transferred, and be entitled to the same privileges and benefits, and be subject to the same rules and provisions in every particular, as the original capital; and that the said reduction and consolidation shall not be legally perfected and established until a copy of the resolution or resolutions of the directors to that effect, signed by the president and cashier, and sealed with the common seal of said bank, shall be delivered to the secretary of this state, to be by him filed in his office; *provided*, that nothing in this act contained shall in any way hinder or prevent the increase of the capital stock of said bank to three hundred thousand dollars, whenever it shall be deemed expedient, in the manner already provided by the several acts above named.

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Number of votes.

3. *And be it enacted*, That in any meetings or elections of the stockholders to be hereafter held, each stockholder shall be entitled in person or by proxy to one vote for every share of stock owned or held by him or her thirty days prior to such election or meeting.

Distribution in case of insolvency.

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

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

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

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

stock so held by them, and it shall not be lawful for any such stockholder to assign or otherwise transfer his stock or other property to avoid such liability.

Mode of legal proceeding.

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

Proviso.

Repealer.

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

Approved February 26, 1864.

CHAPTER LXXIX.

A Supplement to the act entitled "An act to incorporate the New Jersey Insurance Company," passed February seventeenth, eighteen hundred and thirty-four.

Insurers may participate in profits.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all persons who may insure with the said "The New Jersey Insurance Company," may participate in its profits upon such terms and conditions, and in such manner, as the directors, by their by-laws shall fix and determine; but insurances may still continue to be taken without the parties participating in the profits of the company if desired by the insured.

Number of directors.

2. *And be it enacted*, That the said company, by its by-laws, may designate the number of directors of said company;

Proviso.

provided, that the number shall not be less than thirteen, at least ten of whom, together with the president, shall be residents of this state.

Investment and loans.

3. *And be it enacted*, That public notice of the annual election for directors of said company shall be given in at least one daily paper published in the city of Newark, for

two weeks previous to such election; the said company may invest any part of their capital stock, funds or moneys in the bonds or securities issued by any of the counties or cities of this state, or of either of the eastern states, or of the states of New York, Pennsylvania or Ohio; and also may make temporary loans upon personal securities, with pledges of collateral securities, at least equal in value to the sum loaned, to an amount not exceeding at any time fifty per centum of the whole amount of the assets and securities of the said corporation.

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

Approved February 26, 1864.

CHAPTER LXXX.

A Supplement to an act entitled "An act incorporating the inhabitants of townships, designating their powers and regulating their meetings," approved April fourteenth, eighteen hundred and forty-six.

Time of town meeting changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time of holding the town meeting in the township of South Brunswick, in the county of Middlesex, shall be changed from the second Monday in April to the second Monday in March annually.

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

Approved February 26, 1864.

CHAPTER LXXXI.

A Further Supplement to an act entitled "An act authorizing the appointment of Commissioners to lay out and map streets, avenues and squares in that part of Bergen Township, South of the Morris Canal, in Hudson county," approved March sixteenth, eighteen hundred and fifty-seven.

Regulating the laying out of certain streets.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all roads, streets, or highways laid out or to be laid out between and parallel to the streets laid down and named Forty-fifth street and Fiftieth street, on the map of Bergen township, south of the Morris Canal, made and filed by virtue of the act to which this is a supplement, shall be laid out and opened only in the form and manner prescribed by law, before the passage of the act to which this is a supplement, and that said act and all proceedings had under the same so far as relate to said streets between and parallel to Forty-fifth and Fiftieth streets, be and the same hereby is repealed and declared null and void.

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

Approved February 26, 1864.

CHAPTER LXXXII.

A Further Supplement to an act entitled "An act respecting Coroners," approved April seventeenth, eighteen hundred and forty-six.

Extension of provisions.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the second, third, fourth, fifth and sixth sections of the supplement to an act respecting coroners, approved March eighth, eighteen hundred and sixty-one, be and the same are hereby extended and made applicable and in force in and to the county of Union.

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

Approved February 26, 1864.

CHAPTER LXXXIII.

A Further Supplement to the act entitled "An act to incorporate the City of Camden," approved March fifth, one thousand eight hundred and fifty.

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 may from time to time borrow so much money as they may deem necessary and proper, in the corporate name of the said city, for all purposes for which they are now by law authorized to raise money by tax or otherwise, and to secure the payment thereof by bonds, notes or other instruments of writing, under the common seal of said city and the signature of the mayor, and to provide by tax for the payment thereof; *provided*, that no law shall be made without the concurrence of at least a majority of all the members of the said city council, and that the said city shall not owe more than the sum of one hundred and fifty thousand dollars at any one time. May borrow money. Proviso.

2. *And be it enacted*, That the overseers of the poor and the justices of the peace of the city of Camden shall receive the sum of twenty-five cents each, for each and every order of relief issued and granted by them in the said city of Camden, and no more. Fees.

3. *And be it enacted*, That the city council of the said city shall have power, when they think it necessary, to build, establish, keep and maintain any work-house or alms-house, or work-houses or alms-houses, for the relief of the poor of said city, and to regulate the same by ordinance; they shall have the government and direction of all moneys raised by their order for the relief of the poor; and they may by ordinance prescribe and define such duties to be performed by them, in addition to and not inconsistent with the duties now May erect work or alms houses.

prescribed by law, as they may from time to time think proper and necessary.

May divide wards into election districts.

4. *And be it enacted*, That it shall be lawful for the city council of the said city of Camden and they are hereby empowered, whenever they shall think it proper for the convenience of the voters of any of the wards of the said city, to divide, by ordinance, such ward into two election districts of convenient size, fixing and defining, in the ordinance making such division the boundaries of or division line between the districts of the ward so divided, in a clear and unmistakable manner.

How to proceed.

5. *And be it enacted*, That when any ward of the said city shall be divided into election districts, they shall be designated respectively as election district number one and election district number two, of the said ward; and the city council shall cause public notice of such division, containing the boundaries or division lines of such districts and their respective designations, to be put up in at least five public places in the ward so divided, and published in all the newspapers published in the city for four weeks after such notices are put up, at least once in each week; the said city council shall fix the place of voting in each election district, and give notice thereof in the same manner as the place of voting in the several wards are now fixed and given notice of; and the qualified voters of each election district constituted under this law shall vote only at the place of voting in such districts; *provided however*, that until the notice hereinbefore mentioned and provided for, of the division of any ward, containing the boundaries or division lines of the districts, and their respective designations is given, and the time of notice expired, all elections in said ward shall be held in the same manner and at the same place as if the said ward had not been divided into election districts.

Proviso.

Powers of judges and inspectors.

6. *And be it enacted*, That when any ward shall be divided into election districts as aforesaid, the ward clerk, judge and inspectors of election of said ward shall, respectively, until after the then next annual city election is held, and their places filled as hereinafter provided, be, and act as, the district clerk, judge of election, and inspector of election of district number one, constituted by such division of said ward, and such judge of election and inspectors of election shall constitute the board of election in such district and shall hold all elections therein, and the city council of said city shall, at their next meeting after such division, appoint in the same

manner as the city clerk is now appointed, from the voters of election district number two, constituted by such division, one district clerk, one judge of election, and two inspectors of election, who shall, respectively, until after the then next annual city election is held and their places filled as hereinafter provided, be and act as the district clerk, judge of election and inspectors of election of said district number two, and said judge and inspectors of election shall constitute the board of election in such district, and shall hold all elections therein; and at the next annual city election held after the division of said ward and notice thereof as aforesaid, and at each succeeding annual election, there shall be elected by ballot in each election district, so constituted by the city council, from among the voters resident in such district, one district clerk, and also one judge of election, and two inspectors of election, to hold their offices for one year; and the said judge and inspectors of election shall constitute the board of election in such district, and shall hold all elections therein; and the said clerk, judge and inspectors of such election districts, whether elected at the annual election or by the city council of said city, or already elected as ward officers and acting as district officers by virtue of this law, or elected or appointed to fill a vacancy as hereinafter provided, shall, respectively, take like oaths and affirmations, and possess the same powers and perform the same duties in conducting all voting and elections in their respective election districts, and in all things relating thereto, as are now respectively taken, possessed and performed by the ward clerk, judge of election and inspectors of election in the several wards of the said city, and their returns and certificates shall be made, certified and received in the same manner and with the same effect, in relation to the voting and elections in such districts, as the returns and certificates of the ward election officers were made, certified and received in relation to the voting and elections in said ward before it was divided into election districts; and in case of a vacancy in any of the said district offices by death, resignation, failure to appoint by the city council or otherwise, such vacancy shall be filled in the same manner as is now provided by law to fill vacancies of ward election officers of like position; and the existing provisions in relation to public elections and the officers thereof of the act to which this is a supplement, and the supplements thereto, so far as they are consistent with the provisions of this act, and the provisions of the election laws of the state so far as

Vacancies, how filled.

they are consistent with the provisions of the act to which this is a supplement and the supplements thereto, and the provisions of this act shall and as far as possible, in all matters not herein specially provided for, shall be held to apply to the election districts and officers constituted and appointed under this act.

Repealer.

7. *And be it enacted*, That so much and such parts of the act to which this is a supplement as is inconsistent with the provisions of this act be and the same are hereby repealed; and that all other acts and parts of acts inconsistent with the provisions of this act be and shall be held to be inapplicable to and inoperative in the said the city of Camden.

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

Approved February 26, 1864.

CHAPTER LXXXIV.

An Act to incorporate the West Jersey Hotel Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Wilmon W. Ware, Lemuel Leaming, Jonathan F. Leaming, Richard D. Edmunds, John West and Waters B. Miller, 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 West Jersey Hotel Company," and by that name shall have power to lease or to purchase and hold real estate in the county of Cape May, in this state, and to erect thereon a hotel and other buildings and improvements for the accommodation of strangers and visitors at the said county, and to transact all such business as may be incident or appertaining to the erecting, furnishing, conducting, or otherwise disposing of said buildings and improvements for the purposes aforesaid.

Amount of capital stock.

2. *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 hereafter as aforesaid, whenever a majority of the directors of said cor-

poration shall so determine, to any sum not exceeding two hundred and fifty thousand dollars.

Stock transferable.

3. *And be it enacted*, That the capital stock of said corporation 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 the said capital stock shall entitle the bona fide owner thereof to one vote at all the meetings of the stockholders.

Stock not to be withdrawn

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

Five directors

5. *And be it enacted*, That the directors shall be elected from among the stockholders, in such manner as the by-laws of said corporation shall prescribe, and shall not be less than five in number, and shall, with all other officers of said corporation, hold their offices until others are elected and duly qualified in their stead.

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 report

7. *And be it enacted*, That annually, in the month of October, 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 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.

Limitation.

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

Approved March 3, 1864.

CHAPTER LXXXV.

An Act to provide for raising moneys paid for bounties in certain townships in the county of Sussex.

Township liable for bounty money.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the several townships in the county of Sussex shall be held and deemed to be liable in their several corporate capacities for all the moneys respectively raised and paid, or which may be raised and paid, for bounties to volunteers credited or to be credited, to the said townships respectively, under the calls for volunteers from this state, made by the governor in July last, and in October last, together with the interest and expenses thereon; and that any and every person or persons, or corporation, that have loaned or advanced, or may loan or advance, money for the payment of such bounties, or any of them, may have an action of debt to recover such money, with interest, from the inhabitants, in their corporate capacity, of such township, as has received or may receive the credit for the volunteers to whom the said bounties were paid, for which the said money was loaned or advanced, or may be loaned or advanced;

Proviso.

provided, the amount for which they shall be liable, or which may be recovered, shall not exceed the amount voted or ordered to be paid by the inhabitants assembled for that purpose in the respective townships, or determined upon by the township committee or a majority of them, with the interest and expenses thereon.

May raise by taxation.

2. *And be it enacted*, That it shall be lawful, and it is hereby made the duty of the inhabitants of the said several townships to levy and raise by taxation, in the manner other township taxes are by law levied and raised, the moneys respectively paid, or which may be paid, for bounties to volunteers credited, or to be credited to the said townships respectively under the said calls, with the interest and expenses thereon, to the extent for which they are made liable by the first section of this act; and the assessors and collectors of the said several townships, with the other proper officers, are hereby enjoined and required to proceed in the assessment and collection of the same, within the time and in the manner and subject to the obligations prescribed by law for the assessment and collection of other township taxes,

and when collected the same shall be paid to the person or persons or corporation entitled thereto; *provided*, that in the townships of Wallpack and Sandyston respectively, in levying and assessing the moneys by this act authorized to be raised therein, it shall be lawful to assess a poll tax of ten dollars upon every male inhabitant therein of the age of twenty-one years and over, by the existing law subject to poll tax; and in the other said townships respectively, a poll tax of five dollars on each single man, and three dollars on each married man, of the age of twenty-one years and over, by the existing laws subject to a poll tax. Proviso.

3. *And be it enacted*, That it shall and may be lawful for the inhabitants of any or either of the said townships, if they so choose to determine at their next annual township meeting, whether they will raise the amount required to be raised by them respectively, or any part thereof, and what part by loan upon their obligations, and when and where payable, and at what rate of interest not exceeding seven per centum per annum; and for the amount so determined to be raised by loan it shall be lawful to issue obligations in the corporate name of the township wherein the determination is made, payable at the time and place and rate of interest so determined upon, to be signed by the township collector and countersigned by the town clerk, and to be drawn payable to such order, or to the bearer, as the town committee, or a majority of them may direct; and it shall be the duty of the town clerk to number and register the said obligations; and the town committee, or a majority of them, shall negotiate and dispose of the said obligations, at not less than their par value, in satisfaction of the moneys required to be raised as aforesaid; and it shall be lawful to levy and raise money from time to time, by taxation, in the said townships respectively, to pay the interest upon the said obligations, and for the payment and redemption of the same. May elect how to raise money.

4. *And be it enacted*, That in case the amount determined to be raised by loan as in the last preceding section provided, shall not be raised and paid by the first day of September next, then the same shall be raised by taxation, as provided for in the second section of this act. To be raised in certain time.

5. *And be it enacted*, That it shall be lawful in the township of Wantage, in the said county of Sussex, to levy and raise by taxation, the sum of eight hundred dollars, in addition to the other moneys by this act authorized to be raised, to pay certain moneys advanced to said township, to pay bounties to Township of Wantage to raise money.

volunteers from said township, in the year eighteen hundred and sixty-two.

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

Approved March 3, 1864.

CHAPTER LXXXVI.

An Act to authorize the Mayor and Common Council of the city of Hudson to borrow a sum of money not exceeding in the whole the sum of twenty-four thousand two hundred dollars, and to legalize certain bonds already issued.

May issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in order to secure the payment of moneys already advanced for bounties to volunteers in the military service of the United States, it shall be lawful for the mayor and common council of the city of Hudson to issue bonds under their corporate seal and the signature of the mayor of said city for an amount not exceeding twenty-four thousand two hundred dollars, to be designated and known as "Volunteer Bounty Bonds," bearing interest payable half yearly at a rate not exceeding seven per centum per annum, with coupons attached, and payable at such time or times as may be agreed upon by the common council, not exceeding twenty years from the date thereof, which bonds it shall be lawful for the said mayor and common council to sell at public or private sale, as the proceeds of the same may be needed.

Former loans legalized.

2. *And be it enacted*, That the bonds already issued by the mayor and common council of the city of Hudson for the purpose of procuring money to pay bounties to volunteers in the military service of the United States, amounting in the whole to the sum of twenty-three thousand dollars, are hereby declared legal and valid; *provided*, that none of the bonds by this act authorized or legalized shall be exempt from taxation.

Proviso.

To provide for payment by taxation.

3. *And be it enacted*, That the mayor and common council of the city of Hudson shall have power to provide by tax for the payment of said bonds and the interest thereon, and that

none of the restrictions, limitations or conditions contained in the thirty-third section of the act entitled "An Act to incorporate the city of Hudson," approved April eleventh, eighteen hundred and fifty-five, shall be held to affect in anywise this act, but this act shall be and remain effectual, to all intents and purposes, as if the said section had not been enacted.

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

Approved March 3, 1864.

CHAPTER LXXXVII.

An Act to encourage volunteering, and to authorize the inhabitants of the township of Franklin, in the county of Somerset, to raise by tax an amount necessary to pay bounties to volunteers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the assessor of said township for the year one thousand eight hundred and sixty-four to assess on the taxable property of said township at the same time and in the same manner as other taxes for state and county purposes are assessed, such sums of money as a majority of the town committee may direct, not exceeding twenty-seven thousand dollars for bounties paid to volunteers, with the interest and expenses incurred, and it shall be the duty of the collector of the said township to collect said taxes at the same time and in the same manner as other taxes are collected. May raise money by tax.

2. *And be it enacted*, That in order to fill any quota or quotas which may hereafter be apportioned to said township by the adjutant-general of the state of New Jersey, it shall and may be lawful for the inhabitants of the said township, at their annual town meetings or at any special township meeting lawfully called for that purpose, to direct their township committee to offer and pay to each man of said quota or quotas when mustered into the service of the United States a sum not exceeding four hundred dollars, and to borrow money to pay the same with interest and expenses incurred, May pay each man $400.

giving a note or notes, bond or bonds for the payment of the same when borrowed, and to renew the same when necessary, and to authorize the township assessor of said township to assess, and the township collector to collect the same for the purpose of paying said notes or bonds, with the interest and expenses, when so authorized by the township committee; *provided*, that no more than fifteen thousand dollars thereof shall be assessed and collected in any one year, unless so ordered by a majority of the voters voting at the annual or at a special town meeting.

Proviso.

Limitation.

3. *And be it enacted*, That this act shall take effect immediately upon the passage thereof, and shall be in full force and effect for three years and no longer.

Approved March 3, 1864.

CHAPTER LXXXVIII.

An Act to authorize the inhabitants of the township of Deerfield, in the county of Cumberland, to raise money by taxation.

Authorized to raise $6,000.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the inhabitants of the township of Deerfield, in the county of Cumberland, to raise, by assessment on the taxable property of said township, at their next annual or special town meeting, in the same manner that other taxes are assessed and collected, a sum of money not exceeding six thousand dollars, to be paid by the collector of said township into the hands of the township committee of said township, to be by them appropriated to paying off and discharging the indebtedness incurred by said township, in filling her quota of volunteers for three years, or during the war, under the two calls of June twenty-fifth, and October twenty-second, eighteen hundred and sixty-three, from the Governor of the State of New Jersey.

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

Approved March 3, 1864.

CHAPTER LXXXIX.

An Act to authorize the inhabitants of the road districts in the township of Upper Freehold, in the county of Monmouth, to elect their overseers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the several road districts in the township of Upper Freehold, in the county of Monmouth, shall elect their respective overseer or overseers of the road, voting viva voce on the Saturday following the annual town meeting in said township, at two o'clock in the afternoon of said day, at places in each road district to be designated by the town clerk of said township, by notice in writing set up at the place where said annual town meeting is held, by ten o'clock in the forenoon of the day of such annual town meeting. Districts may elect overseers.

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

Approved March 3, 1864.

CHAPTER XC.

An Act to incorporate the German Turnverein of Jersey City.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Louis Green, William Landmesser, George Beck, Charles F. Zehau, Henry Woitowsky, Moritz Schiebold, R. H. Hirtzel and such other persons as now are or hereafter shall become members of the German Turnverein of Jersey City, are hereby constituted a body corporate by the name aforesaid. Names of corporators.

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

3. *And be it enacted*, That said corporation shall have Powers and regulations.

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

May hold real estate.

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

Restrictions.

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

Approved March 3, 1864.

CHAPTER XCI.

A Supplement to the act entitled "An act to authorize the Board of Chosen Freeholders of the County of Hudson, to issue bonds to fund the floating debt of the said county and to raise money for other purposes for which they are required to raise or pay money," approved February eleventh, eighteen hundred and sixty-three.

Freeholders may issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of chosen freeholders of the county of Hudson are authorized to issue bonds to an amount not exceeding one hundred thousand dollars, in addition to the amount of bonds authorized by the said act to which this is a supplement.

Regulations.

2. *And be it enacted*, That such additional bonds shall be issued in conformity with the requirements and provisions of the said act, to which this is a supplement, except as modified and altered by this act, shall have the same legal force and effect, and be in like manner operative and binding as the bonds authorized to be issued by the said act.

When due.

3. *And be it enacted*, That the said bonds authorized to be issued by this supplement can be made payable from twenty to forty years after the issuing or date thereof, in such manner that an amount of five thousand dollars of said bonds will fall due in twenty years after the issuing or date thereof,

and five thousand dollars of said bonds will fall due in each successive year after the lapse of twenty years, so that in forty years after the date or issue of the said bonds the whole amount of said bonds of one hundred thousand dollars will fall due; five thousand dollars of said bonds falling due each year after the lapse of the first twenty years.

Payment of interest and principal by taxation.

4. *And be it enacted*, That in order to provide for the payment of the interest of the said bonds as the same shall become due and payable, there shall be raised by tax, at the same time and in the same manner as the county taxes shall be raised, a sum sufficient for that purpose; and in order to provide for the payment of the principal, five thousand dollars shall be raised by taxation in manner aforesaid, when the first amount of five thousand dollars of said bonds shall fall due, and shall be applied to the payment of the principal of said bonds so falling due, and as each five thousand dollars of the said bonds shall fall due the sum of five thousand dollars shall be raised by taxation and be applied to the payment of the principal of said bonds so falling due, until the whole amount of the said bonds shall be paid.

Public stock.

5. *And be it enacted*, That said bonds shall be deemed and taken to be public stock created under the laws of this state, and can be deposited with the treasurer of this state, under and subject to the provisions of the act entitled "An act to authorize the business of banking," approved February twenty-seventh, eighteen hundred and fifty, and the supplements thereto.

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

Approved March 3, 1864.

CHAPTER XCII.

Supplement to the act entitled "An act to incorporate the borough of Hightstown," approved March fifth, eighteen hundred and fifty-three.

Annual election changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the annual election for mayor

and common council in said borough of Hightstown shall be changed from the second Tuesday of March to the first Monday in April, and that the election for one mayor, six councilmen, one borough clerk, one treasurer, one marshal, one assessor and one collector, shall hereafter be annually held in said borough on the first Monday in April, and that said election shall be conducted in all other respects as is provided by the fourth section of the act incorporating said borough.

Repealer.

2. *And be it enacted*, That so much of the nineteenth section of said act of incorporation as gives the common council of said borough the sole and exclusive right and power of licensing and assessing every inn-keeper and tavern-keeper residing within said borough is hereby repealed.

Who to grant license.

3. *And be it enacted*, That any person residing in the borough of Hightstown, desirous of keeping an inn or tavern in said borough may make application to the inferior court of common pleas of the county of Mercer for a license to keep an inn or tavern in said borough, and the said court of common pleas are hereby authorized and empowered to grant such person or persons such license, subject to all the provisions and penalties of the act entitled "An act concerning inns and taverns," approved April seventeenth, eighteen hundred and forty-six, and all the supplements thereto.

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

Approved March 3, 1864.

CHAPTER XCIII.

An Act to authorize the inhabitants of the townships of Washington and Mansfield, in the county of Warren, to raise by taxation the amount of money paid by the township committees of the said townships to procure volunteers, and the incidental expenses incurred by the said township committees respecting the same.

Townships liable for bounty fund.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the said townships of Washington and Mansfield, in the county of Warren, shall be held and deemed to be liable in their several

corporate capacities for all the moneys expended by the township committees of said townships respectively, in paying bounties to volunteers credited to said townships, and the incidental expenses incurred by them in reference to the same, under the calls for volunteers from this state.

Duty of township committees.

2. *And be it enacted*, That it shall be the duty of the township committees, or a majority of each of them, of the said townships of Washington and Mansfield, immediately after the passage and approval of this act, to deliver to each of the assessors of said townships respectively a statement of the amount of money by each of the said township committees respectively paid to volunteers credited to said townships respectively, under said calls, and by them respectively expended in procuring the same.

When assessed and collected.

3. *And be it enacted*, That the assessors of the said townships of Washington and Mansfield shall, immediately after the passage and approval of this act and after receiving from said committees respectively such statements as aforesaid, proceed to assess and levy the amount of money so stated and expended by the said township committees respectively in paying bounties to volunteers credited to the respective townships as aforesaid, and the expenses and liabilities by them respectively incurred as aforesaid in reference thereto; first by a poll tax of one dollar upon every white male inhabitant of each of said townships of the age of twenty-one years and upwards, and the balance of the sums so expended as aforesaid upon and against the personal property of the taxable inhabitants of each of said townships, and the real estate situate in each of said townships respectively, according to the valuation thereof at the last annual assessments respectively, and shall, within ten days after the passage and approval of this act, deliver such assessment, or a duplicate thereof, to the collectors of the said townships respectively, and the said collectors shall, within five days after receiving such assessment, or duplicates thereof, give notice in writing, by putting up the same in four of the most public places in each of the said townships, that if any of the persons against whom such assessments are made shall neglect or refuse to pay the taxes assessed against him, her or them, for the space of ten days from and after date of such notice, they will be regarded as delinquents and be proceeded against accordingly; and the said collectors shall, within ten days after they shall respectively receive such assessments, or duplicates thereof, as aforesaid, give notice to each taxable inhabitant

of the said townships respectively of the amount of tax assessed against him, her or them, by written or printed notices, served personally or by leaving the same at his, her or their usual place of abode; and in case any of the persons against whom an assessment shall be made under this act shall neglect or refuse to pay his, her or their tax, within ten days from and after the date of the notice to be given by the said collectors, they shall be deemed delinquents, and the said collectors respectively shall each, within three days after the expiration of the time limited herein for the payment of the said tax, make out a list of such delinquents, with the amount of tax against each of such delinquents, and remaining unpaid, and deliver the same to a justice of the peace within each of said townships respectively; and the justices of the peace to whom such lists of delinquents is delivered as aforesaid shall, within three days after the same shall be so delivered, issue his warrant, in the same manner and form as justices of the peace are now directed and required by law for the collection of taxes due from delinquent taxpayers, and shall deliver the said warrants to the collectors of the said townships respectively, who shall proceed to execute the same, in the same manner that they are now required by law to execute the ordinary tax warrant.

Deficiency to be assessed and collected.

4. *And be it enacted*, That if the amount of money raised by virtue of this act shall not be sufficient to pay the debts, liabilities and expenses incurred for the purposes aforesaid, in both or either of the said townships, it shall and may be lawful to assess, levy and collect such deficiency or deficiencies in the same manner and at the same time as other township taxes are or may be assessed, levied and collected in said townships.

Moneys to be paid over.

5. *And be it enacted*, That all moneys collected and received by each of the said collectors under such assessments and tax warrants shall be paid by them to the respective township committees of the said townships, on demand of each of the chairmen of said committees, to be by them applied for the purposes mentioned in this act.

Fees.

6. *And be it enacted*, That the assessors for making the assessments authorized by this act shall receive two cents for each name on their respective duplicates, and the collectors shall receive five cents each on the respective duplicates for collecting said tax, and the justices of the peace to whom the lists of delinquents shall be delivered shall receive the sum

of three dollars each for the services required of them by this act.

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

Approved March 3, 1864.

CHAPTER XCIV.

An Act to legalize a special town meeting held in the township of Readington, in the county of Hunterdon, on Tuesday, the fifth day of January, eighteen hundred and sixty-four, for the purpose of paying volunteers and drafted men.

Preamble. WHEREAS, the inhabitants of the township of Readington, in the county of Hunterdon, did hold a special town meeting by a resolution of the township committee, due notice being given, on Tuesday, the fifth day of January, eighteen hundred and sixty-four, to authorize the raising of money by taxation for volunteers and drafted men; and whereas, it is necessary that a law should be passed by the legislature to legalize the raising of said money by taxation—therefore,

May raise by tax not exceeding $30,450. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of the township of Readington, in the county of Hunterdon, shall be authorized and required to raise by taxation on the taxable property in said township, and collected in the same manner as other taxes are collected, and at such time as the township committee may order and direct, any sum of money not exceeding thirty thousand four hundred and fifty dollars, or may borrow upon the credit of the township any sum not exceeding the above mentioned sum, to be expended by the township committee, with which to procure volunteers and to pay to every person who shall volunteer, to fill the quota of this township, not exceeding eighty-seven, required by the call of the president, the sum of three hundred and fifty dollars, when the said volunteers shall produce the certificate of an authorized officer that he has been mustered into the United States service; and if, in defect of volunteers, a draft is ordered for the said township, then to pay the sum of two

hundred and seventy-five dollars to each drafted man, when he shall produce his certificate of the examining board of this district that he has been examined and is liable to do military duty.

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

Passed March 3, 1864.

CHAPTER XCV.

A Further Supplement to an act entitled "An act to incorporate the City of Camden," approved March fifth, eighteen hundred and fifty.

Certain city officers to be elected.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at the next annual ward election to be held in the city of Camden, and as often as, and whenever their terms of office shall expire, or vacancies shall occur, there shall be chosen by the electors of said city, from among the citizens residing therein, and entitled to vote at such election, one person to be treasurer of said city, one person who has been admitted to practice as an attorney and counsellor at law in the courts of the state of New Jersey, to be the attorney and solicitor of said city, and one person to be the surveyor of said city, who shall hold their offices respectively, for the the term of two years, and until others shall be chosen and legally qualified in their stead, and the returns of the election of the said officers shall be made out and laid before the city council, and the result ascertained in the same manner in every particular, as is provided in the case of the election of the mayor of said city; and as often as, and whenever hereafter a vacancy or vacancies shall occur in any of said offices, either by a refusal to serve, death, removal, resignation or from any other cause whatever, it shall and may be lawful for the city council of said city to appoint others to fill such vacancy or vacancies until the next annual election after such vacancy or vacancies shall occur; and the person or persons so appointed to fill such vacancy or vacancies shall, during the said term for which he or they shall be appointed, perform the like services, and be entitled to the same com-

pensation, and subject to the like responsibilities and penalties as if elected at the annual election as aforesaid; and if any of the said officers elected at the said annual election, or who shall be appointed to fill any vacancy or vacancies under this act shall not qualify according to law within thirty days after any such election shall be held, or appointment made as aforesaid, the office to which he or they were elected or appointed shall be deemed vacant.

Compensation

2. *And be it enacted*, That the city council shall have power, when assembled, from time to time, to prescribe the duties of the officers aforesaid, and under such regulations, conditions and restrictions as they shall think proper, and shall fix such compensation for their services as the city council shall deem reasonable and proper.

Oaths of officers.

3. *And be it enacted*, That the said officers shall, before they shall take upon themselves the execution of the duties of their offices, respectively take and subscribe the same oath or affirmation as is required and prescribed to be taken by certain other officers of said city, by the twelfth section of the act to which this is a supplement; *provided*, that the treasurer shall be obliged to furnish the same securities as he is now required to do by the provisions of the city charter.

Proviso.

Repealer.

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

Approved March 4, 1864.

CHAPTER XCVI.

An Act to legalize certain acts of the township committee and of the inhabitants of the township of Hillsborough, in the county of Somerset, in raising money for three years' volunteers for the war.

Preamble.

WHEREAS, the inhabitants of the township of Hillsborough, in the county of Somerset, did, on the ninth day of September, one thousand eight hundred and sixty-three, upon due and legal notice given by the township clerk, at the written order of the township committee of said township, did assemble and organize themselves into a town meeting,

and the said meeting then assembled did, by a large majority, vote that the township committee of the said township be authorized to borrow on the credit of the township any sums of money not exceeding the sum of fourteen thousand dollars, and should be authorized to pay to every person, not exceeding forty-seven, who should volunteer and should be mustered into the service of the United States and credited to said township the sum of three hundred dollars each, in order to fill the quota of said township under the then pending call of the president of the United States; and whereas, the quota of said township, to wit., forty-seven, was filled by volunteers duly mustered and credited as aforesaid, and said sums of fourteen thousand dollars expended in payment of such bounties, and said sum of money hath been assessed with other taxes upon the inhabitants and taxable property of said township, and the principal portion thereof collected by the late township collector, now deceased, and doubts having arisen as to the legality of the said doings of the township committee and of the inhabitants of the said township of Hillsborough, and as to whether the late collector of said township was authorized, and whether his successor in office, appointed or to be appointed, is or will be authorized to enforce the payment and collection of such tax so assessed in the same manner as other taxes are enforced—therefore,

Acts legalized

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the acts and doings of the township committee and of the inhabitants of the township of Hillsborough, in the county of Somerset, mentioned in the preamble of this act, to raise fourteen thousand dollars by assessment and collection to pay a bounty of three hundred dollars to each three years' volunteer for the war mustered into service and credited to said township to fill the quota of the township, are valid in all respects and binding upon the inhabitants and taxable property of said township.

Powers of collectors.

2. *And be it enacted*, That the late collector of said township shall be in all courts and places deemed and adjudged to have had, and his successor in office now or hereafter to be appointed hath and shall have, full power and authority to collect the said sum so assessed as aforesaid in the manner now prescribed relative to the collection of taxes, and that no assessment made shall be, for or by reason of anything hereinbefore mentioned, set aside or annulled, and that no

suit or proceeding shall be commenced or prosecuted to set aside any assessment so made as aforesaid.

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

Passed February 23, 1864.

CHAPTER XCVII.

An Act to confirm and legalize the acts of the board of chosen freeholders of the county of Salem, in raising money to pay volunteers, to authorize the issuing of bonds therefor, and to provide for the payment of the same.

Preamble.

WHEREAS, the board of chosen freeholders of the county of Salem did, on the twelfth day of August, eighteen hundred and sixty-three, authorize and direct the borrowing of the sum of seventy-seven thousand four hundred dollars, to pay a suitable bounty to men volunteering into the military service of the United States, under the then impending call of the government, and by that means fill the quota of said county without subjecting its citizens to a draft; and whereas, the said board were afterwards requested by the township committees of the several townships to appropriate a further sum to meet in like manner a subsequent call of the government for troops; and whereas, the said board did, on the fourteenth day of December, eighteen hundred and sixty-three, order a further appropriation of ninety-five thousand seven hundred dollars to be made for that object, and did on that day request the township committees of the several townships and the mayor and common council of the city of Salem to each raise a sufficient sum to pay three hundred dollars to each volunteer required to fill their respective quotas, and loan or advance the same to the county; and whereas, the city of Salem and the townships, in most cases, have so raised and advanced, and the said board of chosen freeholders have, by that and other means, accomplished the object last named, and the moneys so raised as aforesaid, in both cases, having been fairly applied in payment of volunteers as aforesaid; and also to provide for the payment of any expenditures made

under the direction of the committees of the townships of said county in raising the quota of said townships; and whereas, it is desirable and proper that some suitable and equitable mode for the liquidation of the indebtedness so created should be devised, by which payment thereof may be secured and fall equally on all tax payers—therefore,

May issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in order to provide for the payment of the indebtedness set forth in the preamble above, it shall be lawful for the county of Salem to issue bonds in the corporate name and under the corporate seal of said county, to be signed by the director of the board of chosen freeholders of said county, for the time being, attested by the signature of the county collector, for any amount not exceeding one hundred and seventy-three thousand one hundred dollars, in such sum or sums and payable at such time or times as the said board shall deem proper, bearing an interest of six per centum, payable semi-annually; *provided*, that not less than forty nor more than fifty thousand dollars shall be assessed and collected in any one year, and that the property and credit of the county be pledged for the payment of the same.

Proviso.

May provide by taxation for payment of bonds.

2. *And be it enacted*, That the board of chosen freeholders aforesaid shall have power and authority to provide by taxation for the payment of said bonds and the interest thereon, and on said indebtedness, and shall yearly and every year order and cause to be assessed and collected by tax, at the time and in the manner that other taxes in said county are assessed and collected, a sum of money sufficient to pay the interest on said bonds and indebtedness, and also so much of the principal as shall from time to time become due and payable, and the money so raised by this act shall be exclusively applied to the payment of the principal and interest above set forth.

Acts ratified.

3. *And be it enacted*, That the debt and liabilities incurred by said board of chosen freeholders, either to individuals, or to the townships, or to the city of Salem, in consequence of the payment of bounties to volunteers, as set forth in the foregoing preamble, and their action thereon, is hereby ratified, confirmed and legalized.

Regulations.

4. *And be it enacted*, That any additional expenses over and above the sum of three hundred dollars provided for in this act, which have been or may be incurred by the authority of the township committee of any township of said county of

Salem, shall be assessed, levied and collected as any other tax raised for township purposes are by law assessed, levied and collected.

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

Approved March 4, 1864.

CHAPTER XCVIII.

An act to authorize the town of Hackettstown to raise money to pay volunteers.

WHEREAS, the common council of the town of Hackettstown have appropriated the sum of ten thousand dollars for the payment of bounties to volunteers enlisting from said town; and whereas, the said sum of ten thousand dollars was borrowed by the said common council upon the credit of the said town—now therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council of the town of Hackettstown shall be invested with the power to assess upon the persons and property of the taxable inhabitants of the said town, and collect the said sum of ten thousand dollars, and all other sums that may be hereafter appropriated by the said common council for the payment of bounties to volunteers from said town. May assess tax to raise $10,000.

2. *And be it enacted*, That the common council of the said town of Hackettstown have the power to raise the said sum or sums of money by one or more assessments in one or more years, and at such time or times in the year as they may direct. In what time.

3. *And be it enacted*, That for every five thousand dollars to be raised under the provisions of this act, every taxable inhabitant in the said town of Hackettstown shall be assessed a personal tax of five dollars, the residue of every said five thousand dollars to be raised by a pro rata assessment upon all taxable property in the said town of Hackettstown. Poll tax.

4. *And be it enacted*, That in all other respects than those above set forth, the said assessment and collection of said

taxes shall conform to the general tax laws of the state of New Jersey.

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

Approved March 4 1864.

CHAPTER XCIX.

An Act to legalize certain acts of the township of Mullica, in the county of Atlantic, relative to raising money to pay bounty to volunteers, and to provide for the payment of the same.

Preamble. WHEREAS, the inhabitants of the township of Mullica, in the county of Atlantic, did, on the first day of January, Anno Domini eighteen hundred and sixty-four, vote to pay a bounty of two hundred and twenty-five dollars to each person volunteering to fill the quota of said township under the calls of the President of the United States, (the said quota being thirty-four); and whereas, the said inhabitants having no authority, under the laws of the state, to offer said bounty, or borrow money for the payment of the same—therefore,

Township committee may issue bonds. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said township of Mullica be authorized to provide for the payment of said bounties, the sum of seven thousand six hundred and fifty dollars, and the interest thereon, by the issuing of their bonds or township orders, bearing interest at the rate of six per centum per annum, and payable at such times as the township committee of said township may determine; *provided*, that not less than fifteen hundred nor more than twenty-five hundred dollars shall be raised for the purpose of paying said bonds or orders in any one year, including the interest thereon.

Provide by taxation for payment. 2. *And be it enacted*, That the said taxes authorized to be levied and collected by virtue of this act, shall be apportioned and raised in like manner as other taxes are raised in the said township.

Acts ratified. 3. *And be it enacted*, That the acts and doings of the township committee and of the inhabitants of the said town-

ship of Mullica, mentioned in the first section of this act, to raise seven thousand six hundred and fifty dollars and the interest thereon, to pay bounties to volunteers as aforesaid to fill the quota of the said township, are valid in all respects and binding upon the inhabitants and taxable property of said township.

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

Approved March 4, 1864.

CHAPTER C.

An Act to confirm the acts of the Common Council of the town of Belvidere in paying bounties for volunteers and to provide for the raising of the money therefor.

Preamble.

WHEREAS, the common council of the town of Belvidere, in compliance with a resolution adopted at a public town meeting of the citizens of said town, did issue bonds of the said town to the amount of three thousand dollars, to pay bounties for volunteers for the war, to fill the quota of said town.

Acts legalized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the aforesaid acts of the said common council are hereby legalized, and the issue of the said bonds is hereby declared to be legal and valid, in law, against the said town, and that the said common council may issue additional bonds for the purpose of raising and paying bounties to fill up any quotas of said town, now or hereafter to be called for, and may issue new bonds in the place of the first mentioned bonds so as to be the same in due and legal form.

To provide by taxation for payment and interest.

2. *And be it enacted*, That the said common council may provide for the payment of the said bonds hereby authorized or legalized, and of the interest thereon, from time to time, by taxation or otherwise, and that the money necessary to pay the said bonds and interest thereon shall be assessed, levied and collected, at the same time and in the same manner as state and county taxes are assessed, levied and collected, in said town.

Repealer.

3. *And be it enacted*, That so much of the act entitled "An Act to incorporate the town of Belvidere," as limits and restrains the amount of taxes to be assessed and levied in said town, be and the same is hereby repealed, so far as the purposes of this act may require.

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

Approved March 4, 1864.

CHAPTER CI.

An Act to authorize the town of Phillipsburgh and townships of Harmony and Lopatcong, in the county of Warren, to raise money by taxation to liquidate liabilities for the payment of bounties to volunteers.

Preamble.

WHEREAS, the town of Phillipsburgh and townships of Harmony and Lopatcong, in the county of Warren, have incurred liabilities for the payment of bounties to volunteers under the calls made therefor by the governor, in July and October last, on the faith of said town and townships respectively, and request that their action in the premises may be sanctioned and legalized by this legislature.

Acts legalized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any debt or liability incurred, or that may be incurred, under the authority of the common council of said town, the township committees, or inhabitants of said townships respectively, and any bond, note or other security or evidence of indebtedness that has been given, or may hereafter be given, to secure the payment of liabilities incurred, or that may be incurred, for the payment of bounties to volunteers under said calls, and including liabilities for bounties to recruits in lieu of the draft ordered by the President of the United States, to be made on the tenth day of March next, shall be as valid and effectual as if the contracting of such debt or liability, or the making of such bond, note, security or evidence of indebtedness, had been expressly authorized by law prior to the making of such contract or security, or the contracting of such debt or liability.

2. *And be it enacted*, That it shall be lawful to raise by

assessment on the taxable property of said town and townships respectively, at the same time and in the same manner that other taxes are assessed and collected therein, money to pay said debts or liabilities and the interest thereon, in such proportion of said debts and liabilities, from year to year, as the common council of said town and the township committees of said townships respectively may direct, until said debts and liabilities shall be redeemed and paid. Amount to be assessed and raised by taxation.

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

Approved March 4, 1864.

CHAPTER CII.

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

WHEREAS, the inhabitants of the several townships of said county being desirous that the several calls made by the general government for troops to prosecute the existing war should be filled with volunteers rather than with drafted men, did recommend and request that bounties should be offered for that purpose, and that the board of chosen freeholders should pay the same; and whereas it is right and proper that the indebtedness so created should be faithfully and honorably paid; and whereas the indebtedness of said county prior to the payment of said bounties amounted to the sum of about sixty thousand dollars, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the debt and liabilities incurred by "The Board of Chosen Freeholders of the County of Burlington," in consequence of the payment of bounties to volunteers, as mentioned in the preamble hereto, and the action of the said corporation thereupon are hereby declared valid in law, the same as if they had been done by an express act of the legislature for that purpose, and are hereby ratified and confirmed. Acts legalized.

2. *And be it enacted*, That it shall and may be lawful for the said county of Burlington to provide for the payment of County may issue bonds.

the whole of the present indebtedness of said county, by issuing bonds in the corporate name and under the corporate seal of said county, to be signed by the director of said board, and attested by the clerk of the same, for an amount of money not to exceed three hundred 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 six per centum per annum, payable semi-annually, and to pledge the property and credit of the said county for the payment of the same, which bonds it shall be lawful for the board of chosen freeholders to sell and assign; *provided*, that no bond shall be sold by the said corporation for less than its par value; *and provided further*, that the bonds so to be issued shall be redeemable within twenty years from the passing of this act.

Proviso.

May create a sinking fund.

3. *And be it enacted*, That the said "The Board of Chosen Freeholders of the County of Burlington" shall have power and authority to create a sinking fund for the payment of the said bonds and the interest thereon, and to provide by taxation for the same, and shall yearly and every year until the bonds to be issued by the authority thereof shall be redeemed and paid off, order and cause to be assessed and collected by tax, at the time and in the manner that other taxes in the said county are assessed and collected, a sum of money sufficient to pay the interest 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 to be raised by virtue of this act shall be exclusively applied to the payment of the interest and principal of said bonds and indebtedness, as the same may become due and payable; *provided*, that not less than twenty thousand dollars nor more than fifty thousand dollars of the principal of said bonds and indebtedness shall be made redeemable in any one year.

Proviso.

Basis of taxation.

4. *And be it enacted*, That the taxes authorized to be levied and collected by this act shall be apportioned upon the same basis as other county taxes are.

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

Approved March 4, 1864.

CHAPTER CIII.

An Act to authorize the inhabitants of Greenwich township in the county of Cumberland, to raise money.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants composing the township of Greenwich, in the county of Cumberland, are hereby empowered at their next annual town meeting to raise by tax in the same manner as other moneys are raised for township purposes, in such sums as they may think necessary, for the purpose of refunding money advanced by any of said inhabitants as a bounty fund to volunteers, (in lieu of drafted men) ordered by the last three calls of the President of the United States. Authorized to raise by tax to repay bounty fund.

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

Approved March 4, 1864.

CHAPTER CIV.

An Act to authorize "The Board of Chosen Freeholders of the county of Cumberland" to issue bonds for money borrowed to pay bounties to volunteers.

WHEREAS, "The Board of Chosen Freeholders of the County of Cumberland," being desirous that the quotas required of said county, under the two calls of the national government, one of the date of August third, one thousand eight hundred and sixty-three, and the other the date of October seventeenth, one thousand eight hundred and sixty-three, for troops to suppress the existing rebellion, should be filled with volunteers, did order a committee of three members of the said board to borrow, on the faith of the said county, certain sums of money, at different times, for the purpose of paying a bounty to each volunteer required to fill the said two quotas from said county who might be mustered into the service of the United States and credited Preamble.

to said county; and whereas, for the purpose of readily and promptly raising the amount of money necessary for said purposes, it was resolved by the said board of chosen freeholders that the said committee should issue the bonds of the said county of Cumberland for the money thus borrowed; and whereas, the said committee did so borrow certain sums of money and appropriate the same for the payment of such bounties to volunteers, and did issue the bonds of said county in pursuance of said resolution of the board; and whereas, doubts have been suggested whether the said board of chosen freeholders were authorized by law to create said indebtedness—therefore,

County may issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the said "The Board of Chosen Freeholders of the County of Cumberland," to provide for the payment of the said indebtedness by issuing bonds in the corporate name and under the corporate seal of said county, the same to be signed by the director of the said board of chosen freeholders, and attested by their clerk, for an amount of money not to exceed the sum of one hundred and fifty thousand dollars, in such sums and payable at such times as said board shall deem proper, and bearing interest at the rate of six per centum per annum, payable semi-annually, and to pledge the property and credit of the said county for the payment of the same, which said bonds it shall be lawful for the said board of chosen freeholders to sell and assign.

How appropriated.

2. *And be it enacted*, That it shall be the duty of the said board of chosen freeholders to apply the proceeds of the said bonds that may be issued by virtue of this act, to the payment of the debt and liabilities heretofore incurred, or which may be hereafter incurred, in paying bounties to volunteers, as aforesaid.

May provide for payment by taxation.

3. *And be it enacted*, That the "Board of Chosen Freeholders of the County of Cumberland" shall have power and authority to provide by taxation in said county for the payment of the said bonds and indebtedness and the interest thereon, and shall yearly and every year, until the bonds issued and to be issued by authority hereof shall be redeemed and fully paid, order and cause to be assessed and collected by taxes, at the time and in the manner that the taxes in said county are assessed and collected, a sum of money sufficient to pay the interest on the said bonds and indebtedness, as the same shall become due and payable; and to pay and discharge the

principal thereof at the several times it shall become due and payable; and that all such moneys so to be raised by taxes 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.

4. *And be it enacted*, That the loan authorized by this act shall be called the "Volunteer Bounty Loan." Name.

5. *And be it enacted*, That the debt and liabilities incurred by the said "The Board of Chosen Freeholders of the County of Cumberland," in consequence of the payment of bounties to volunteers, as mentioned in the preamble hereto, and the action of the said board thereupon, are hereby ratified and confirmed. Acts ratified.

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

Approved March 4, 1864.

CHAPTER CV.

An Act to legalize certain acts of the township committee, and inhabitants of the townships of Bridgeton and Cohansey, in the county of Cumberland, in raising money for volunteers for the war.

WHEREAS, the inhabitants of the townships of Bridgeton and Cohansey, in the county of Cumberland, upon due notice given, did assemble in public meeting on the twelfth day of December, Anno Domini eighteen hundred and sixty-three, and the said meeting thus assembled, did unanimously order and direct the township committees of the said townships to borrow a sufficient sum of money to pay a bounty of one hundred dollars to each volunteer, who should enlist for the war from said townships, and whereas, at a subsequent meeting of said inhabitants, it was resolved that the said township committees should increase the said bounties to such sum as in the discretion of the said township committees, should seem necessary, to fill the quotas of the said townships by volunteering, and whereas, the credit of the said townships was pledged at said meetings, by vote, for the payment of the sums so directed to be Preamble.

raised, and to that end the same was directed to be assessed and collected from the taxable property of said townships; and whereas, the said township committees of the said townships have borrowed divers sums of money, and propose to borrow other sums of money for the payment of volunteers, until the quotas of the said townships are filled, and it is desirable that all of their acts in the premises, done and to be performed, should be legalized; therefore,

Acts legalized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the acts and doings of the said township committees, and the inhabitants of the townships of Bridgeton and Cohansey, in the county of Cumberland, mentioned in the preamble, to raise money by loan, and assessment and collection, to pay bounties to volunteers to fill the quotas apportioned to said townships, are made valid in all respects, and binding upon the inhabitants and taxable property in said townships.

May raise money by tax.

2. *And be it enacted*, That the respective assessors of the said townships of Bridgeton and Cohansey, shall have full power and authority to assess upon the persons and taxable property of the said townships, all sums of money borrowed and expended for the purpose of procuring volunteers as aforesaid, in the ratio to be determined by the township committees of said townships respectively; and the collectors of the said townships shall have full power and authority, to collect the sums so assessed, in the manner now prescribed by the acts relative to the collection of taxes, and shall be liable for neglect of duty, in respect to said tax, as they are by law, for neglect of duty in respect to other taxes.

Poll tax, $10.

3. *And be it enacted*, That in making said assessment, it shall be lawful for the said township committees of the said townships of Bridgeton and Cohansey, to direct a poll tax, not exceeding ten dollars, to be levied upon every white male inhabitant above the age of twenty-one years, resident in said townships.

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

Approved March 4, 1864.

CHAPTER CVI.

An Act to authorize the township committee of the township of Mansfield, in the county of Burlington, to raise money.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of the township of Mansfield, in the county of Burlington, be and they are hereby authorized and empowered to raise or cause to be raised by taxation, at the same time and in the same manner that other taxes are raised, an amount of money equal to the bounty paid, to encourage enlistments of volunteers in said township under the three last calls of the president of the United States for troops, the said amount so raised to be applied exclusively to the liquidation of indebtedness incurred by the payment of said bounties. Township committee may raise bounty money by taxation.

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

Approved March 4, 1864.

CHAPTER CVII.

An Act to authorize the Board of Chosen Freeholders of the county of Union to borrow money, and to issue their bonds therefor.

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 Union to borrow from time to time a sum of money, not to exceed in the whole three hundred thousand dollars, and to issue therefor their coupon bonds, with interest, not exceeding seven per centum per annum, said bonds to be payable at any time not exceeding fifteen years from the date thereof, and shall not be sold or negotiated for a less sum than the par value thereof, which moneys so borrowed shall be expended in paying bounty moneys to volunteers who shall enlist for the present war May issue bonds to raise money.

from the said county of Union, and for other purposes incident to the war, in raising soldiers therefor.

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

Approved March 4, 1864.

CHAPTER CVIII.

An Act to authorize the inhabitants of the township of Union, in the county of Hunterdon, to raise money by issuing bonds.

Preamble. WHEREAS, the inhabitants of the township of Union, in the county of Hunterdon being desirous that the call of the government for troops to be supplied by said township, to aid in suppressing the present rebellion, should be filled by volunteers rather than by drafted men, and, by resolutions adopted at a public meeting of said inhabitants, recommend and request the township committee to offer and pay bounties for that purpose, and to secure the passage of a law authorizing them to raise money by taxation, so to do—therefore,

Township may issue bonds. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the township committee of the township of Union, in the county of Hunterdon, to provide for the payment of moneys heretofore expended, or hereafter to be expended for the purpose of raising volunteers, by issuing bonds in the name of "the inhabitants of the township of Union, in the county of Hunterdon," under the respective hands and seals of the township committee of said township or any three of them, in such sums and payable at such time or times as the said township committee shall deem proper, bearing interest at a rate not exceeding six per centum per annum, payable annually, and to pledge the property and credit of said township for the payment of the same, which bonds it shall be

Proviso. lawful for said township committee to sell and assign; *provided*, that no bond shall be sold by said township committee for less than its par value; *and provided further*, that all the

bonds so to be issued shall be redeemable at a period of time, not to exceed ten years from the date thereof.

2. *And be it enacted*, That the said township committee shall have power and authority to provide by taxation for the payment of the said bonds and the interest thereon; and the said township committee shall yearly and every year until all the bonds issued by authority hereof shall be redeemed and paid off, order and cause to be assessed and collected by tax, at the time and in the manner other taxes in said township are assessed and collected, a sufficient sum of money to pay the interest on the said bonds as the same shall become due, and to pay and discharge the principal at the several times it shall become due and payable, according to the tenor of the said bonds; and that the township collector of said township, or other persons for that purpose appointed, shall when such tax, or any part thereof, shall be collected, pay the same to the township committee of said township, and that all such moneys so to be raised by virtue of this act, shall be inviolably applied by said township committee to pay the interest and principal of said bonds, as the same shall become due and payable; *provided*, that not less than one thousand dollars nor more than three thousand dollars of the principal of said bonds, to be issued as aforesaid, shall be made redeemable in any one year. To provide for payment by taxation. Proviso.

3. *And be it enacted*, That it shall be the duty of the said township committee to apply the net proceeds of the bonds that may be issued by virtue of this act, to the payment and satisfaction of the liabilities incurred in said township of Union by the said township committee paying bounties to volunteers, and to no other purpose; *provided*, that no moneys shall be paid by said township committee to volunteers under any subsequent call of the government for men, except upon the vote of the majority of the inhabitants of said township, directing them so to do, in special town meeting assembled, after due notice given by the clerk of said township as in other cases of special town meetings, as now provided by law. Appropriation. Proviso.

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

Approved March 4, 1864.

CHAPTER CIX.

An Act to encourage volunteering and to authorize the inhabitants of the township of Branchburgh, in the county of Somerset, to raise by tax an amount necessary to pay bounties to volunteers.

May raise by taxation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the assessor of said township, for the year one thousand eight hundred and sixty-four, to assess on the taxable property of said township, at the same time and in the same manner as other taxes for state and county purposes, such sums of money as a majority of the township committee may direct, not exceeding eight thousand dollars, for bounties paid to volunteers, with the interest and expenses incurred; and it shall be the duty of the collector of said township to collect said taxes at the same time and in the same manner as other taxes are collected in said township.

Pay drafted men $400.

2. *And be it enacted*, That in order to fill the quota or quotas which may hereafter be apportioned to said township by the adjutant-general of the state of New Jersey, it shall and may be lawful for the township committee of said township to offer and pay to each man of said quota or quotas, when mustered into the service of the United States, a sum not exceeding four hundred dollars, and to borrow money to pay the same, with interest and the expenses incurred, and to give a note or notes, bond or bonds for the payment of the same when borrowed, and to renew said bonds or notes when necessary; and to authorize the township assessor of said township to assess, and the collector of said township to collect the same in manner aforesaid, for the purpose of paying said bonds or notes with the interest and expenses; and it shall be the duty of said assessor to assess the same and the collector to collect said assessments when so authorized by the committee; *provided*, that no more than eight thousand dollars thereof shall be assessed in any one year, unless so ordered by a majority of the voters, voting at the annual or at a special town meeting.

Proviso.

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

Approved March 4, 1864.

CHAPTER CX.

An Act to confirm the acts of the Common Council of the town of Lambertville in paying bounties to volunteers, and to provide for the payment of the indebtedness of said town.

WHEREAS, the common council of the town of Lambertville, in compliance with a resolution adopted at a public town meeting of the citizens of said town, resolving to pay a bounty of four hundred dollars for each volunteer for the war to the number of the quotas of said town; and whereas, a large part of which said money has been borrowed by the said common council and the bonds or certificates of indebtedness of the said town issued for said purpose—therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the aforesaid acts of the said common council are hereby legalized and confirmed, and that the issue of the said bonds or certificates of indebtedness is hereby declared to be legal and valid in law against the said town, and that the said common council may issue additional bonds or certificates of indebtedness for the purpose of raising and paying bounties to fill up their present quotas in accordance with the said resolution, and may reissue the first mentioned bonds or certificates of indebtedness, not to exceed twenty-seven thousand two hundred dollars, so as to have the same in due and legal form, and that the said common council may also issue the bonds or certificates of indebtedness of the said town to provide for the floating indebtedness of said town, all of which said bonds or certificates of indebtedness shall be made payable, with interest not to exceed six per centum per annum, at such times, and the principal thereof at such time or times as the said common council may designate, and it shall be lawful for the common council of said town to provide for the payment thereof by tax or otherwise. Acts confirmed.

2. *And be it enacted*, That so much of the act of the charter of incorporation of the said town as provides that all taxes assessed and levied for town purposes, exclusive of schools and purposes of education, shall not in any year exceed three mills on the dollar of the assessed value of the property of the town, be and the same is hereby repealed. Repealer

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

Approved March 4, 1864.

CHAPTER CXI.

An Act to authorize the inhabitants of the township of Wayne, in the county of Passaic, to raise money by issuing bonds.

Preamble. WHEREAS, the inhabitants of the said township, in consequence of the payment of bounties by the township committee thereof, pursuant to the direction of the said inhabitants, for the purpose of filling the last two quotas assigned to said township upon the calls of the government for troops, have become considerably indebted; and whereas, it is necessary that provision be made for the payment of such indebtedness, and that the same should be gradually paid; therefore,

May issue bonds. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the township committee of the township of Wayne, in the county of Passaic, to provide for the payment of the said indebtedness by issuing bonds in the name of "The inhabitants of the township of Wayne, in the county of Passaic," under the respective hands and seals of the said township committee, or any three of them for an amount of money not exceeding nine thousand dollars, in such sum or sums, and payable at such time or times as the said township committee shall deem proper, bearing interest at a rate not exceeding seven per cent. per annum, payable annually, and to pledge the property and credit of the said township for the payment of the same, which bonds it shall be lawful for the said township committee and their successors in office, to sell and assign; Proviso. *provided*, that no bond shall be sold by the said township committee for less than its par value; *and provided further*, that the bonds so to be issued shall be redeemable at a period of time not to exceed twenty years from the passage hereof.

May raise by tax to pay the same. 2. *And be it enacted*, That the township committee of the said township of Wayne shall have power and authority to

provide by taxation for the payment of said bonds and the interest thereon, and that the said township committee shall yearly and every year until the bonds to be issued by the authority hereof shall be redeemed and paid off, order and cause to be assessed and collected by tax, at the time and in the manner that other taxes in the said township are assessed and collected, a sum of money sufficient to pay the interest on the said bonds as the same shall become due and payable, and to pay and discharge the principal at the several times it shall become due and payable; and that the township collector of said township, or other person for that purpose appointed, shall, when such tax or any part thereof shall be collected, pay the same to the township committee of the said township, and all such moneys to be raised by virtue of this act, shall be inviolably applied by said township committee to pay the interest and principal of said bonds as the same shall become due and payable.

How moneys applied.

3. *And be it enacted*, That it shall be the duty of the said township committee to apply the net proceeds of the bonds that may be issued by virtue of this act to the payment and satisfaction of the debts and liabilities incurred in said township by the township committee thereof paying bounties to volunteers as aforesaid.

Acts ratified.

4. *And be it enacted*, That the debts and liabilities incurred in the said township of Wayne, in consequence of the payment of bounties to volunteers, as aforesaid, and the action of the said committee thereupon, are hereby ratified and confirmed.

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

Approved March 4, 1864.

CHAPTER CXII.

An Act to legalize the issuing of bonds by the township of Greenwich, in the county of Warren, and to provide for their payment.

Preamble.

WHEREAS, the township of Greenwich, in the county of Warren, at three special town meetings held in said township,

did authorize the town committee to borrow money, to issue township bonds, and to pay the same to volunteers, under the late calls of the President, and whereas, the said town committee have issued township bonds to the amount of twenty-seven thousand dollars, the money received for said bonds having been paid to the said volunteers—therefore,

May provide by taxation for payment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the issue of said bonds is hereby declared to be legal and valid in law, against the said township, and it shall be lawful for the town committee of the township of Greenwich, in the county of Warren, to raise by tax the amount necessary to pay the principal and interest of said bonds, the said tax to be assessed and collected at the same time, and in the same manner, that the state, county and township taxes are.

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

Approved March 4, 1864.

CHAPTER CXIII.

An Act to legalize certain acts of the township committee, of the assessor, and of the inhabitants of the township of Bernards, in the county of Somerset, in raising money for the three years' volunteers for the war.

Preamble.

WHEREAS, the inhabitants of the township of Bernards, in the county of Somerset, did on the twenty-fourth day of August, one thousand eight hundred and sixty-three, upon eight days' notice given by the township clerk, under the order of the township committee of said township, assemble and organize themselves into a town meeting, and did by a large majority vote that the sum of three hundred dollars should be given by the said township to every man who should enlist into the army of the United States, and be credited to said township on the then pending draft; and whereas the quota of the township being twenty-nine men, was filled by three years' volunteers for the war, duly mustered into service and credited to said township, and

the township committee expended the sum of eight thousand seven hundred dollars in the payment of said bounties, and said last mentioned sum was thereupon assessed with other taxes upon the inhabitants and taxable property of said township, and the principal portion thereof collected by the township collector thereof, and doubts having arisen touching the legality of said assessment and the power and authority of such collector to enforce payment and collection of such bounty money so assessed, in the same manner as the payment of other taxes are enforced—therefore.

Acts ratified.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the acts and doings of the township committee, and of the inhabitants of the township of Bernards, in the county of Somerset, mentioned in the preamble of this act, to raise eight thousand seven hundred dollars by assessment and collection to pay a bounty of three hundred dollars to each three years' volunteer for the war, mustered into service and credited to said township, to fill the quota of the township, are valid in all respects and binding upon the inhabitants and taxable property of said township.

Powers of collector.

2. *And be it enacted*, That the collector of said township shall be in all courts and places deemed and adjudged to have and to have had full power and authority to collect the said sum so assessed as aforesaid, in the manner now prescribed relative to the collection of taxes, and that no assessment made as aforesaid shall be for or by reason of anything before mentioned set aside or annulled.

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

Approved March 4, 1864.

CHAPTER CXIV.

An Act to incorporate the Hudson County Agricultural Society.

Preamble.

WHEREAS, the incorporators hereinafter named have purchased a large tract of land at Seacaucus, in the county of

Hudson, and have at great labor and expense improved the same so as to make it a suitable and convenient place for holding fairs and exhibitions for agricultural purposes, and for the purpose of facilitating their endeavors in that behalf, desire to be incorporated—therefore,

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Denning Duer, William W. Shippen, Daniel McLeod, Henry D. Van Nostrand, John J. Van Nostrand, Richard McMullen, William M. Van Sickel, Charles W. Clickener, John M. Francis and J. Harvey Lyons, and such other person and 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 Agricultural Society," 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.

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 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.

Privileges.

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 six hundred and fifty (650) 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 purposes contemplated by the provisions of the act.

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 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. Taxes. Proviso.

5. *And be it enacted*, That the objects of the said society shall be 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, 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. Fairs and exhibitions may be held.

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 and discreet person or persons, who shall take and subscribe an oath 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 Police regulations.

shall conduct themselves in a disorderly or immoral manner, or disturb or wrongfully interfere with the said fairs or 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 the said corporation hereby created shall be the sum of one hundred thousand dollars, divided into one thousand shares of one hundred 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.

Act may be repealed or amended.

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 March 4, 1864.

CHAPTER CXV.

A Supplement to the act entitled "An act incorporating the inhabitants of townships, designating their powers and regulating their meetings."

Annual statement to be published.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the clerks of the several townships in this state, within sixty days after the town meeting at which they shall have been elected, to make out from the papers and records of the township, a full and complete account of the receipts and expenditures of the township committee during the preceding year, and to cause the same to be published in one or more of the newspapers circulated in said townships; which report shall be verified by the oath of said clerks respectively.

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

Approved March 4, 1864.

CHAPTER CXVI.

A Further Supplement to the act entitled "An act revising and amending an act to incorporate the city of Paterson," approved March fourteenth, one thousand eight hundred and sixty-one.

WHEREAS, The mayor and aldermen of the city of Paterson, in consequence of the payment of bounties, in order that the last two quotas assigned to the said city upon the calls of the government for troops, might be filled with volunteers, have become largely indebted; and which indebtedness will probably be considerably increased by continuing the payment thereof, until the quota last assigned to said city shall be filled; and whereas, it is necessary that provision should be made for the payment of such indebtedness, and that the same should be gradually paid; 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 mayor and aldermen of the city of Paterson to provide for the payment of the said indebtedness and such further indebtedness as may be incurred for the purpose above stated, by issuing bonds under their corporate seal and the signature of the mayor for an amount not exceeding one hundred and thirty-five thousand dollars, in such sums, and payable at such time or times as the said mayor and aldermen shall deem proper, bearing interest at a rate not exceeding seven per centum per annum, payable semi-annually, and with coupons attached, and to pledge the property and credit of said city for the payment of the same; which bonds it shall be lawful for the mayor and aldermen to sell and assign, or to substitute for such indebtedness; *provided*, that no bond shall be sold or so substituted by the said mayor and aldermen for less than par; *and provided further*, that the bonds to be issued by virtue of this act shall be redeemable at a period of time not exceeding thirty years from the passage hereof. May issue bonds. Proviso.

2. *And be it enacted*, That the said mayor and aldermen shall have power and authority to proceed by taxation for the payment of said bonds and the interest thereon, and that they shall yearly and every year, until the bonds so to be issued shall be redeemed and paid off, order and cause to be assessed and collected by tax at the time and in the manner that other And may sell the same.

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taxes of said city are assessed and collected a sum of money, sufficient to pay the interest on the said bonds, as the same shall become due, and to pay and discharge the principal at the several times it shall become due and payable; *provided*, that not less than two thousand dollars, nor more than ten thousand dollars of the principal of said bonds shall be made redeemable in any one year.

Proviso.

Appropriation

3. *And be it enacted*, That it shall be the duty of the said mayor and aldermen to apply the said bonds, or the net proceeds thereof, to the payment and satisfaction of the indebtedness incurred, or to be incurred, as aforesaid, by the payment of bounties to volunteers, and that the payment of the same by the said mayor and aldermen be, and the same is hereby authorized, ratified and confirmed; and that the third and fourth sections of the act entitled "A further supplement to the act entitled an act to incorporate the city of Paterson," approved March nineteenth, eighteen hundred and fifty-one, and which supplement was approved February twelfth, eighteen hundred and fifty-eight, be and the same are, so far as they in anywise affect this act, hereby repealed.

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

Approved March 4, 1864.

CHAPTER CXVII.

An Act to establish a new township in the county of Cumberland, to be called the township of Landis.

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 Millville, in the county of Cumberland, contained within the following bounds, that is to say: beginning at a point in Maurice river, near the mouth of Muddy Run, and being the southeastern corner of Salem county, running thence a southeasterly direction on the same course as the northeastern boundary line of Deerfield township, to a point in the line between Millville and Maurice River townships; thence northeasterly along the said line to a point in the line between the counties of Cumberland and Atlantic, being the northeastern corner of Maurice River township, and eastern corner of Mill-

ville township, thence northwesterly along the boundary line of Millville township to a point in Maurice river, being the northern corner of Millville township, thence southwardly the several courses of said river along the line between Millville township and Salem county to the place of beginning, be, and the same is hereby set off into a new township to be called the township of Landis.

Incorporated.

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

First town meeting.

3. *And be it enacted*, That the inhabitants of the said township of Landis shall hold their first township meeting at the public house in the square of the railroad station of Vineland, in the said township of Landis, on the fourth Tuesday of March next, and afterwards in each year at such place as the inhabitants of said township shall determine.

Township committees to allot and divide moneys.

4. *And be it enacted*, That the township committees of Landis and Millville shall meet on the second Tuesday of April next, at the public house in the square of the Vineland railroad station, at Vineland, at ten o'clock in the forenoon, and may adjourn from time to time, and then and there proceed by writing signed by a majority of those present to allot and divide between the said townships all properties and moneys on hand due or to become due, in proportion to the taxable property and ratables as taxed by the assessors within their respective limits at the last assessment; and the inhabitants of the township of Landis shall be liable to pay their just proportion of the debts as ordered and directed at the last annual town meeting of the township of Millville, and also their proportion of all bounty money raised to pay for volunteers under the last three calls of the President, and if any of the persons comprising either of the township committees should neglect or refuse to meet as aforesaid, those assembled may proceed to make the said division and a decision of a majority of those present shall be final and conclusive.

Rights not impaired.

5. *And be it enacted*, That nothing in this act shall be construed to impair or in any wise affect the rights of the said

township of Landis in and to its just and legal propotion of the surplus revenue of the general government and the interest due or becoming due thereon.

Second assembly district.

6. *And be it enacted*, That the township of Landis shall form part of the second assembly district of the county of Cumberland.

Powers to issue bonds.

7. *And be it enacted*, That in addition to the powers now in them vested, the township committee of the said township of Landis shall have power to issue township bonds payable at any time not exceeding ten years from the date thereof, with interest, for the purpose of raising any sum or sums of money voted or granted by the inhabitants of said township in manner and form and for any of the purposes mentioned in the eleventh section of the act entitled "An act incorporating the inhabitants of townships, designating their powers and regulating their meetings," and the said bonds when signed and sealed by any two of the township committee, and attested by the clerk of the township, shall be binding and effectual against the said township, and a majority of the said committee shall determine whether to raise the said sum or sums of money thus granted by issuing bonds or by taxation.

Other powers.

8. *And be it enacted*, That the said committee shall have power, and they are hereby directed, to designate certain places upon the public highways whereon wood may be deposited for any period not exceeding two months by any of the inhabitants of said township or others; the places thus designated shall be advertised by the clerk of the township by written notices, containing a description of said places, set up in three of the most public places in such township, and if any person unloads or deposits wood or anything else in the public highways at any other place or places than those thus designated, he shall be liable to a penalty of ten dollars and costs, to be recovered by action of debt in any court of record having cognizance of that sum, by the overseer of roads, who shall sue for the same for the benefit of the public roads.

Road districts

9. *And be it enacted*, That the said committee are hereby authorized and required to divide the public roads of said township into convenient and suitable districts, cause the same to be numbered, and a description of the beginning and ending of each to be entered in a suitable book to be provided and kept for that purpose, wherein all matters concerning roads shall be recorded, and that a majority of the said committee are hereby authorized and required to appoint by writing, under their hands and seals, one suitable person in each

district, as overseer of roads, who shall perform the same duties and be liable to the same penalties as if he had been elected by the people; and the overseers of the roads of the said township shall each receive for their services a salary, to be fixed and regulated by order of the township committee; *provided*, it shall not exceed twenty dollars per annum. Proviso.

10. *And be it enacted*, That the making, opening and clearing out of all new public roads, and the repairing of all other public roads, shall be put out annually by contract to the person or persons who will offer to do the same for the least sum. Roads, how to be repaired.

11. *And be it enacted*, That the persons qualified to vote at town meeting shall have full power and authority, at their annual meetings to elect for said township, by a majority of votes, one discreet and suitable person, who shall be denominated the town superintendent of public roads, who shall have authority, and it is hereby rendered his duty to inspect and examine the roads annually in each road district, to ascertain what work is necessary to be done thereon; and it shall also be his duty to put out the making and repairing thereof according to the true intent and meaning of the preceding section of this act, and he shall annually give ten days' notice of the time and place when and where he will receive written proposals from responsible parties for doing the said work, by setting up two written or printed notices in each district, specifying the amount and kind of work to be done, in each district, and he is hereby authorized and required to let and put out the said work to such person or persons as shall offer to do the same for the least sum, and the person or persons so offering, shall be required immediately to sign a written agreement, specifying the amount and kind of work to be done, the price agreed upon, and the time within which the same shall be performed; and at the expiration of the time in the contract mentioned, the overseers of the roads shall examine the same in their respective districts, and within ten days afterwards certify in writing to the superintendent of public roads whether the said work has been well and faithfully executed, according to contract, and when the superintendent is satisfied that the work has been well and properly executed, he shall draw orders on the township collector payable to the parties entitled to receive the same, for the amounts specified in their respective agreements. Superintendent of roads.

12. *And be it enacted*, That the town superintendent of public roads shall make and cause to be read at each annual town meeting a written report, which report shall contain a Annual report

description of the work done upon the roads, who did the work, and the cost of doing the same, and shall then file a copy of the said report with the town clerk, and leave a copy at the post office at Vineland, for public inspection.

Salary. 13. *And be it enacted*, That the town superintendent of public roads shall receive for his services an annual salary, to be fixed and regulated by order of the township committee;

Proviso. *provided*, the same shall not exceed one hundred dollars per annum.

Oath of office. 14. *And be it enacted*, That the town superintendent of public roads and the overseers of roads hereafter elected, or appointed as aforesaid, in and for the township of Landis, shall, before they enter upon the execution of their offices and within six days after notice of such election or appointment, take and subscribe an oath or affirmation before a justice of the peace of the county of Cumberland, to the following or like effect, that is to say; I ——, do solemnly and sincerely promise and swear (or affirm) that I will, in all things to the best of my knowledge and understanding, well, justly and faithfully execute the office of town superintendent of public roads (or overseer of the highways) without favor or partiality.

Roads improved. 15. *And be it enacted*, That the side of the roads in front of all improved lands within said township shall be seeded to grass within two years from the time the same shall be improved, and shall always be kept free and clear from thistles, wild carrots, and all other noxious weeds, and that shade trees shall be planted in front of such improved lands at such distances apart as the township committee shall direct.

Penalty. 16. *And be it enacted*, That if any person owning improved lands as aforesaid, shall refuse or neglect to comply with the requirements in the preceding section of this act, he shall be liable to a penalty of fifty dollars and costs, to be recovered by action of debt in any court of record having cognizance of that sum, by the overseer of the roads in whose district the same may be or by the township committee, and to be applied by said overseer for the improvement of the roads in his district.

Building regulated. 17. *And be it enacted*, That it shall be within the power of the township committee to make it unlawful within certain portions of said township for any person or persons to build a house, barn, or other out house, upon any farm land nearer than seventy-five feet of the side of any public road in said

township, or to build any house, barn, or other out house, nearer than twenty feet of the side of any street or avenue in the town plot of Vineland as recorded in the clerk's office at Bridgeton, under a penalty of two hundred dollars, to be recovered by action of debt with costs in any court of record having cognizance of that sum, by the overseer of the roads in whose district the same may be or by the township committeee, to be applied to the improvement of the roads in said district.

Line fences.

18. *And be it enacted*, That no person or persons within the said township of Landis shall be required to build any line fence or fences, or any part thereof, or to be at the expense of building any such fence or fences, any law, usage or custom, to the contrary notwithstanding.

No beer shops

19. *And be it enacted*, That it shall be unlawful for any person or persons to sell any ale, porter, beer, or other malt liquor, as a beverage within the said township, except it be at a regularly licensed inn or tavern.

Licenses regulated.

20. *And be it enacted*, That it shall be submitted to the people annually at their regular town meetings to decide whether they shall apply for a license to the court for an inn and tavern licensed to sell intoxicating liquors as a beverage in the said township, and that no license shall be granted to any person or persons for that purpose, unless a majority of the votes thus cast shall be in favor of the same.

Cattle impounded for trespass.

21. *And be it enacted*, That it shall be lawful for any person who may reside within the limits of the said township of Landis, to drive or convey to any public pound which may be in the said township aforesaid, any horses, cattle sheep or swine, found running at large in the public highways or elsewhere within the bounds aforesaid and impound the same, and the keeper or keepers of any public pound in said township is and are hereby required and authorized to receive such horses, cattle, sheep or swine; and the party (or the pound-keeper, if the duty be performed by him) shall have twenty cents per head for impounding each horse, head of cattle or swine, and five cents for each sheep; and the pound-keeper shall also have twenty cents per head for every horse, head of cattle or swine, and five cents for every sheep for letting in the pound, and shall have the same fees per head on horses, cattle, sheep and swine, for letting out of the pound, and for feeding and attending, fifteen cents per head, for horses, cattle and swine, and five cents per head for sheep for every twenty-four hours or fractional part thereof

they shall continue in said pound; and if the owner or owners of said horses, cattle, sheep or swine so impounded, shall not pay the charges of impounding and keeping within four days after such beasts shall be impounded and take the same away, it shall then be the duty of the pound-keeper to set up advertisements in five of the most public places in said township, describing such horses, cattle, sheep or swine, and giving at least ten days' notice of an intended day and place of sale; and if the owner or owners of such horses, cattle, sheep or swine, do not appear and redeem the said beasts before the time so notified, the said pound-keeper shall sell the same accordingly to the highest responsible bidder present, and out of the money arising from such sale, shall pay the charges of conveying to the pound and retain in his hands his fees for impounding, keeping and feeding said horses, cattle, sheep or swine, and twenty-five cents for advertizing sale and collecting the money for each horse, cattle or swine, and ten cents for each sheep, and return the overplus to the owner or owners of the beasts if they shall appear to claim the same; and if no owner or owners shall appear and claim such 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 the said township.

Shade trees to be planted.

22. *And be it enacted*, That the township committee shall be authorized and empowered to require shade trees to be planted along the highways at suitable distances apart, before the places of all persons who improve their lands, and in case the same should be neglected, the parties so neglecting shall be liable to a fine of twenty dollars for each offence, to be recovered by the township committee at action of law for the benefit of the highways.

To be approved by vote.

23. *And be it enacted*, That this act shall take effect immediately, *provided*, that this bill shall become null and void unless approved by a vote of two-thirds of the voters present at the first town meeting.

Approved March 7, 1864.

CHAPTER CXVIII.

An Act to authorize the inhabitants of the township of Freehold, in the county of Monmouth, to raise money to pay volunteers.

May raise money by taxation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the inhabitants of the township of Freehold, in the county of Monmouth, to raise at any annual town meeting, or at any special town meeting, called for that purpose, in the same manner as other taxes are raised, a sum of money not to exceed seven thousand five hundred dollars for bounties paid to volunteers mustered into the military service of the United States, from said township, and the said taxes shall be assessed and collected at the same time and in the same manner as other taxes for state and county purposes shall be assessed and collected in said township.

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

Approved March 8, 1864.

CHAPTER CXIX.

A Further Supplement to 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, one thousand eight hundred and sixty.

Judge and clerk eligible to office.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the judge or judges of election, and the clerk of the township, referred to in the second and third sections of the 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, in the year one thousand eight hundred and sixty, shall not be eligible to any office at said election, except that

of judge of election or clerk of the township to which they may be elected.

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

Approved March 8, 1864.

CHAPTER CXX.

An Act to change the name of Carrie Amelia Morrison to Carrie Amelia Barclay.

Preamble. WHEREAS, Carrie Amelia Morrison, of the county of Monmouth, has been adopted by Joseph Barclay, of the same place, and is desirous of having her name changed to Carrie Amelia Barclay, and no reason appearing to the contrary —therefore,

Name changed. 1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That the name of Carrie Amelia Morrison, of the county of Monmouth, be and the same is hereby changed to Carrie Amelia Barclay, and by that name she shall possess and enjoy all the rights, powers and privileges which she would have possessed and enjoyed had she retained her original name of Carrie Amelia Morrison.

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

Approved March 9, 1864.

CHAPTER CXXI.

An Act to legalize a special town meeting held in the township of Bethlehem, in the county of Hunterdon, on Saturday, the twenty-sixth day of December, eighteen hundred and sixty-three, for the purpose of paying volunteers and drafted men.

WHEREAS, The inhabitants of the township of Bethlehem, in the county of Hunterdon, did hold a special town meeting by a resolution of the township committee, due notice being given, on Saturday, the twenty-sixth day of December, in the year one thousand eight hundred and sixty-three, to authorize the raising of money by taxation for volunteers and drafted men; and whereas, it is necessary that a law should be passed by the legislature to legalize the raising of said money by taxation—therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of the township of Bethlehem, in the county of Hunterdon, shall be authorized to raise by taxation on the taxable property in said township, and collect in the same manner as other taxes are collected, and at such time and under such fees as the township committee may order and direct; any sum of money not exceeding twenty thousand three hundred and fifty dollars, or may borrow, upon the credit of the township, any sum not exceeding the above mentioned sum; to be expended by the township committee with which to procure volunteers, and to pay to every person who shall volunteer to fill the quota of this township, not exceeding fifty-five men required by the call of the President, not to exceed the sum of three hundred and seventy dollars for each volunteer mustered in the service of the United States, and if in defect of volunteers a draft is ordered for the said township under the said calls, then to pay the sum of three hundred dollars to each drafted man, when he shall produce his certificate of the examining board of this district, that he has been examined and is liable to do military duty. May raise by taxation not exceeding $20,350.

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

Passed March 10, 1864.

CHAPTER CXXII.

Supplement to an act entitled "An act incorporating the inhabitants of townships, designating their powers and regulating their meetings.

May raise money for volunteers by taxation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the township of Springfield, in the county of Burlington, and they are hereby authorized and empowered to raise or cause to be raised by taxation at the same time and in the same manner that other taxes are raised, an amount of money equal to the bounty paid to encourage enlistments of volunteers in said township under the calls of the President of the United States for troops, the said amount so raised to be applied exclusively to the liquidation of indebtedness incurred by the payment of said bounties.

Acts ratified.

2. *And be it enacted*, That the debt and liabilities incurrred by said township, in consequence of the payment of bounties to volunteers for said township, and the action of said township thereupon are hereby ratified and confirmed.

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

Approved March 10, 1864.

CHAPTER CXXIII.

An Act to authorize "The Board of Chosen Freeholders of the county of Middlesex," to issue bonds, and to provide for the payment of the same by taxation, and for other purposes.

Preamble.

WHEREAS, the board of chosen freeholders of the county of Middlesex, have incurred and assumed a large debt and liability, as well in the payment of bounties already paid by them to volunteers, as by their agreeing and directing that a bounty of three hundred dollars be paid by them to every man who may make it satisfactorily appear, that he has enlisted in the United States service, under the pro-

visions of the proclamation of the President of the United States, dated October seventeenth, eighteen hundred and sixty-three, and is placed to the credit of the said county, and also that the sum of three hundred dollars be paid for the relief of any person who may be drafted in said county under said act or proclamation, and is not exempt, to be applied in supplying a substitute, or for the purpose of exempting such person, and which said debt and liability amount to the sum of two hundred and forty thousand dollars, as is believed, and for part of which said debt, the said corporation have given their notes; and whereas, the said corporation did further direct that application be made to the legislature of the state for a special act authorizing said corporation to issue bonds for the amount of said debt and liability, and to levy and raise by tax the money necessary to meet the same and the interest, and affirming the said action of the said corporation—therefore,

May issue bonds for payment of bounties.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of chosen freeholders of the county of Middlesex, may provide for the payment of the said debt and liability, by issuing their bonds, in the corporate name and under their common seal, to an amount not exceeding two hundred and sixty thousand dollars, to be signed by the director of said corporation, and attested by the county collector, and to be in such general form, and either coupon or registered bonds or both, and in such sums, and payable at such time or times, and bearing such rate of interest not exceeding seven per centum per annum, payable semi-annually, as the said corporation shall deem proper, and therein and thereby, pledging and binding the credit and property of the said county for the due payment of the same; which bonds the said corporation may sell, assign and dispose of, and the same shall be binding and legal obligations in the said county, but the same shall not be disposed of by said corporation or its agents, for less than the par value, and shall all be made redeemable and payable within twenty years from the passage of this act.

Levy tax to repay bonds.

2. *And be it enacted*, That the said corporation may and shall yearly, until the said bonds so to be issued by authority hereof, shall be redeemed and paid off, order direct and cause to be assessed, levied and collected, at the time and in the manner that the other state and county taxes are in the said county, a sum of money sufficient to pay the principal and interest of the said bonds as the same shall respectively be-

come due and payable, and that all such money so to be raised by tax, shall be exclusively applied by the said corporation to the payment of the principal and interest of the said bonds as the same may become due and payable, but not less than twelve thousand dollars, nor more than twenty thousand dollars, of the principal of said bonds, shall be made redeemable or payable in any one year.

How applied. 3. *And be it enacted*, That it shall be the duty of the said corporation, to apply the proceeds of the said bonds to the payment and satisfaction of the debt and liability incurred and assumed by said corporation, as mentioned in the preamble of this act.

Acts ratified. 4. *And be it enacted*, That the said debt so incurred by the said corporation, and all notes or other evidences of indebtedness heretofore made or given by the said corporation therefor, are hereby ratified and confirmed, as binding and valid acts of the said corporation.

5. *And be it enacted*, That any banking corporation in this state, may purchase and hold any of the said bonds.

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

Passed March 10, 1864.

CHAPTER CXXIV.

An Act to incorporate the Dime Savings Institution.

Corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Cyrus Dettelbach, Edward Pierson, Oscar L. Baldwin, John H. Meeker, Andrew A. Smalley, John P. Huber, Thomas B. Peddie, William H. Camp, Fred. Stegmuller, Charles T. Ziegler, Horace J. Poinier, Fridolin Ill, John A. Boppe, Bernard Kearney, James Smith, Fred. Bossert, A. M. Reynolds, George Lorenz, Louis Adam, A. B. Baldwin, Amzi Dodd, Henry Sauerbier, John G. Trusdell, Ferd. Sautermeister, Theodore Runyon, S. W. Tichenor, Theodore Horn, Louis Greiner, James Peck, 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 thousand dollars. Proviso.

2. *And be it enacted*, That the said institution shall be conducted by twenty-nine managers, twenty of whom, at least, shall be residents of the city of Newark; 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 in April, and choose one of their number as president; they shall have power to appoint a secretary, treasurer, and such other officers, as to them shall appear necessary for conducting the business of the institution, which officers so chosen and appointed shall continue in office one year 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. Number 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 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, 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 be transacted, but shall not be altered so as to affect injuriously any one who may have been a depositor previous to such alteration. By-laws. Proviso.

Deposits.

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

Rate of interest.

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

Proviso.

No emolument to managers.

6. *And be it enacted*, That no emolument whatever, shall, directly or indirectly, be received by the president or managers for their services, nor shall the said institution issue any notes or bills, nor shall any 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, 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.

Money, how invested.

7. *And be it enacted*, That the said institution shall invest no money in any public stocks other than such as are created under the laws of the United States, or of the states of New Jersey, New York, Ohio, Kentucky, Missouri and Massachusetts, or in the stocks of the cities of Newark, and Jersey City and bonds of the county of Essex, the town of Orange,

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.

Payment regulated.

9. *And be it enacted*, That it shall be lawful for the said institution, at their discretion, to pay to any depositor, being a minor, such sum as may be due to such depositor, not exceeding 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 the interest or 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 moneys 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.

Book to be kept.

10. *And be it enacted*, That a book 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.

Regulations.

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

Entries, how made.

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

Annual report.

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, of 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 Newark.

Vacancies, how filled.

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.

Location.

15. *And be it enacted*, That the office or place of business of the said institution shall be in the city of Newark, 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.

Public act.

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.

Proviso.

Proviso.

Limitation.

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

Approved March 10, 1864.

CHAPTER CXXV.

An Act to create the town of Newton, and the townships of Andover and Hampton out of the township of Newton, in the county of Sussex.

Boundaries of Andover.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of Newton township in the county of Sussex, adjoining the lines of the townships of Green, Byram, Sparta and Lafayette, which lies southerly and eastwardly of the following line, namely: be-

ginning in the line between the townships of Green and Newton, where the highway leading past the late residence of Obed Wilson, deceased, crosses said line, and running from thence to the Devil's Hole, (so called,) on or near the line between the farms of William M. Babbitt and John McCarter, Jr., and from thence to a point where a small stream of water passes under the Sussex railroad, a little eastwardly of the dwelling house of Halsted F. Townsend; from thence to where the line between lands of George M. Ryerson and lands of Andrew Shiner and John Townsend, intersect the canal or ditch recently made in the low meadows by the Pauling's Kill Meadow Company, and from thence down the said ditch to the line of Lafayette township, be and the same is hereby set off into a new township, to be called Andover township.

Incorporation

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

First town meeting.

3. *And be it enacted*, That the inhabitants of the township of Andover, shall hold their first town meeting at the house of Lewis McKinney, in the village of Andover, on the second Monday of April next ensuing.

Judge of election and clerk.

4. *And be it enacted*, That the judge of election and clerk to be chosen at such first town meeting, may then and there open and hold an election in the manner provided by law for such additional justice or justices of the peace, as the said township of Andover may be entitled to elect.

Boundaries of Hampton.

5. *And be it enacted*, That all that part of the said township of Newton, adjoining the lines of the townships of Green, Stillwater, Sandyston, Frankford and Lafayette, which lies northerly and westwardly of the following line, namely: beginning in the line between the townships of Green and Newton, where the road leading past the late residence of Obed Wilson crosses said line, and running thence by the line of Andover township to the Devil's Hole, (so called,) on or near the line between the farms of William M Babbitt and John McCarter, Jun., and from thence to the bridge over the stream crossing the highway near the farm house of William M. Babbitt, thence, to a point of woods,

where one fence intersects another on the farm belonging to the heirs of John A. Horton, deceased, a short distance westwardly of the mansion house on said farm; from thence to a point in the highway leading from Newton to Washingtonville, where the lands of George M. Ryerson and Dennis Cochran corner upon said highway, thence along the line between their lands and following the line of said Ryerson's land until it intersects the said ditch made by the Pauling's Kill Meadow Company, thence down the said ditch to the line of Lafayette township, be and the same is hereby set off into a new township to be called the township of Hampton.

Incorporation

6. *And be it enacted*, That the inhabitants of the township of Hampton 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 Hampton, in the county of Sussex," and shall be entitled to all the rights, powers, and privileges, and subject to the same obligations, regulations, government, and liabilities, as the inhabitants of the other townships in the said county of Sussex are or may be entitled, or subject to, by the general laws of this state.

First town meeting.

7. *And be it enacted*, That the inhabitants of the township of Hampton, shall hold their first town meeting at Case's hotel in Washingtonville, in said township, on the second Monday of April next ensuing.

Judge of election and clerk.

8. *And be it enacted*, That the judge of election, and clerk to be chosen at such first town meeting may then and there open and hold an election in the manner provided by law, for such justice or justices of the peace as the said township of Hampton may be entitled to elect.

Boundaries of Newton.

9. *And be it enacted*, That all the residue of the said township of Newton, and which is bounded partly by the line herein described, which separates it from Andover township, and partly by the line herein described, which separates it from Hampton township, shall be and is hereby created a borough or town corporate, which shall be called and known by the name of "The town of Newton," and the inhabitants thereof shall be and hereby are incorporated by that name, and by that name they and their successors forever shall and may have perpetual succession, and by the said corporate name they shall be known in law, and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all manner of actions, suits, complaints, matters and causes whatsoever, in law or equity; may have a corporate

seal and alter the same at pleasure; and may by their said corporate name purchase, receive, hold and convey any estate, real or personal, for the public use of said corporation.

Incorporation

10. *And be it enacted*, That the said corporation, "The town of Newton," and the inhabitants thereof shall be entitled to all the rights, powers and privileges, and subject to the same duties, regulations, restrictions and liabilities as the inhabitants of the several townships of the said county of Sussex are or may be entitled or subject to by the general laws of this state, so far as the same are consistent with the provisions of this act, and not in derogation thereof.

First town meeting.

11. *And be it enacted*, That the inhabitants of the said town of Newton shall hold their first town meeting at the court house in the village of Newton, on the second Monday in April next ensuing.

Judge of election and clerk.

12. *And be it enacted*, That the judge of election and clerk to be chosen at the said first town meeting in the town of Newton may then and there open and hold an election in the manner provided by law for such justice or justices of the peace as the said town of Newton may be entitled to elect.

Justices.

13. *And be it enacted*, That the justices of the peace which are now in commission within the township of Newton, shall, until their commissions expire, be deemed and taken as justices of the peace in and for the townships of Andover and Hampton, or the town of Newton respectively, within which they or either of them now reside.

Superintendent of streets, his powers and duties.

14. *And be it enacted*, That in the said town of Newton, the inhabitants thereof at their said first town meeting, and annually thereafter, in the place of overseers of the highways, shall elect a suitable person, being a resident and land owner in said town, as superintendent of roads and streets, who shall have charge of all the roads and streets and sidewalks within the said town, and shall have authority, by himself and with others under his direction, to make, form, work and repair the said roads, streets and sidewalks, and to remove all obstructions or nuisances thereon or thereto, and for such purpose he shall have power to procure the necessary implements, teams, workmen and materials, and to lay out and expend such sum or sums of money as may be furnished to him, or which the town committee, or any four of them, may authorize him to expend for such purpose, and he shall keep and render an accurate account to the said committee, under oath, when required, of the work and labor done and

moneys expended under his direction; he shall be responsible to the town for the moneys received by him and the due expenditure thereof, and the said town shall be responsible to him for the work and labor and money furnished and procured by him in the said business, under the direction of the said town committee, or any four of them; he shall be subject to all the penalties, possess all the powers and entitled to all the rights of an overseer of the highways not inconsistent with the provisions of this act.

Regulations.

15. *And be it enacted*, That the twenty-fifth and thirty-seventh sections of the act entitled "An Act concerning roads" shall not apply to or be in force in the said town of Newton, and for all purposes under the provisions of the said act concerning roads it shall be deemed and taken that the inhabitants of the town of Newton have elected and determined to maintain their highways by hire.

Powers of township committee.

16. *And be it enacted*, That the town committee of the town of Newton, or a majority of them, in addition to their general powers as a town committee, shall have power and authority, in the name and upon the responsibility and credit of the said corporation of the town of Newton, to borrow and raise money, and advance and pay the same, from time to time, to the said town superintendent of roads and streets, for the purposes specified in the fourteenth section of this act, and for the like purposes may direct, in writing, the said superintendent to expend money upon the credit and responsibility of the said town of Newton, in such sum or sums as they shall specify, but the amount so to be borrowed and raised or directed to be expended shall not exceed the sum voted at the next preceding town meeting in said town of Newton, to be raised for the highways and streets of the said town.

Survey of bounds.

17. *And be it enacted*, That Horace V. Edsall, as surveyor, shall be and he is hereby authorized to run, survey and mark the lines of separation herein described and mentioned, and to employ necessary assistance, and to make report of the same in writing to the clerk of the county of Sussex, who shall record the said report in his office in the record of divisions, and the expenses of making the said survey and report and of the recording thereof, shall be paid and borne by the said townships and town, by this act created, equally.

Commissioners to adjust money, &c.

18. *And be it enacted*, That Gabriel L. Dunning, Levi Shepherd and Thomas Lawrence, be and they are hereby appointed commissioners to proceed as soon as may be after the

passage of this act to ascertain the amount of moneys raised and paid for bounties to volunteers, credited to the township of Newton aforesaid, under the calls for the same made by the governor of this state, in July last and in October last, together with the interest and expenses incurred or accrued thereon, or which may accrue or be incurred thereon, on or by the first day of January next; and the said commissioners, or a majority of them, shall apportion the same among the said townships of Andover and Hampton, and the said town of Newton, and designate in writing what part thereof each shall raise and pay, and to whom, and file the said apportionment with the clerk of the county of Sussex in his office; the said apportionment to be based as near as may be upon the last duplicate or assessment of taxes made in the said township of Newton; and the inhabitants of the said townships of Andover and Hampton, and of the said town of Newton, shall be liable and responsible in their several corporate capacities for the said amount so apportioned to each, to the person or persons or corporation designated in such apportionment, and if need be, such person or persons or corporation may have an action of debt to recover the same, with interest in any court of competent jurisdiction; and any judgment that may be obtained therefor, and the execution that may be issued thereon, shall be a lien upon any and all the taxable property within the township or town against which such judgment may be obtained; and the fees and expenses of the said commissioners shall be borne and paid by the said townships and town, created by this act, equally.

To raise money by taxation.

19. *And be it enacted*, That it shall be lawful and it is hereby made the duty of the inhabitants of the said townships, and of the said town respectively, to levy and raise by taxation, in the manner and within the time other township taxes are by law levied and raised, the said money that may be apportioned to each; and the assessors and collectors, with the other proper officers of the said townships and town respectively, are hereby enjoined and required to proceed in the assessment and collection of the same, within the time, and in the manner, and under the obligations prescribed by law for the assessment and collection of other township taxes, and when collected, the same shall be paid to the person or persons or corporation entitled thereto.

To determine how to raise money.

20. *And be it enacted*, That the inhabitants of the said townships and town respectively, may, if they so choose, determine at their next town meeting whether they will raise the money which may be apportioned to them, under the pro-

visions of the preceding section, or any part of the same, and what part by loan upon their obligations; and for the amount so determined upon to be raised by loan it shall be lawful to issue obligations in their corporate name, payable at such time or times and place, in such sums and such rate of interest, not exceeding seven per centum per annum, as may be determined upon at the said town meeting, the said obligations to be signed by the township or town collector, as the case may be, and countersigned by the town clerk, and the same shall be made payable to such order or to the bearer as the town committee, or a majority of them, may direct, and shall be disposed of and negotiated by the said town committee, or a majority of them, at not less than par, in payment and satisfaction of the moneys so apportioned as aforesaid; and the said township or town so issuing the said obligations may raise money from time to time, by assessment and taxation, in the same manner as other township or town taxes are levied, assesed and collected, to pay the interest upon the said obligations, and for the payment and redemption thereof when they fall due.

To be raised in certain time.

21. *And be it enacted*, That in case the amount determined to be raised by loan, as in the last preceding section is provided, shall not be raised and paid by the first day of September next, then the same shall be raised by taxation, as provided for in the nineteenth section of this act.

Proviso.

22. *And be it enacted*, That this act shall take effect immediately; *provided*, that the present officers of the said township of Newton shall be and remain in office and exercise the powers and be subject to the duties conferred on them by law, until the second Monday in April next.

Approved March 10, 1864.

CHAPTER CXXVI.

An Act to authorize the laying out and building of an Avenue, to be called Central Avenue, one hundred feet wide, to commence at the junction of the Old Crane Road, now called Warren Street, and Tenth Avenue, in the City of Newark, in the County of Essex, and run through portions of the City of Newark, of the township of East Orange, town of Orange, and township of West Orange to intersect the Valley Road, in the township of West Orange, in the County of Essex.

Preamble.

WHEREAS, there is at present no public road or highway running through the township of East Orange, town of Orange, and township of West Orange from the city of Newark, except the road or thoroughfare known as Main street, through which said Main street there has been laid rails for horse cars, and upon and over which horse cars do now run; and whereas, it has made the public travel with wagons very inconvenient by reason of the building of the said horse car railroad through the said Main street; and whereas, there is a population of about seventy thousand people in the said city of Newark, and in the townships of East and West Orange and of the town of Orange, of about fifteen thousand people; and whereas, there is great need of another unobstructed public road or highway through the said localities for the better accommodation of the travelling public; and whereas, there can be made a more direct line of road or public highway between and through the said localities, thereby reducing the distance considerably—therefore,

Commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thomas R. Williams and Charles Merchant, of the city of Newark, Matthias M. Dodd, of East Orange, William Cleveland, of the town of Orange, and Simeon Harrison, of the township of West Orange, be and they are hereby appointed commissioners, and are authorized and invested with all the rights and powers necessary and expedient to survey, lay out and locate an avenue, (to be called Central avenue,) which shall be one hundred feet wide between fences; and it shall be lawful for the said commissioners, their agents, engineers, surveyors, and others

in their employ, to enter at all times upon lands for the purpose of surveying, locating and laying out the route of said avenue: and the commissioners before they enter upon the duties prescribed by this act shall take an oath or affirmation to act faithfully and impartially in the execution of their trust.

Beginning.

2. *And be it enacted*, That said avenue shall commence on the southerly side of the Tenth avenue, in the city of Newark, in the county of Essex, where the said Tenth avenue intersects the Old Crane road, now called Warren street, in the said city of Newark, thence westerly along the southerly side of said Tenth avenue to where it intersects the line of East Orange township; thence running westerly in a direct line to intersect Munn lane, opposite the southeasterly corner of Linden avenue; thence westerly in a direct line to Harrison street, opposite the southeasterly corner of a street (now partly opened) called Broadway, at the distance of one hundred feet from opposite the southerly corner of B. F. Small's lot on Harrison street; thence westerly in a direct line on the southerly side of the street called Broadway to Centre street, in the town of Orange; thence from the westerly side of Centre street, at a distance of one hundred feet south of the southeasterly corner of William H. Dayton's lot (where he now lives); thence following the line of William H. Dayton's property to within a sufficient distance to allow a curve in a southerly direction, at the bottom of the lot now owned by Isaac J. Everett, and Charles A. Lighthipe, striking a point on the line between the lands of Moses Reynolds and Charles A. Lighthipe's farm; thence in a westerly direction to strike lands of Napoleon Stetson and Oliver H. Pierson, on the west side of Scotland street; thence in a westerly course to the Valley road, and the said commissioners shall change the line of the street now called Broadway at a sufficient distance from its intersection with Centre street, in the town of Orange, to allow an easy curve in a southerly direction so as to strike the continuation of the said avenue on the west side of Centre street, in a direct line.

Commissioners to make report.

3. *And be it enacted*, That the said commissioners shall complete the surveying, laying out and opening of the said avenue on or before the first day of May, eighteen hundred and sixty-four, and immediately after the completion of said survey they shall file a copy of the same in the office of the clerk of the county of Essex; and after the said avenue is laid out by the said commissioners the said avenue shall be

worked by the city of Newark, town of Orange, and the townships of East Orange and West Orange respectively, each of them so much of it as lies within their territorial limits; and the same shall be by them worked and put in good order for the accommodation of the travelling public as soon as the same can be conveniently done; and the same shall be in a condition for travelling upon and over with horses, wagons and other vehicles, on or before the first day of December, eighteen hundred and sixty-four; *provided*, and it is understood, that persons owning lands through which the said avenue will run, and upon which it may be located, upon which said lands there are at present crops in the ground and growing upon the same, any and all such lands shall not be disturbed further than by surveying and locating the said avenue, until such said crops are gathered; *provided*, the same shall be gathered in their proper season; but no person or persons owning land through which said avenue may run, or be located upon, shall sow or plant any kind of seeds or grain upon the same after the passage of this act. Proviso. Proviso.

4. *And be it enacted*, That the said commissioners, or a majority of them, shall have full power and authority to allow damages and to assess benefits to the persons owning the lands upon which said avenue may be located and through which it may run; *provided*, that when damages are allowed to persons for lands which amount to more than the benefits assessed to them, the said commissioners shall have authority to charge the same upon the owners of the lands in the said city, town and townships, who in the opinion of the commissioners or a majority of them are benefitted thereby; and the said commissioners shall cause to be served on the owner or owners of land upon which said avenue may be located, written notice of the time and place of the meeting of the commissioners to assess damages, by reason of the taking of his or their land for said avenue, which notice shall be served at least six days before the time of such meeting upon such owner or owners personally or by leaving a copy at his or their usual place of abode, and if the place of abode cannot be ascertained, then by publishing the notice in some daily newspaper in said county for six days, and the like notice shall be given to any land owner or owners who shall be deemed to be benefitted by said avenue, of the time and place when and where the said commissioners will proceed to assess benefits. To allow and assess damages.

5. *And be it enacted*, That if any owner or owners of land

Land owners may appeal.

so taken, or upon whom benefits are assessed as aforesaid, shall be dissatisfied with the assessment of said commissioners, he or they may, within ten days after a copy of the decision of the commissioners shall be served upon them, appeal from such decision by filing a written appeal with one of the justices of the supreme court of this state, and the said justice, after he is satisfied by due proof that six days' notice has been given in writing to said commissioners of the time and place, shall proceed to appoint three disinterested men, who shall be residents of the county of Essex, to review the said assessment of damages or benefits and lessen, increase or confirm the same, as to them shall seem fit and just, and their report, or the report of a majority of them filed in the office of the clerk of the court of common pleas of the county of Essex, shall be final and conclusive; and such notice as is required in the fourth section of this act shall be given to the said commissioners of the time and place of meeting to review the said assessment, and the persons authorized to be appointed by this section shall, before they enter upon their duties, take an oath or affirmation to act faithfully and impartially.

Commissioners, how to proceed.

6. *And be it enacted*, That notwithstanding any appeal from the decision of the commissioners named in the first section of the act, it shall be lawful for the said commissioners to proceed with the construction of the said avenue over the lands upon which it shall be located, if the sum or sums awarded for damages by said commissioners be first deposited with the clerk of the court of common pleas of the county of Essex, to be applied to the payment of the amount that may be awarded upon a rehearing, or to the payment of the land owner should the appeal be withdrawn, abandoned or otherwise discharged.

Powers.

7. *And be it enacted*, That the commissioners named in the first section of this act shall have power to sue for and collect by law from the owner or owners of lands such benefits as may be assessed for them to pay by virtue of the provisions of this act.

Fees and expenses, how paid.

8. *And be it enacted*, That the expenses incurred by the commissioners in and about the surveying, locating and laying out of the said avenue, shall be paid by the city of Newark, the townships of East and West Orange, and the town of Orange equally; and the said commissioners and the persons appointed by virtue of the fifth section of this act shall each receive as compensation for their services under this act, the sum of two dollars per day for each and every

day they shall be actually and actively engaged in and about their duties under this act.

9. *And be it enacted*, That all acts and parts of acts inconsistent with this act, and contrary to the provsions of the same, be and the same are hereby repealed, so far as the same will interfere with this act or the provisions thereof. Repealer.

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

Approved March 10, 1864.

CHAPTER CXXVII.

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

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 Bergen to provide for the payment of the indebtedness incurred or to be incurred by said board in raising money and paying bounties to and for such volunteers and soldiers as have been or shall be enlisted and mustered into the service of the United States in and for the said county of Bergen, or for payment of commutation as has been or hereafter may be directed by said board, by issuing bonds in the corporate name and under the corporate seal of said county, to be signed by the director of said board of chosen freeholders, and attested by the county collector of said county, for an amount not exceeding in the aggregate such sum as the said board shall direct for the purposes aforesaid; the said bonds to be for such sums, and payable at such time or times, as the said board shall deem proper, not exceeding twenty years from the date or time of issuing the same, and bearing interest not to exceed seven per centum per annum, payable semi-annually; and to pledge the property and credit of said county for the payment of the same; and the said board of chosen freeholders and their successors shall have power to sell or assign said bonds for any sum not less than the par value thereof. County may issue bonds.

2. *And be it enacted*, That the said corporation are hereby

May provide for payment by taxation.

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

How appropriated.

3. *And be it enacted*, That the proceeds of the bonds issued under and by virtue of this act, shall be applied by said corporation to the payment and satisfaction of the indebtedness aforesaid.

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

Passed March 10, 1864.

CHAPTER CXXVIII.

A Supplement to an act entitled "An Act to set off from the township of Clinton and the town of Orange, in the county of Essex, a new township, to be called the township of South Orange."

Regulations for repairing highways.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the respective annual amounts assessed in said township of South Orange, for the working and keeping in repair the roads and highways in said township, shall be paid to the township collector in money, and in order to defray the expenses of working the highways and public roads, it shall be lawful for the town committee of the said township of South Orange to borrow money, from time to time, in the corporate name of said township, and to secure the payment thereof by bond, note, or other instrument of writing, under the common seal of said township; *provided*, that all loans so made shall be based upon the current taxes of the year, and shall not exceed in any one year the amount raised by the said township, for the working and repairing the roads and highways in the said township of South Orange.

2. *And be it enacted*, That this act shall go into effect immediately, and be taken and held as a public act.

Approved March 11, 1864.

CHAPTER CXXIX.

An Act to authorize the townships of Montgomery, Hillsborough and Bridgewater, in the county of Somerset, to loan money and repay the same by taxation, for the payment of money to volunteers.

Preamble.

WHEREAS, the townships of Montgomery, Hillsborough and Bridgewater, in the county of Somerset, have incurred liabilities for the payment of bounties to volunteers under the calls therefor made by the governor in July and October last, on the faith of said townships, and request that their action in the premises may be legalized by this legislature—therefore,

Township committee may borrow money.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committees of the several townships mentioned in the preamble of this act, or the major part of them respectively, in which liabilities have been or may be incurred under their authority for the payment of volunteers under said calls, and including recruits in lieu of the draft ordered by the President of the United States, to be made on the tenth day of March next, furnished by and credited to such townships, shall have power and authority to loan, upon the bonds or notes of such townships in their corporate capacity, to be signed by the township committee of such township or the major part of them, all such sum or sums of money as may have been or shall be expended by such township committee, or under their direction, in the payment of such bounties, and to provide by taxation in their respective townships for the payment of such liabilities from year to year as they may direct, until such liabilities shall be redeemed and paid; which tax shall be levied, assessed and collected by the same persons in the same manner, and fees, fines and penalties, as other taxes in said township are or may be levied, assessed and collected.

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

Approved March 11, 1864.

CHAPTER CXXX.

A Further Supplement to the act entitled "An act to incorporate the Monmouth County Plank Road Company," approved February twentieth, eighteen hundred and fifty.

Company may reduce stock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever at a meeting of the stockholders of the Monmouth County Plank Road Company, convened by the board of directors, giving at least ten days' notice of the time and place of said meeting, a majority of the said stockholders, voting according to the rule and in the ratio observed in the election of directors, shall determine that a reduction of the capital stock of the said company is expedient, it shall and may be lawful for the said stockholders, by resolution to be adopted at such meeting, to reduce the capital of the said company to such sum as they may deem most likely to promote the interests of said stockholders;

Proviso.

provided always, that the said capital stock shall not be reduced to a less sum than thirty thousand dollars, nor to a sum less than the amount of the existing liabilities of said corporation at the time of said reduction.

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

Approved March 11, 1864.

CHAPTER CXXXI.

An act to change the name, and time of electing trustees, of the "First Day Baptist Church Incorporate, in Hopewell, in the county of Cumberland."

Name changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of the "First Day Baptist Church Incorporate in Hopewell, in the county of Cumberland," is hereby changed to "The Cohansey Baptist Church at Roadstown, in the county of Cumberland;" that

the legal rights and liabilities of the said church shall remain the same as if the name had not been changed.

2. *And be it enacted*, That the time of the election of trustees of the said church is hereby changed from the first Tuesday in October to the Saturday immediately preceding the first Sunday in April of each year. Trustees, when elected.

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

Approved March 11, 1864.

CHAPTER CXXXII.

A 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 if any husband or father within this state shall run away or absent himself from his family, or shall neglect or refuse to take proper care of and provide for his said family, the overseer or overseers of the poor of the township or ward in which said deserted family shall reside, upon application to them for that purpose, shall make complaint before one of the justices of the peace of the township or ward in which he resides of the facts, and the said justice shall thereupon issue his warrant for the apprehension of such absconding, deserting, or negligent husband or father; and the justice before whom said person shall be brought shall require him to enter into good and sufficient recognizance to appear and answer to the said complaint, and, in default thereof, he shall be committed to the county jail to await said investigation. Proceedings against negligent father.

2. *And be it enacted*, That the justice before whom said absenting, runaway, or negligent husband or father shall be brought, shall call to his assistance one other justice of the peace of the county, who, when convened, shall appoint a time and place to hear and determine the said complaint. Two justices.

3. *And be it enacted*, That if, at the said time and place so appointed, said person shall not appear, or if he shall appear, and make no demand for a trial by a jury, as hereinafter Examination.

provided, then the said justices shall proceed to examine the cause and circumstances, and make such order, pursuant to the provisions of this act, as they shall think fit.

Jury to be summoned.

4. *And be it enacted*, That if such person, so accused, shall at any time before such examination is entered upon, deny that he has run away, absconded, neglected or refused to take care of and provide for his said family, and shall demand a trial by jury, it shall be the duty of such justices to issue a venire facias to any constable of said county, to summon a jury of six men competent as jurymen, according to law, to be and appear before said justices, at such time and place as shall be expressed in such writ, to make a jury for the trial of such accusation made against said person of having run away, absented, neglected or refused to provide for and take care of his family, a return of which jurors shall be made, as made in cases arising under the act for the trial of small causes, and as to any or all of whom the same right of challenge belong to both parties that exists in cases at law.

Trial.

5. *And be it enacted*, That the said justices shall proceed to empanel and swear such jury and the witnesses produced to establish and rebut such accusation, and the said accusation shall thereupon be tried, as in cases in courts of common law, before such jury, who shall by their verdict declare and find whether or not the said person so accused be guilty or not.

Verdict and proceedings thereon.

6. *And be it enacted*, That if the said jury shall find that the said person accused has run away, absented himself, neglected or refused to take care of and provide for his family, the said justices shall proceed to record the said verdict, and thereupon, at their discretion, take decree for the better relief of such deserted or neglected family, and shall enforce the same as in said act is provided; but if the said jury shall find that such person is not guilty, as charged in complaint aforesaid, then the said justices shall record the said verdict, and thereupon all proceedings against the said person shall cease and be discharged.

To give bond or be imprisoned.

7. *And be it enacted*, That if decree shall be made against the accused, according to the preceding section, then and in that case the accused shall be required to execute a good and sufficient bond, with a good and sufficient freeholder, to the overseer of the poor of the township or ward, to stand to, and abide by the decree so made, and in default thereof, the accused shall be committed to the county jail until he shall perform and obey said order; *provided however*, that the

Proviso.

justices of the peace ordering such commitment may, whenever they shall become satisfied that further imprisonment of the accused will fail to produce support for his family, or security therefor, by order under their hands and seals, may order the accused to be discharged from imprisonment but no such order for discharge from prison shall be made until he shall have first paid the costs of his conviction and commitment.

8. *And be it enacted*, That the jurymen shall receive fifty cents each when empanelled, and twenty-five cents each when not empanelled in the case, and such witnesses and officers shall receive each such fees for their services as are allowed them for like services in courts for the trial of small causes, excepting the overseer and justices of the peace, who shall be paid the sum of one dollar each for the application and trial, the losing party to pay all costs of the suit, as in ordinary cases at law. Fees.

9. *And be it enacted*, That either party to these proceedings shall be entitled to appeal to the court of general quarter sessions of the peace at the next term thereof, and on said appeal, may demand a trial by jury before such court, whether the same was tried by a jury before the justices or not, which said court is thereupon required to grant, and thereupon shall proceed to empannel a jury to try whether the accused has run away, absented himself, neglected or refused to take care of and provide for his family, and shall adjudge and proceed thereon as is by this act provided in case of such trial before such justices. Appeal may be made.

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

Approved March 11, 1864.

CHAPTER CXXXIII.

An Act to enable the owners of land adjoining Dismal brook and London brook, to open and clear the same, within the limits therein mentioned.

Managers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Manning Freeman, David R. Montfort, and Robert McAdams be and they are hereby appointed managers for opening and clearing out Dismal brook in the county of Middlesex, from the dividing line between the townships of Woodbridge and Piscataway, in said county, to Daniel Randolph's house near said brook, and also the branch thereof known as London brook, from its mouth to where the Amboy turnpike road crosses the same, near the west end of the old road leading to Metuchin, and they shall continue to be such managers until their successors in office shall be appointed as herein provided; and it shall be lawful for said managers, or either of them, to enter into and upon the lands adjoining said Dismal brook and the lands adjoining said London brook, within the limits aforesaid, and to open, widen, deepen and clear out the same, and remove every obstruction, (division swinging pole fencing across said brooks excepted) to the free passage of the waters thereof within the limits aforesaid, and the mud and other materials and obstructions taken out of said brooks, to cast upon the lands adjacent to the same.

Assessment.

2. *And be it enacted*, That the said managers, or a majority of them, shall and may apportion the amount that each owner of lands lying upon the said brooks, or in the vicinity of the same, within the limits aforesaid, and to be benefitted by the opening of said brooks and removing the obstructions therefrom as aforesaid, shall pay for and towards the costs and expenses which shall accrue in carrying this act into effect; and shall and may demand and have of and from all and every the owners of said lands, such sum and sums of money so by them assessed, and on neglect or refusal to pay the same, for the space of sixty days after such demand, it shall be lawful for such managers or either of them, in the names of said managers, and they are hereby required, by action of debt, to sue for and recover the same with costs of suit, in any court of competent jurisdiction; and the said managers shall

apply all and every such sum or sums of money so assessed, received and recovered, to the purposes mentioned in this act.

Proceedings. 3. *And be it enacted*, That if any person, who shall be assessed as aforesaid, for the raising of money for the purpose herein mentioned, elect to work out the amount of such assessment, or any part thereof, such person shall give notice thereof, in writing to said managers, within ten days after demand of said assessment shall be made; in which case such person shall on having two days' notice of the time and place appointed by said managers, or a majority of them, attend at such time and place, or send a sufficient substitute, and work on said brooks under the direction of said managers, or either of them; and such person shall be credited such sum towards the payment of said assessment, as said managers shall direct, for such work; and in case such person or the substitute shall fail to attend at the said time and place, such person shall forfeit and pay one dollar, to be recovered by said managers, with costs, in an action of debt, in any court having cognizance thereof, to be applied on recovery to the expense of opening said brooks; and the person so failing to attend or send a substitute as aforesaid, shall forthwith pay the whole or the residue, as the case may be, of said assessment to said managers, and on failure to pay the same, be forthwith proceeded against for the recovery thereof, as provided in the second section of this act.

Annual meeting. 4. *And be it enacted*, That the owners of lands who may be assessed as herein provided, shall meet at Campbell's station, in the village of Metuchin, on the first Monday of January next, at two o'clock in the afternoon, and yearly and every year thereafter, at such place in the township of Woodbridge, in the county of Middlesex, as shall be appointed at the last preceding annual meeting; and said owners when met as aforesaid, shall appoint from among themselves, three managers for the next ensuing year, who shall continue as such managers until their successors shall be duly appointed, and be vested with all the powers and rights herein conferred upon the managers named in the first section of this act.

Vacancies. 5. *And be it enacted*, That if any of the managers herein named, or hereafter appointed as aforesaid, shall die or remove out of the place before the expiration of his term, or shall refuse to serve, the other managers for the time being, shall upon the written request of any three owners of said lands, call a meeting of such owners, by notices set up in three public places in the neighborhood of said owners, and

expressing therein the object of said meeting, who shall, when met, appoint a person or persons to supply the place or places of such manager or managers, so refusing, removing or dying, and the person or persons so appointed, shall have all the power and authority hereinbefore given to the managers named in this act.

Penalty for obstructions.

6. *And be it enacted*, That if any person or persons shall in any way fill up, stop or obstruct the free course of the waters of said brooks, or either of them, within the limits aforesaid, or shall interfere with, molest or prevent the said managers in the work of clearing out and opening the same as authorized by this act, every person so offending shall forfeit and pay the sum of ten dollars for each offence, to be recovered by and in the names of said managers, with costs of suit, in an action of debt, in any court having cognizance thereof, to be applied to the expense of said work.

Compensation

7. *And be it enacted*, That the said managers shall severally be entitled to receive the sum of one dollar per day, while employed in discharging the duties required by this act; and all proceedings of said owners and managers under this act, shall be entered by said managers in a book to be provided and kept by them for that purpose.

Repealer

8. *And be it enacted*, That the act entitled "An act to enable the owners of land adjoining Dismal Brook, to open and clear the same, within the limits therein mentioned," passed February ninth, eighteen hundred and thirty-one, be and the same is hereby repealed; *provided*, that all proceedings had under said act shall remain and be valid and effectual, the same as if said act had not been repealed, except so far as the same may be affected by the provisions of this act.

Proviso.

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

Approved March 11, 1864.

CHAPTER CXXXIV.

A Supplement to the act entitled "An act to incorporate the Eagle Fire Company, of Mill Hill, in the county of Burlington," approved February twenty-sixth, eighteen hundred and thirty.

Preamble. WHEREAS, The territory formerly known as Mill Hill, in the county of Burlington, was by act of the legislature of this state, approved March nineteenth, eighteen hundred and fifty-one, annexed to, and became a part of the city of Trenton, in the county of Mercer; and whereas, the charter of the said Eagle Fire Company, passed by an act of the legislature, and approved February twenty-sixth, eighteen hundred and thirty, provides that the capital stock of said company shall not exceed two thousand dollars; and whereas, the said sum is now found to be totally inadequate for the wants of said company—therefore,

Corporate name. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the corporate name of said company be changed to that of the Eagle Fire Company, of Mill Hill, in the county of Mercer.

Capital stock. 2. *And be it enacted*, That the capital stock of said company may be increased to eight thousand dollars.

Repealer. 3. *And be it enacted*, That everything contained in the act to which this is a supplement, inconsistent hereto, be and the same is hereby repealed.

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

Approved March 11, 1864.

CHAPTER CXXXV.

A Further Supplement to the act entitled "An act to recognize and authorize the organization of, and to incorporate the Central American Transit Company," approved March twenty-eighth, eighteen hundred and sixty-two.

Time extended.

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 to which this is a supplement, 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 three years from the passage of this act; and the existence of the said company as a corporation of the state of New Jersey only, shall continue, though its corporate powers as a corporation of the republic of Nicaragua may at any time have ceased.

Liabilities.

2. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately; but the same shall be liable to the tax provided by the act entitled "An act to increase the revenues of the state of New Jersey.

Approved March 11, 1864.

CHAPTER CXXXVI.

An act to authorize the town committee of the township of Oxford, in the county of Warren, to issue bonds upon which to borrow money for the payment of volunteers, to fill the quota of said township.

Preamble.

WHEREAS, the inhabitants of the township of Oxford, being desirous that the various calls of the government for troops to be raised by said township, to aid in suppressing the present rebellion, should be filled by volunteers rather than by drafted men; and whereas, by resolutions adopted at a public meeting in said township by the inhabitants, the town committee of said township was authorized to offer and pay bounties for that purpose—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the township committee of the township of Oxford, in the county of Warren, to issue bonds in the name of "The inhabitants of the township of Oxford, in the county of Warren," under the respective hands and seals of the said township committee, for an amount of money not exceeding twenty-five thousand dollars in such sums, and payable at such time or times as the said township committee shall deem proper, bearing interest not exceeding six per centum per annum, which bonds it shall be lawful for the said township committee to sell, dispose of or borrow money thereon; *provided*, that no bond shall be sold or parted with by said township committee for less than its par value; *and provided further*, that the bonds thus to be issued shall be drawn due and payable and redeemable at a period of time not to exceed three years from the passage hereof. Township committee may issue bonds. Proviso. Proviso.

2. *And be it enacted*, That it shall be the duty of the said township committee to apply the money raised on said bonds to the payment of bounties to volunteers, not to exceed three hundred and fifty dollars to each volunteer upon being mustered into the service of the United States, and to defraying such other necessary expenses as may be incurred for transportation or otherwise, and for no other purposes. How moneys applied.

3. *And be it enacted*, That it shall be the duty of the town committee and their successors in office within a term of not less than three years from the passage of this act to provide by taxation for the payment of said bonds and the interest thereon; and under their direction it shall be the duty of the assessors respectively to assess the amount by said committee directed, upon the taxable property located in said township in the same way, time and manner as other taxes in the township are assessed, and the respective collectors to collect the same; *provided*, that not less than one-third of the principal of the money obtained on said bonds, together with the interest, shall yearly and every year be assessed and collected, until a sufficient sum be raised and applied to the paying off and redeeming said bonds. To provide for payment by taxation. Proviso.

4. *And be it enacted*, That it shall be the duty of the township collector of said township, or other person for that purpose appointed when such tax or any part thereof shall be collected, to pay the same to the township committee of said township, and that all such moneys so to be raised by taxation and paid over as aforesaid shall be inviolably applied Duty of collector.

by said township committee to pay the interest and principal of said bonds as the same shall become due and payable.

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

Approved March 11, 1864.

CHAPTER CXXXVII.

An Act to incorporate the Newark Printing and Publishing Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Wright, John McGregor, Edward N. Fuller, Adolph Schalk, Joseph Booth, Henry Benner, Thomas B. Pierson, James Courter and John W. Garthwaite, and such other persons as may hereafter be associated with them, and their successors shall be and are hereby constituted and made a body politic and corporate in fact and in law by the name and style of "The Newark Printing and Publishing Company," for the purpose of carrying on the business of printing and publishing books, newspapers, pamphlets and other printed matter, and of selling the same, and also the business of printing in all its branches; and by their said corporate name they and their successors shall have all the powers and privileges and be subject to such limitations and restrictions as are specified in the act entitled "An act concerning corporations," approved February fourteenth, one thousand eight hundred and forty-six, and the acts supplementary thereto and amendatory thereof, so far as the same are applicable, except as otherwise granted in and by this act of incorporation.

Capital stock.

2. *And be it enacted*, That the capital stock of said company shall be ten thousand dollars, and shall be divided into shares of ten dollars each, which shall be deemed personal property, and transferable only on the books of the company in such way as said corporation shall by their by-laws direct, and that the said William Wright, John McGregor, Edward N. Fuller, Adolph Schalk, Joseph Booth, Henry Benner, Thomas B. Pierson, James Courter, and John W. Garthwaite or a majority of them shall be and they are hereby appointed

commissioners, to open at Newark, in the county of Essex, books of subscription for and receive subscriptions to said capital stock, and as soon as five hundred shares of the said capital stock shall have been subscribed and paid in, it shall and may be lawful for the said company to commence its said business, and it shall be lawful for the directors of said company whenever any shares of said capital stock shall be subscribed for, to call in, collect and demand from the stockholders of said company respectively, all such installments due by them on such shares of stock so subscribed for at such time and in such proportion as they the directors shall deem proper under penalty of forfeiture of the shares and all previous payments made thereon; *provided, however*, that such stockholders shall be notified by advertisement in one of the daily papers published in the city of Newark, at least thirty days previous to the time of such installments becoming due. Proviso.

3. *And be it enacted*, That all the affairs, property and concerns of said corporation shall be managed and conducted by a board of nine directors, a majority of whom shall be a quorum for the transaction of business, and one of whom shall be appointed president; they shall be stockholders in said corporation, and citizens of this state, and they shall hold their office for one year and until their successors shall be chosen. Board of directors.

4. *And be it enacted*, That as soon as conveniently may be after the aforesaid capital stock shall have been subscribed for, the said commissioners, or a majority of them, shall call a meeting of the subscribers to the said capital stock in the city of Newark, to elect the first board of directors, and to determine by a vote of the majority of the stockholders the by-laws of said company by giving at least three weeks' notice of the time and place of said meeting by advertisement in one of the newspapers printed and circulated in the city of Newark, and said company shall determine by its by-laws the manner of calling and conducting all meetings thereafter to be held, and what number of shares shall entitle the stockholders to one or more votes; and that annually thereafter an election for directors of said company shall be held upon such notice and at such place and hour as the by-laws may direct; said election shall be by ballot, and those having the greatest number of votes shall be deemed elected, and shall be by such stockholders as may attend in person or by proxy; and if it should so happen at any election for directors that Election of directors.

two or more persons shall have an equal number of votes in such manner that a less number than nine shall by a plurality of votes appear to be chosen as directors, then the said stockholders hereinbefore authorized to vote at such elections, shall proceed and ballot a second time, and by a plurality of votes determine which of the persons having an equal number of votes shall be director or directors, so as to complete the whole number of nine; all vacancies occurring in said board of directors 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.

Not void for non-user.

5. *And be it enacted*, That in case at any time an election shall not be made on the day on which, pursuant to this act, it ought to be made, the said corporation for that cause shall not be deemed to be dissolved, but it shall be lawful to hold such election at such other day, hour and place and upon such notice to stockholders as shall be prescribed by the ordinances and by-laws of said corporation.

6. *And be it enacted*, That the legislature may alter, amend or repeal this act whenever in their judgment the public good requires it.

Approved March 11, 1864.

CHAPTER CXXXVIII.

An Act further to amend the charter of the College of New Jersey, being a supplement to an act entitled "An act relative to the College of New Jersey."

Preamble.

WHEREAS, It is represented on behalf of the trustees of the College of New Jersey that they deem it important and desirable that the original intention and design of the founders of the college in establishing an institution for the promotion of religion, as well as the advancement of learning, should be distinctly recognized and established by law, and that it is necessary for the educational, charitable and other purposes of the institution that the value of the property which the trustees are authorized to hold should be increased—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the design and object of the said corporation is hereby declared to be the promotion of religion and the advancement of learning by the instruction of youth in religious truth, as well as in the learned languages and in the liberal arts and sciences, and that the said corporation shall always be an institution for the purposes specified in this act. Object.

2. *And be it enacted*, That it shall be lawful for the trustees of the college of New Jersey to take and receive by gift, grant, devise or purchase, and to have, hold and enjoy for the uses and purposes of the said corporation, including the tuition and support of indigent young men, any real and personal estate, the clear yearly income whereof shall not exceed one hundred thousand dollars; *provided always*, that whenever any property or estate shall be given, granted or devised to them upon any special trust, or for any special use or purpose, not incompatible with the object and design of said corporation as above declared, that such property or estate shall be held and appropriated by them in strict accordance with the trust, uses and limitations in such grants and devises respectively mentioned and set forth. May receive and hold gifts and grants. Proviso.

Approved March 11, 1864.

CHAPTER CXXXIX.

A Further Supplement to the act entitled "An act to incorporate the Freehold and Jamesburg Agricultural Railroad Company," approved the twenty-first day of March, eighteen hundred and fifty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time at which the said Freehold and Jamesburg Agricultural Railroad Company shall be required to complete their railroad, be and the same is hereby extended two years from the fourth day of July, eighteen hundred and sixty-four, that is to say, till the fourth day of July, eighteen hundred and sixty-six. Time extended two years.

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

Approved March 11, 1864.

CHAPTER CXL.

An Act to incorporate the New Jersey Coast Wrecking Company.

Preamble. WHEREAS, It is necessary and advisable that the pilots and wreckers of the state of New Jersey may enjoy and possess equal advantages with the pilots and wreckers of the state of New York; therefore,

Corporate name. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become subscribers to the capital stock hereinafter mentioned, their successors and assigns, shall be and they are hereby ordained constituted and made a corporation and a body politic, in fact and in law, by the name of "The New Jersey Coast Wrecking Company."

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

Commissioners to open books. 3. *And be it enacted*, That Ezra Nye, James B. Williamson and Theodore Woolsey, of the county of Hudson, Anthony Reckless and William Conover of the county of Monmouth, George W. Morton, of the county of Bergen, and Francis S. Lathrop, of the county of Morris, are hereby appointed commissioners to receive subscription to the capital stock of the said corporation, and they, or a majority of them are hereby authorized for that purpose to open books of subscription at such times and places at Jersey City, as they or or a majority of them, may think proper, giving ten days' notice of such times and places, by publishing the same in a newspaper published in Jersey City, and at such times and places the said commissioners, or a majority of them, shall attend and receive such subscriptions, and at the time of subscribing for the said stock each subscriber shall pay to the said commissioners fifty dollars on each share of stock so subscribed.

Location. 4. *And be it enacted*, That the office and place of business of said company shall be located at Jersey City.

5. *And be it enacted*, That whenever there shall be two

hundred and fifty shares of the said stock subscribed, and twelve thousand and five hundred dollars paid in as above directed, the said commissioners or a majority of them shall give public notice for one week, in a newspaper published in Jersey City, of 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 judges, at which meeting they shall proceed to elect by ballot seven directors, who shall hold their office for one year, and until others are elected, and each stockholder at such and all future elections shall have one vote for each share he or she shall own at the time of such election, and that such stockholder may vote at any election by proxy duly authorised for that purpose. Mode of organization.

6. *And be it enacted*, That the board of directors so to be chosen as aforesaid, may elect out of their own body a president, vice-president and treasurer, and a majority of the said board shall at all times be a quorum for the transaction of business, and the said board shall have power to call in the remainder of the capital stock of the said corporation so subscribed, by installments, by giving ten days' notice of such required installment, in a newspaper published in Jersey City aforesaid, and if any stockholder shall refuse or neglect for ten days after such installment is due to pay the same, he, she or they so refusing or neglecting, shall forfeit their stock and all payments made thereon, for the use of said company. President and officers.

7. *And be it enacted*, That when the board of directors are so elected, the said commissioners are hereby authorized and required to pass over to the said board of directors, or to such person as they shall direct, the books of subscription and all moneys which they have received for the subscription to the said capital stock, first deducting therefrom all expenses they have incurred, and reasonable compensation for their services, and the directors so chosen and their successors, may at their discretion continue and keep open their books of subscription, or re-open the same, until the whole of the stock aforesaid shall be subscribed, and shall annually after their appointment cause an election to be held for the directors of the said corporation, at such times and places as their by-laws may direct, and in case it should happen that an election should not be held at the time it ought to have been held, the said corporation for that cause shall not be dissolved, but such election may be held at any other time, Duties of commissioners.

and the directors for the time being shall continue to hold their offices until others are chosen.

Objects.

8. *And be it enacted*, That it shall be the duty of the president and directors, as soon as may be, after the company is organized, to build, purchase, hire and own a vessel or vessels, to be propelled by sails, steam, or other motive power, to be employed in towing, aiding, protecting and saving vessels and their cargoes wrecked or in distress, wherever such wrecks occur, on the high seas, or in the various arms of the seas and rivers running to the same, with power to make, purchase, hire and own pumps, bells, anchors, hawsers, warehouses, wharves, and all apparatus necessary in carrying on said business, or in preserving such property; also, to tow vessels and to transport freight and passengers for the purposes above named; *provided*, that nothing herein shall be construed to conflict with the rights of pilots as established by law.

Proviso.

Compensation of agents to be regulated.

9. *And be it enacted*, That the president and directors may fix upon rates of compensation by parol or by instruments in writing, either with or without seal, and to take all compensations, towages and salvages which are customary and usual, and which by law and usage enure to private persons, in towing, and in saving and in taking care of wrecks and wrecked and damaged property, and shall be entitled to and have the usual liens on such property, with the right to hold and pursue the same, in the like manner and effect as said rights and remedies are, and may of right be held and enforced by private parties.

Powers limited.

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

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

Approved March 11, 1864.

CHAPTER CXLI.

An Act to authorize the inhabitants of the township of Wall, in the county of Monmouth, to raise money to pay bounties to volunteers.

Preamble. WHEREAS, The inhabitants of the township of Wall, in the county of Monmouth, did assemble and organize themselves into a meeting in pursuance of public notice given throughout said township; and whereas, at said meeting it was resolved that for the purpose of avoiding a draft, that a bounty of two hundred dollars per man be offered to fill the aforesaid township's quota of men, (said quota being thirty-six,) and that said bounty be raised as follows, viz.: first, a poll tax of five dollars per year for two years to be levied on each single man having no family to support; the balance to be raised by taxation upon real and personal property; all of said taxes to be assessed and collected in the same manner as other taxes are now assessed and collected; and whereas, the inhabitants of the said township are desirous to have the action of the said township legalized, and that the township committee shall have lawful authority to borrow money upon the credit of the said township to pay said bounty, until the same shall be assessed and collected—therefore,

Township may 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 township of Wall to borrow money upon the credit of said township to pay said bounty to volunteers, and for that purpose they are hereby authorized to issue bonds in the name of "The inhabitants of the township of Wall, in the county of Monmouth," under the respective hands and seals of said township committee, or any three of them, for an amount of money not exceeding eight thousand dollars, in such sums, and payable at such time or times as said township committee shall deem proper, and to pledge the property and credit of the township for the payment of the same, which bonds it shall be lawful for said township committee to sell and assign.

To provide by taxation for payment and interest. 2. *And be it enacted*, That for the purpose of providing for the payment of the said bonds and interest thereon, it shall be lawful to assess a poll tax of five dollars a year for two years upon every single man having no family to sup-

port, and the balance to be assessed upon the real and personal property of said township, said poll taxes, and said taxes upon real and personal property to be assessed and collected in the same manner as other taxes are now assessed and collected.

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

Approved March 11, 1864.

CHAPTER CXLII.

A Supplement to an act entitled "An act to incorporate the Hibernia Iron Company," approved February fifteenth, eighteen hundred and fifty-six.

When company may commence business.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the Hibernia Iron Company, when fifty thousand dollars capital stock shall have been subscribed, according to the act of which this is a supplement, to commence their said business, and with that capital, conduct and carry it on until they shall deem it expedient to extend their capital.

Subscriptions to stock authorized.

2. *And be it enacted*, That the books of subscription to the capital stock shall be opened at such time or times and place or places, as the board of directors or such of them as shall be designated by the said board for that purpose may direct; and as soon as fifty thousand dollars of said capital stock shall have been subscribed, notice shall be given for a meeting of the stockholders to choose directors; and the directors so chosen shall determine in what manner the subscribers to said stock shall pay, or secure to be paid, the amount of their subscriptions.

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

Approved March 11, 1864.

CHAPTER CXLIII.

An Act to enable the board of Chosen Freeholders, in the county of Cape May, to borrow money to pay bounties, and to repay the same.

WHEREAS, The board of chosen freeholders of the county of Cape May did, at a regular meeting of said board, held on the twenty-second day of December, eighteen hundred and sixty-three, deem it proper to encourage the enlistment of volunteers, in order to fill the quotas due from said county under the general orders of the adjutant-general of this state, number eleven, dated Trenton, November the sixth, eighteen hundred and sixty-three, and number seven, dated August the third, eighteen hundred and sixty-three; and did resolve to pay a bounty of three hundred dollars to each accepted volunteer who should enlist for that purpose, therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of chosen freeholders of the county of Cape May be, and they are hereby authorized to borrow on the credit of said county of Cape May, for the purpose of paying bounties to volunteers to fill the deficiencies of said quotas and to defray the expenses incident to the same, such sum of money as may be necessary for that purpose, and to provide for the payment of the money which has already been or which shall be so borrowed, by issuing bonds in the corporate name, and under the corporate seal of the said board, to be signed by the director and clerk of said board, and countersigned by the register of said board; and the said bonds shall be in such sums as the said board shall deem proper, and shall bear interest at a rate not exceeding six per centum per annum; and the principal of said bonds shall be made payable at such times as the said board shall deem proper; and the said board of chosen freeholders shall have power to sell and deliver said bonds; *provided*, that none of said bonds shall be sold or delivered by said board, or any of its officers, or agents, for less than the par value of said bonds, and for the payment of the principal and interest of said bonds, the said board shall be, and they are hereby authorized to pledge the credit of the said county and the taxable property therein. Freeholders may borrow money. Proviso.

How appropriated.

2. *And be it enacted*, That any township in the said county of Cape May, which may have furnished any volunteer or volunteers to fill said quotas, or which may hereafter furnish any volunteer or volunteers to fill said quotas, or any future quotas hereafter called for by this state, shall be entitled to have a bounty not exceeding three hundred dollars paid to every such volunteer, upon his being mustered into the military service of the United States, from and out of the moneys raised by the sales of said bonds, and to have every volunteer credited to the quota of the township furnishing him.

May provide for payment by taxation.

3. *And be it enacted*, That the board of chosen freeholders of the county of Cape May, shall have power, and it is hereby made the duty of said board, to provide, in the manner hereinafter prescribed, by taxation, for the payment of the said bonds and the interest which shall accrue thereon; and all moneys raised by tax by virtue of this act, shall be exclusively applied to the payment of the principal and interest of said bonds as the same shall become due and payable.

Taxation regulated.

4. *And be it enacted*, That the tax to be annually assessed to pay the interest and principal of said bonds, shall be apportioned to and among the several townships of the said county of Cape May, as the board of chosen freeholders shall from time to time direct; and of the amount to be so assessed in any one year, the said board shall have power to determine what sum shall be assessed as a poll tax upon each taxable inhabitant in the several townships of said county; and the sum so determined and apportioned to each township, shall be assessed, levied and collected, as other state, county and township taxes are or shall by law be assessed, levied and collected, and when collected shall be paid to the county collector of the county of Cape May, for the purpose of paying the interest and principal of said bonds pursuant to the provisions of this act; and the county collector of said county is hereby authorized and required to pay the interest and principal of said bonds according to the terms and conditions of said bonds.

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

Approved March 11, 1864.

CHAPTER CXLIV.

A Further Supplement to an act entitled "An act to incorporate the West Jersey Railroad Company," approved February sixth, eighteen hundred and fifty-three.

WHEREAS, It is desirable that further aid shall be rendered to the Salem Railroad Company to enable them to complete and equip their road; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the West Jersey Railroad Company be, and they are hereby authorized to subscribe for and take any additional amount of the capital stock of the Salem Railroad Company, to be issued by said company, and to be entitled to all the powers and privileges of stockholders of said company. Company may subscribe for additional stock.

2. *And be it enacted*, That the West Jersey Railroad Company be, and they are hereby authorised to endorse the bonds of the Salem Railroad Company. Bonds endorsed.

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

Approved March 11, 1864.

CHAPTER CXLV.

An Act to further extend the charter of the Somerset County Bank at Somerville.

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 Somerset County Bank at Somerville," approved March second, one thousand eight hundred and forty-eight, shall be and hereby is extended and continued, so far as regards the president, directors and company of the Somerset County Bank at Somerville, for and during the further term of twenty years from and after the time limited for its continuance by the act entitled "An act to incorporate the Charter extended.

Somerset County Bank at Somerville," approved March second, eighteen hundred and forty-eight.

Directions in case of insolvency.

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

Liabilities of directors.

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

Proviso.

When stockholders liable for bills issued

4. *And be it enacted*, That the stockholders of the said corporation at the time of its becoming insolvent, other than said directors shall be jointly and severally liable to any receiver or receivers that shall or may be appointed as aforesaid to an amount sufficient to redeem the said bills and notes after the assets of said corporation, and the property of said directors shall have been distributed as aforesaid; *provided*, that

Proviso.

no stockholder, other than the said directors, shall be made liable to an amount exceeeding the par value of the stock held by him at the time said corporation becomes insolvent, and if that amount shall not be required for the full redemption of said bills and notes, then the said stockholders shall be liable in the ratio of the said stock so held by them, and it shall not be lawful for any such stockholder to assign or otherwise transfer his stock or other property to avoid such liability.

Actions or suits at law.

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

Proviso.

Charter not altered.

6. *And be it enacted*, That nothing in this act contained shall be construed to alter or change the present charter of said corporation, but the same shall continue as if this act had not been passed, up to the expiration of the time limited for its continuance when this act shall take effect.

Approved March 11, 1864.

CHAPTER CXLVI.

An Act to incorporate the New Jersey Building Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Andrew Derrom, John Murphy, Josiah P. Huntoon, William Gledhill and William Anderson, and such other persons as may hereafter be associated with them, shall be and are hereby declared a body corporate and politic in fact and in name, by the name of "The New Jersey Building Company."

Election of directors.

2. *And be it enacted*, That the stock, property, and affairs of said corporation shall be managed and controlled by five directors, a majority of whom shall be residents of this state, who shall after the first election of directors, hereinafter pro-

vided for, be annually elected on the second Monday in December, at such time of the day and at such place in the State of New Jersey, as the by-laws of said corporation shall direct, and public notice shall be given of the time and place of holding such election, not less than thirty days previous thereto, in a newspaper printed in the city of Paterson, and the election of directors shall be made by such of the stockholders as shall attend for that purpose, either by person or by proxy; and all elections shall be by ballot, each share of stock being entitled to one vote, and the persons who shall have the greatest number of votes shall be the directors; and the said directors as soon as may be after their election, shall proceed to elect one of their number, by ballot, to be president, who shall be a resident of this state; and if any vacancy shall at any time happen among the directors elected by the stockholders, by death, resignation, or otherwise, such vacancy or vacancies shall be filled for the remainder of the year, by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint.

Not dissolved for failure to elect.

3. *And be it enacted*, That in case an election for directors shall 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.

Amount of capital stock.

4. *And be it enacted*, That the capital stock of said corporation, shall be the sum of fifty thousand dollars, until the same shall be increased by a vote of the directors to the sum of one hundred thousand dollars, which the said directors are hereby authorized to do, and that the shares of said stock shall be one hundred dollars; but so soon as twenty thousand dollars shall be subscribed, and the sum of fifteen thousand dollars paid in, it shall be lawful for the said corporation to commence business; and it shall be lawful for the president and directors of said corporation to call for and demand of the stockholders, respectively, all such sums of money as are by them subscribed, at such time and in such proportion as they shall deem fit, not exceeeding ten per centum every thirty days, under the penalty of the forfeiture of their shares of stock and all previous payments thereon, to the said corporation; *provided, always*, that notice of the calling in of such installments shall be made in at least one

Proviso.

newspaper published in the county of Passaic, for at least thirty days before the time for payment of the same.

Meeting of stockholders.

5. *And be it enacted*, That at the time of subscribing for said stock, five dollars shall be paid upon each share subscribed, to the said commissioners; and when the sum of twenty thousand dollars of said capital stock shall be subscribed, it shall be the duty of the said commissioners, or a majority of them to call a meeting of the stockholders, giving at least two weeks' notice thereof in a newspaper printed in the said county of Passaic, for the purpose of choosing five directors 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 commissioners or a majority of them, shall be the inspectors of said election, and shall certify under their hands, the names of the persons being stockholders, duly elected, and shall deliver over to them the books of subscription and all the moneys paid in, after deducting a reasonable compensation for their services; and the time and place of electing the first directors, as provided for in this section, shall be fixed by said commissioners, or a majority of them.

Quorum.

6. *And be it enacted*, That a majority of the directors shall be a quorum for the transaction of business of said corporation, and said directors shall have power to make by-laws for the government of said corporation.

Object.

7. *And be it enacted*, That the said corporation are hereby authorized and empowered to manufacture lumber and plain and fancy woodwork and builders materials, also to construct and erect buildings and public works, to provide, procure and deal in the materials necessary therefor; and to carry on the business incident thereto in the county of Passaic, and to hold such real and personal estate as may be necessary for their purposes, and to mortgage and sell the same.

Stock personal estate.

8. *And be it enacted*, That the stock of said corporation shall be deemed personal estate, and transferable on the books of said corporation as the by-laws may direct.

Limitation.

9. *And be it enacted*, That this act shall continue in force for thirty years, and that the legislature may at any time alter, amend or repeal the same.

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

Approved March 11, 1864.

CHAPTER CXLVII.

A Further Supplement to the act entitled "An act to incorporate the American Telegraph Company," approved March twenty-third, eighteen hundred and fifty-nine.

Capital may be increased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the directors of the company incorporated by the act to which this is a supplement, may increase the capital stock of said company from time to time, to an amount, which, including the present capital, shall not exceed three hundred dollars for each mile of wire put up or owned by said company at the time of such increase of capital.

Approved March 11, 1864.

CHAPTER CXLVIII.

A Further Supplement to the act entitled "An act concerning inns and taverns."

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the twenty-first section of the said act to which this is a supplement, be and the same is hereby repealed.

Penalties, &c., discharged.

2. *And be it enacted*, That all penalties and forfeitures incurred under or by virtue of the said twenty-first section of the said act, be and the same are hereby abrogated and discharged.

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

Approved March 11, 1864.

CHAPTER CXLIX.

A Further Supplement to the act entitled "An act to incorporate the Peapack and Plainfield Railroad Company," approved March thirtieth, eighteen hundred and fifty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the charter of the act to which this is a supplement, be renewed, and that the names of Joseph Miller and William Richardson, be substituted in the first section of said act, in the place of Isaac Titus and John W. Adams, deceased, and that the time for the commencement of said railroad be extended to the fourth day of July, eighteen hundred and seventy, and that the time for the completion of said railroad be extended to the fourth day of July, eighteen hundred and seventy-six. Substitution of names and extension of time.

2. *And be it enacted*, That the said company shall lay out and construct a railroad from a suitable place in or near Peapack, through the counties of Somerset and Union, to some suitable point in or near Scotch Plains or Plainfield, and that all acts or parts of acts, or clauses in the act hereby amended inconsistent with this act are hereby repealed. Termini of road.

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

Approved March 11, 1864.

CHAPTER CL.

An Act to provide for compensating parties whose property may be injured or destroyed in consequence of mobs or riots.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any buildings or other real or personal property shall be destroyed or injured, in consequence of any mob or riot, the city in which the same shall occur, or if not in a city, then the county in which such property was situated, shall be liable to an action, by or in Action for damages against city or county.

behalf of the party whose property was thus destroyed or injured, for the damages sustained by reason thereof.

Mode of proceeding.

2. *And be it enacted*, That such action or actions may be brought and conducted in the same manner that other actions may be prosecuted by law, and the judgment may be reviewed in the manner now provided for in civil actions; and whenever any final judgment shall be recovered against any such city or county in any such action, such judgment shall be paid and collected as other judgments against such city or county.

Regulation.

3. *And be it enacted*, That no person or corporation shall be entitled to recover in any such action if it shall appear upon the trial thereof that such destruction or injury of property was occasioned, or in any manner aided, sanctioned or permitted by the carelessness or negligence of such person or corporation; nor shall any person or corporation be entitled to recover any damages for any destruction or injury of property as aforesaid, unless such party shall have used all reasonable diligence to prevent such damage, and shall have notified the mayor of such city, or the sheriff of such county, immediately after being apprised of any threat or attempt to destroy or injure his or their property by any mob or riot, of the facts brought to his knowledge; and upon the receipt of such notice it shall be the duty of such officer to take all legal means to protect the property attacked or threatened.

Proviso.

4. *And be it enacted*, That nothing in this act shall be construed to prevent any person or corporation whose property has been injured or destroyed by any mob or riot from having or maintaining an action against each and every person engaged or in any manner participating in such riot or mob.

Limitation of time.

5. *And be it enacted*, That no action shall be maintained against any city or county, under the provisions of this act, unless the same shall be brought within three months after the loss or injury, *provided*, if the parties bringing suit be in

Proviso.

ward, as of unsound mind, or minors, or under coverture, this limitation shall not apply.

May compound.

6. *And be it enacted*, That it shall be lawful for any city, by its common council, and for any county, by its board of chosen freeholders, whenever such city or county shall be liable to an action under the provisions of this act, to agree in writing, with the owner of the property destroyed or injured, upon the sum to be paid by such city or county, without action; and the sum agreed upon shall be paid as claims of a general nature against such city or county.

7. *And be it enacted*, That any city or county which shall pay any sum under the provisions of this act, whether paid upon judgment or settlement, may recover the full value of the property destroyed or injured, in an action against any or all of the persons in any manner engaged in such destruction or injury; and in such action the judgment recovered against, or the settlement made by such city or county, may be offered and shall be received as prima facie evidence of the value of the property destroyed or injured. May recuperate from rioters.

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

Approved March 11, 1864.

CHAPTER CLI.

An Act to authorize the inhabitants of the township of Beverly in the county of Burlington, and the inhabitants of the township of Millstone, in the county of Monmouth, to raise by tax an amount necessary to pay the bounties advanced to volunteers of the said townships.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Beverly, in the county of Burlington, are hereby authorized to borrow through their township committee a sum of money sufficient to pay the moneys advanced and paid to the volunteers under the second call of the president of the United States for three hundred thousand men, not exceeding the sum of one hundred and seventy dollars, and they are hereby further authorized to assess and collect the same by taxation. Township may borrow money.

2. *And be it enacted*, That the inhabitants of the township of Millstone, in the county of Monmouth, are hereby authorized to borrow through their township committee a sum of money sufficient to pay the moneys advanced and paid to the volunteers under the second call of the president of the United States, for three hundred thousand men, not exceeding the sum of two hundred dollars for each man, and they are hereby further authorized to assess and collect the same by taxation. Township may borrow money.

3. *And be it enacted*, That the said sum so advanced for

To raise money by taxation.

the bounties to the volunteers shall be raised by a tax on the real estate and personal property of the inhabitants in the said townships.

When assessed and collected.

4. *And be it enacted*, That the said taxes shall be assessed, made, levied and collected by the same persons, in the same manner, at the same time, and under like fees, fines and penalties as other township taxes are levied and collected.

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

Approved March 11, 1864.

CHAPTER CLII.

An Act to incorporate the Paterson Orphan Asylum.

Preamble.

WHEREAS, A number of persons, male and female inhabitants of the city of Paterson and its vicinity, in this state, have formed an association or society, assuming the name of the Paterson Orphan Asylum Association, the object of which is the support and instruction of orphans, half-orphans and homeless children, and training them to habits of industry; and whereas, the objects of the said association will be best promoted by an act of incorporation—therefore,

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Garret I. Blauvelt, John Kelly, Mary A. Hopper, wife of John Hopper, Anna Rogers, wife of Alexander W. Rogers, Mary Dalling, wife of Robert Dalling, Mary G. Van Buren, Sophia Ridgeway, Margaret Sandford, wife of Peregrine Sandford, Eleanor Evans, wife of William L. Evans, Mary E. Weiss, wife of Edward M. Weiss, Julia Fowler, wife of Grasse B. Fowler, Adnee D. M. Stelle, wife of Lewis R. Stelle, Marie E. Dickerson, Mary Elizabeth Sandford, wife of Charles Sandford, Eliza Halstead, and their associates, are hereby constituted a body politic and corporate, in fact, name and law, by the name of "The Paterson Orphan Asylum Association," 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 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 soever, by gift, grant, devise, bequest, or otherwise, and the same to grant, convey, assign, sell or otherwise dispose of for the purposes of the said corporation; *provided always*, that the net yearly income of such estate shall at no time hereafter exceed in value the sum of ten thousand dollars, nor be applied to any other purposes than those for which this corporation was formed. Proviso.

2. *And be it enacted*, That the property, affairs and concerns of the said corporation shall be managed and conducted by fifteen trustees, to be elected as follows, namely: on the first Tuesday of April next, the said corporators shall name fifteen persons, male and female, residing in the city of Paterson, or its vicinity, as trustees of the said association, and the said corporators shall act as trustees, until the first election of trustees under this act; and at the first or subsequent meeting of the said trustees after their said nomination, they shall proceed to divide themselves into three equal classes, one of which shall go out of office at the expiration of the first year, another at the expiration of the second year, and the other at the expiration of the third year; and on the first Tuesday of April, in the year eighteen hundred and sixty-five, and every year thereafter, there shall be elected five persons as trustees, who shall hold their office for three years, and until others shall be elected in their stead, which election 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, 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 such election other than the regular members of the said corporation, who shall have paid at least one dollar during the year next preceding such election for the use of the said corporation, or shall have paid twenty-five dollars at one time, which shall constitute him or her a life member; and a majority of such members voting at any such election shall be required for the election of such trustees. Fifteen trustees. Proviso.

3. *And be it enacted*, That the object of the said corporation shall be the support and instruction primarily of des- Object.

titute children of the said city of Paterson and its vicinity, and as the means of the said corporation will admit, the support and instruction, under such regulations and upon such conditions as the said trustees shall ordain and require, of destitute children of other parts of this state, and to provide a suitable asylum for such children, to be located in the city of Paterson.

Quorum. 4. *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 as to them shall seem needful for the purposes of the said corporation, not inconsistent with this act, the constitution of the association, or the laws of this state; and the said trustees shall have power, by the by-laws of the said corporation, to delegate such administrative powers as they shall deem proper, to such committees of their own number as they shall appoint.

President and officers. 5. *And be it enacted*, That the said board shall, as soon as conveniently may be after the nomination of the trustees as aforesaid, and after every annual election, choose by ballot from their own number, a president, vice-president, secretary, and a treasurer, and such other officers as they may deem expedient; and the duties and powers of the said officers, the qualifications of membership, and of all officers of the said corporation shall be defined by such by-laws of the said corporation as the board of trustees may make.

Not to be taxed. 6. *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 whatever.

Regulations. 7. *And be it enacted*, That the husband of any married person, who is or may be a member or officer of the said corporation, shall not be liable to the said corporation for any loss occasioned by the neglect or misfeasance of his wife, or upon any subscription or engagement of his wife, but shall be accountable to the said corporation for any money received from his wife belonging to said corporation.

Public act. 8. *And be it enacted*, That this act be and is hereby declared a public act, and that 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 March 11, 1864.

CHAPTER CLIII.

An Act to incorporate the Kent Copper Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Moses, Stephen D. Harrison, Cornelius D. Van Wagener, Allen Hay and Bennet Van Syckel, and such others as are or 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 Kent Copper Company," to be located in the county of Hunterdon, in the state of New Jersey.

Election of directors.

2. *And be it enacted*, That the stock, property, concerns and affairs of the said corporation, shall be managed and conducted by seven directors, who shall be annually elected on the first Tuesday in March, at such time of the day, and at such place in the county of Hunterdon, as the by-laws of said corporation shall direct; and public notice shall be given of the time and place of holding such election, not less than thirty days previous thereto, in one of the newspapers printed at Flemington in said county of Hunterdon; and the election shall then and there be made by such of the stockholders as shall attend for that purpose, in person or by proxy; and all elections shall be by ballot, each share having one vote; and the persons who shall have the greatest number of votes shall be the directors; and the said directors so soon as may be after their election, shall proceed in like manner, to elect by ballot one of their number to be their president; and if any vacancy or vacancies shall at any time happen among the directors elected by the stockholders, by death, removal, resignation or otherwise, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint; *provided*, that the first election shall be held within ninety days after the passage of this act, twenty days' notice, in one of the newspapers aforesaid, to be given of said election, by the persons named in the first section of this act; and the directors so elected shall serve until the first Tuesday of March eighteen hundred and sixty-five.

3. *And be it enacted*, That in case it should at any time

Not void by reason of failing to elect.

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

What capital stock shall consist of and amount,

4. *And be it enacted*, That the capital stock of the said corporation shall consist of the tracts of land, mines, mining privileges, minerals and ores, engines, machinery, and all improvements on said lands, situated and being in the said county of Hunterdon, belonging to the above named corporators, and which the said company shall purchase of them, or may hereafter acquire of others, not exceeding in value the sum of five hundred thousand dollars, which shall be divided into one hundred thousand shares of five dollars each; and it shall be lawful for the directors of said corporation to assess, from time to time, upon each share of the stock of said corporation, a sum not exceeding the gross amount of five dollars, in sums not exceeding one dollar at a time, and at intervals of not less than thirty days; *provided*, that two-thirds in interest of the stockholders of said corporation shall advise and consent thereto, at a meeting of the stockholders called for this purpose, and notice given of the same, as provided for in the second section of this act, relating to the election of directors; any stockholder refusing to pay an assessment regularly laid, and of which notice shall have been given, as heretofore provided for, shall forfeit to said corporation each and every share of stock upon which such assessment or assessments remain unpaid for the period of thirty days after notice shall have been given, in such form as the directors may ordain in the by-laws, to the stockholder that such assessment was due and unpaid.

Proviso.

Quorum.

5. *And be it enacted*, That a majority of the directors for the time being, shall form a board or quorum for the transaction of the business of the said corporation.

Stock personal estate.

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

How transferred.

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

shall at all times be open to the inspection of the stockholders.

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

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

Approved March 11, 1864.

CHAPTER CLIV.

A Supplement to the act entitled "An act to provide for the Government of the State, and to fix the salaries of public officers."

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 seven hundred dollars, from and after the passage of this act. Salaries increased.

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

Approved March 14, 1864.

CHAPTER CLV.

An Act to incorporate the Phillipsburgh Iron Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles Sitgreaves, John C. Bennett, John S. Bach, Russel S. Chidsey, Benjamin G. Clark, John T. Knight, Luther C. Voorhees, Daniel Runkle, Names of corporators.

John Drake, Derrick Hulick, Augustus G. Richey, and the survivors or survivor 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 Phillipsburgh Iron Company," for the purpose of manufacturing iron, steel and such other articles as are necessary in the prosecution of their business in the most advantageous manner, in the town of Phillipsburgh, county of Warren, 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, purchase, receive, have, hold and enjoy any lands, tenements and hereditaments within the county of Warren, and goods and chattels of whatever kind and quality which may be necessary in the prosecution of their business, not exceeding in value the sum of five hundred thousand dollars; and the same, or either or any part thereof, to sell, grant, demise, alien and dispose of; and that by that name they and their successors shall have all the powers which, by the laws of this state, are now incident and belong to every corporation.

Capital stock.

2. *And be it enacted*, That 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 shall be transferable in such manner as the said corporation shall by their by-laws direct; and it shall be lawful for said company, when one hundred thousand dollars capital stock shall have been subscribed and paid, 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, and 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 said county.

3. *And be it enacted*, That the subscription books of the said

capital stock shall be opened at the Lenni Lenappi Hotel, in Phillipsburgh, in said county, for any time not exceeding sixty days, under the direction of the board of directors, or of such of them as shall be designated by the said board for that purpose, at such time as they shall appoint. Books of subscription to be opened.

4. *And be it enacted*, That the stock, property, and concerns of said company, shall be managed and conducted by seven directors, being stockholders, a majority of whom shall be residents of the state of New Jersey, one of whom shall be president, who 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 by ballot, and each stockholder shall be entitled to as many votes as he shall have shares of the capital stock of said company; and the persons having the greatest number of votes, being stockholders, shall be directors; and if it should happen at any election for directors, that two or more persons shall have an equal number of votes, in such manner that a less number than seven shall, by a plurality of votes, appear to be chosen as directors, then the said stockholders hereinbefore authorized to vote at such elections, shall proceed to ballot a second time, and by a plurality of votes determine which of the persons having an equal number of votes, shall be director or directors, so as to complete the whole number of seven; and the said directors so chosen shall elect one out of their number to be president, and shall also appoint such and so many clerks and superintendents, and assign such compensation as they shall see fit, not less than a majority of the 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 Charles Sitgreaves, Election of directors. Vacancies, how filled.

First directors. John C. Bennett, Russell S. Chidsey, Daniel Runkle, John Drake, John S. Bach, and Augustus G. Richey, and the survivors and survivor of them, who shall hold their offices until the first Monday in June, eighteen hundred and sixty-four, and until others are legally chosen.

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, nor shall any money paid for the purchase of said stock be withdrawn by any stockholder, nor any notes, mortgages, stocks, bonds or other securities whatever be subscribed therefor.

Not void for failure to elect. 6. *And be it enacted*, That in case it shall happen at any time that an election shall not be made on the day on which, pursuant to this act it ought to be made, the said corporation shall not, for that cause, be deemed to be dissolved, but it shall and may be lawful to hold such election, upon giving ten days' notice, on such other days, in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of the said corporation.

Quorum. 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, property, profits 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. 8. *And be it enacted*, That the directors shall at all times keep or cause to be kept, proper books of account, in which shall be regularly entered and kept all the transactions of the 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.

Powers. 9. *And be it enacted*, That the said corporation shall possess the general powers, and be subject to the restrictions and liabilities, contained in the act entitled "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, so far as the same are applicable.

Limitation. 10. *And be it enacted*, That this act shall take effect immediately, to continue in force thirty years, but in case one hundred thousand dollars of the capital stock shall not be

subscribed and paid within six months after the approval of this act, then this act shall cease and be void, but it shall be lawful for the legislature of this state, at any time hereafter, to alter, annul, or repeal this act, or any part thereof, whenever in their opinion, the public good requires it.

Approved March 14, 1864.

CHAPTER CLVI.

Supplement to the act entitled "An Act to enable the owners and possessors of the meadow, marsh, and swamp lands on Butchers Creek and New Port Creek, in the county of Cumberland, to make a dam across the said creeks, and to erect and maintain banks, dikes, dams, and water-works sufficient to prevent the tide from overflowing the same," approved March thirteenth, Anno Domini, one thousand eight hundred and sixty-two.

WHEREAS, the parties interested in the "Act to enable the owners and possessors of the meadow, marsh and swamp lands on Butchers Creek and New Port Creek, in the county of Cumberland, to make a dam across the said creeks, and to erect and maintain banks, dikes, dams and water-works sufficient to prevent the tide from overflowing the same," have paid the sum assessed and declared to be payable on the same, by the act entitled "An act to increase the revenue of the state of New Jersey," approved March sixth, Anno Domini, one thousand eight hundred and fifty-eight, though not within the time limited by law; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the several sections of the act to which this is a supplement, and all acts and proceedings in pursuance thereof, are hereby declared to be, and shall be taken, construed and held to be valid and operative, and of the same force and effect as if the said assessment had been duly paid before the first day of July next ensuing the passage of said act to which this is a supplement. Revivor.

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

Approved March 14, 1864.

CHAPTER CLVII.

An Act to reorganize the Medical Society of New Jersey.

Preamble. WHEREAS, The medical society of New Jersey is approaching its centenary anniversary; and whereas, the society, by petition, has expressed a desire to surrender all its special privileges and pecuniary immunities, and to reorganize as nearly as possible upon the voluntary basis; therefore,

Society, how constituted. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the medical society of the state of New Jersey, already incorporated by the style and name of "The Medical Society of New Jersey," shall continue to be a body corporate and politic, in fact and in name, and shall and may have and use a common seal, and alter the same at their pleasure; and that the said society shall be composed of delegates (not less than three) chosen by and from each of the district or county societies, which now are, or which under the authority of the said society may be hereafter instituted; the officers for the time being, shall be ex-officio members of the said society independently of the authority of delegation; and all persons who shall have been or may hereafter be presidents of the society, shall rank as fellows, and be entitled to all the privileges of delegated members.

Powers. 2. *And be it enacted*, That the society shall have the authority to confer the degree of Doctor of Medicine, under such rules and regulations as they may adopt, which degree shall be deemed sufficient evidence of a regularly educated and qualified practitioner of the healing art; and hereafter no one shall be admitted to membership in any district or county society having connection with this society, unless he shall have received the said degree of Doctor of Medicine, or been admitted ad cardem, from some other medical authorities which this society shall deem proper to recognize; *provided*, that this act shall not be so construed as to prevent any county or district society from admiting to membership any respectable practitioner who shall have previously to the passage of this act, received the degree of doctor of medicine from any college or university recognized by, or in affiliation with the body known as "The American Medical Association."

Proviso.

Privileges. 3. *And be it enacted*, That this society shall have power

to prescribe the duties of its officers and members, fix their compensation, assess from time to time an annuity upon the district or county societies in the ratio of their membership respectively, and adopt such rules and regulations for the due management of the concerns of this and the several district societies as may be deemed necessary; *provided*, the same be not contrary to the laws of this state; and may hold any estate, real and personal, the annual income of which shall not exceed one thousand dollars. Proviso.

4. *And be it enacted*, That this act shall be considered a public act, and shall take effect on the fourth Tuesday of January, eighteen hundred and sixty-six; and that the act entitled "An act to incorporate medical societies for the purpose of regulating the practice of physic and surgey in this state," passed January twenty-eighth, eighteen hundred and thirty, and all supplements thereto, be and the same are hereby repealed. Repealer.

Approved March 14, 1864.

CHAPTER CLVIII.

A Supplement to an act entitled "An act to authorize the construction of works for the supplying of Jersey City and places adjacent, with pure and wholesome Water," approved March twenty-fifth, eighteen hundred and fifty-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the water commissioners of Jersey City shall have the exclusive power over, and take full charge of the repairing and cleansing of all sewers, and the necessary parts thereof constructed in Jersey City, whenever constructed in conformity with the plan defined by an act entitled "a further supplement to an act to authorize the construction of works for the supplying of Jersey City and places adjacent, with pure and wholesome water," approved March sixteenth, eighteen hundred and fifty four, and that for the purpose of enabling the said commissioners to pay the expenses incident to such repairs and cleansing, they are hereby authorized to impose upon each lot of land in To cleanse and repair sewers.

said city, embracing twenty-five hundred square feet of land or less, an annual tax not exceeding twenty cents, which said tax shall be a lien upon said lot, and shall be assessed and collected at the same time and in the same manner as water rents are now assessed and collected.

Annual report

2. *And be it enacted*, That the said water commissioners shall exhibit in their annual report of the condition of the works under their charge, to the mayor and common council of Jersey City, the amount expended for the purposes provided for by this act, and in what manner the same shall have been expended.

May borrow money and issue bonds.

3. *And be it enacted*, That for the purpose of defraying the expenses incident to the enlargement of the works mentioned in the act to which this act is supplementary, and such future expenses as may be incurred by the said the water commissioners of Jersey City, in the further extension of said works, when they shall be required; the said water commissioners shall be and they are hereby authorized to borrow at such time or times as they may deem expedient, the sum of two hundred thousand dollars in addition to the amounts heretofore authorized and to issue bonds or scrip for the payment of the same, which said bonds or scrip shall be of the same force and effect, and as valid for all the purposes directed by law, and may be issued, negotiated and pledged in the same manner, and on the same terms, as the bonds or scrip heretofore authorized to be issued.

Bonds public stock.

4. *And be it enacted*, That said bonds shall be deemed and taken to be public stock, created under the laws of this state, and may be deposited with the treasurer of this state, under and subject to the provisions of the act entitled "An act to authorize the business of banking," approved February twenty-seventh, eighteen hundred and fifty, and the supplements thereto.

Regulation of sewers in certain streets.

5. *And be it enacted*, That the sewers authorized to be constructed in Jersey City by the water commissioners of said city, by virtue of the act to which this act is supplementary, and the several supplements thereto shall not be constructed on the plans heretofore adopted and authorized in that part of said city, east of Provost street, and between Pavonia avenue and North Fifth street; and no sewer shall be constructed in that part of said city except as hereinafter provided, but shall be so constructed as to drain the parts of said city lying west of Provost street and between Pavonia avenue and North Fifth street, and along North First street

west of Meadow street, as effectually and completely as could be done by the plan heretofore authorized and adopted; and that for that purpose the sewers authorized to be constructed in North Second, North Third, North Fourth, and North Fifth streets, shall at Provost street intersect and discharge into a sewer of sufficient dimensions, to be constructed in Provost street to North Fifth street, and thence along North Fifth street, easterly to the Hudson river, and at such descent as will carry off the water at ordinary low tide with the same flow as it would have run along the sewers designed by the plans heretofore adopted to discharge the waters from said streets east of Provost street; and the sewer in North First street and in Provost street, from the south side of North Second street, shall intersect and discharge into a sewer of sufficient size to be constructed in Provost street from North First street to Pavonia avenue, and thence along Pavonia avenue to the Hudson river; said sewer to be so constructed as not to disturb the sewer in Pavonia avenue, now constructed there by authority of the mayor and common council of Jersey City; and no lot drained by said sewer now existing in Pavonia avenue, shall be assessed for constructing such new sewer unless it shall be connected therewith and be drained thereby.

Assessment limited.

6. *And be it enacted*, That in assessing the expenses for constructing any sewer authorized by this act, which in any respect differs from the sewers authorized and established by and under existing laws, the water commissioners of Jersey City shall not assess upon any lands except the lands east of Provost street and between Pavonia avenue and North Fifth street, now owned by the Long Dock Company, any greater expense than said lots would have been subject to if said sewers had been constructed on the plans now authorized and adopted; and any excess of such cost and expense over and above what would have been the cost if constructed on the present plans shall be assessed upon and collected from the land lying east of Provost street and between Pavonia avenue and North Fifth street, which are now owned by the Long Dock Company; and such assessment may be made upon and levied and collected from said lands by such proceedings and sale as now are or may be hereafter authorized by law to assess, levy and collect the costs and expenses of other sewers upon and from the lands in said city made subject thereto.

Salary.

7. *And be it enacted*, That the water commissioners of

Jersey City may pay as compensation to their presiding officer a sum of money not exceeding twenty-five hundred dollars per annum.

Repealer. 8. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and they are hereby repealed, and that this act shall take effect immediately.

Approved March 14, 1864.

CHAPTER CLIX.

An Act to legalize certain acts of the township committee and of the inhabitants of the township of Bridgewater, in the county of Somerset, in raising money for three years' volunteers for the war.

Preamble. WHEREAS, At a special township election held at Somerville, in and for the township of Bridgewater, in the county of Somerset, on the thirty-first day of August, one thousand eight hundred and sixty-three, held upon eight days' previous notice given by the township clerk, upon the order of the township committee, it was unanimously voted that the township committee should be authorized to borrow a sum of money not exceeding fourteen thousand one hundred dollars, from which, as a bounty fund to pay three hundred dollars to each volunteer or drafted man accepted and mustered into the service of the United States, and credited to said township on the then pending draft; and whereas, the quota, for the time being, of said township, to wit: forty-seven men, was filled by volunteers duly mustered and credited as aforesaid, and the said sum of fourteen thousand one hundred dollars having been loaned by said township temporarily, was expended in payment of such bounties, and said sum of money hath been assessed with other taxes upon the inhabitants and taxable property of said township and the principal portion thereof collected by the collector of said township, and doubts having arisen touching the legality of the doings of the township committee, and of the inhabitants of said township, and touching the power and authority of the township collector to enforce the payment and collection of such tax so assessed; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the acts and doings of the township committee and of the inhabitants of the township of Bridgewater, in the county of Somerset, mentioned in the preamble of this act to raise fourteen thousand one hundred dollars by assessment and collection, to repay a loan of that amount which had been expended to pay a bounty of three hundred dollars to each volunteer or drafted man accepted and mustered into the service of the United States and credited to said township to fill the quota of said township, are valid in all respects and binding upon the inhabitants and taxable property of said township. Acts legalized

2. *And be it enacted*, That the collector of said township shall be in all courts and places deemed and adjudged to be empowered to collect the said sum so assessed as aforesaid in the manner now prescribed relative to the collection of taxes, and that no assessment made by reason of the bounty money aforesaid shall be, for anything hereinbefore mentioned, set aside or annulled, and that no suit or proceeding shall be commenced or prosecuted to set aside any assessment so made as aforesaid. Assessment regulated.

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

Approved March 14, 1864.

CHAPTER CLX.

An Act to incorporate the Bergen County Gas Light Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Keeney, Joseph A. Sabbaton, William W. Shippen, John H. Suckley, Adam Boyd and Richard Merrifield, and all and every person or persons who may become subscribers, according to the mode hereinafter provided, and their successors, are hereby created a body politic and corporate, in fact, by the name of "The Bergen County Gas Light Company," and the said corporation are hereby invested with full power and authority to manufacture, make and sell gas, to be made of bituminous Names of corporators.

coal, or other materials, for the purpose of lighting the streets, buildings and other places in the township of Hackensack and its vicinity, and to purchase, hold and convey all real and personal estate required for the purposes of the corporation.

May lay down gas pipes, &c.

2. *And be it enacted*, That the corporation shall have full power and authority to lay down their gas pipes and to erect gas posts, burners and reflectors in the streets, avenues, highways and public grounds, alleys and lanes, in the township of Hackensack and its vicinity, and to adopt all proper and necessary means to light all dwellings, stores and all other places situated therein with gas; *provided*, that the public travel shall at no time be unnecessarily impeded thereby; and the side and cross-walks, streets, avenues and highways shall be left in as good condition as before the laying of the said pipes or the erection of the said posts, and that the corporate authorities in said township and its vicinity, by whatever name the same are known, in which said pipes are laid, may prescribe the manner of laying said pipes so far as relates to the interference with public travel.

Capital stock.

3. *And be it enacted*, That the capital stock of the corporation shall not exceed fifty thousand dollars, in shares of twenty-five dollars each, and the persons named in the first section of this act are hereby appointed commissioners to receive subscriptions to the capital stock, and the said commissioners, or a majority of them, shall open books for that purpose, at such time and in such place as they shall designate by advertisement, previously, at least three weeks in a public newspaper printed in the county of Bergen, 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 apportion the stock subscribed for among the subscribers, and may require each subscriber to pay to them at the time of subscribing not exceeding twenty per centum 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 installments, in such sums and at such times and under such forfeitures as they may deem expedient.

Commissioners to open books.

4. *And be it enacted*, That the management of the affairs of the said company shall be vested in five directors to be elected from the stockholders, a majority of said directors to be citizens of the state of New Jersey, and said directors shall choose by a plurality of votes from among themselves a president, and as soon as may be after three thousand dollars shall have been subscribed the said commissioners, or a majority of them, shall convene the said stockholders, by public notice published in a newspaper in Bergen county, at such time and place in either Hudson or Bergen county as they may designate in such notice, to choose the first board of directors, who shall hold their office one year from the first Monday in June next ensuing and until others are elected in their stead, and the elections for directors shall be held annually, either in Bergen or Hudson county, and public notice of such elections shall be given at least ten days previously by publication in a newspaper printed in Bergen county; all vacancies in the board of directors may be filled for any unexpired term by the remaining directors, and all elections for directors shall be by ballot of the stockholders or their proxies, allowing one vote for each share which they shall hold in their own name at the time of voting. Election of directors.

5. *And be it enacted*, That if at any time an election is not held on the day herein appointed, the corporation shall not for that cause be dissolved, but such election shall be held in the manner prescribed by the by-laws at any time within one year. Not dissolved for failure to elect.

6. *And be it enacted*, That the directors for the time being shall form a board, and a majority of them shall be a quorum for transacting business. Quorum.

7. *And be it enacted*, That the stock of the said corporation shall be transferred according to its by-laws and regulations, and shall be considered personal property, and the stock and transfer books shall be opened at all reasonable times to the inspection of the stockholders, and the books of account, in which shall be fairly and truly entered all the transactions of the company, shall be opened at all reasonable times to their inspection. Transfer books.

8. *And be it enacted*, That if any person shall wilfully injure any conduit, pipe, gasometer or other thing appertaining to the works of the company, or obstruct the same, the person or persons so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not exceeding three hundred dollars, or imprisonment Penalty for injuring works.

Proviso. not exceeding two years, or both; *provided*, no such criminal prosecution shall impair the right of the company to an action for damages by a civil suit.

Limitation. 9. *And be it enacted*, That the corporation established by this act shall continue in force for twenty years, and shall possess the general powers and be subject to the restrictions and liabilities imposed by "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, so far as applicable.

Additional powers. 10. *And be it enacted*, That the said company shall have power to receive property suitable for its purposes at a valuation to be agreed upon, in lieu of cash subscriptions, and may borrow money to an amount not exceeding one-half its capital stock paid in, and to mortgage their works, property and franchises, and to execute all necessary assurances for securing the money so borrowed, with interest not exceeding seven per centum per annum.

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

Approved March 14, 1864.

CHAPTER CLXI.

An Act to incorporate the New Brunswick Hotel Company.

Preamble. WHEREAS, the owners of the premises known as the Bull's Head hotel, situate at the southwest corner of Burnet and Hiram streets, in the city of New Brunswick, in the county of Middlesex, and others, are desirous of rebuilding, improving and fitting up the same as a place for the better accommodation of the travelling public; and whereas, it is represented that corporate powers are necessary, the more conveniently to carry out the intentions of the said owners and others who wish to join the said enterprise; therefore,

Corporators. 1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become subscribers to the capital stock hereinafter mentioned, their successors and assigns, shall be and are hereby constituted and made a body politic and corporate, in fact and in law, by the name of the "New Brunswick Hotel Company," and by

that name shall have power to lease, purchase and hold real estate, in the city of New Brunswick, in the county of Middlesex, and to erect a hotel and other buildings and improvements on any part of the said real estate, for the accommodation of the public, and to transact all such business as may be incident or appertaining to the managing, erecting, furnishing, conducting, or leasing said premises, or otherwsie disposing of the same, and that Henry Smith, William M. Van Sickel, George V. Clickener, George Greer, Abraham P. Provost, William V. S. Annin, Albert R. Speer, Christian J. Walker and Charles S. Clark, or a majority of them, are hereby appointed commissioners to open the subscription books and receive subscriptions to the capital stock, at such times and places as they, or a majority of them shall direct, giving notice thereof for at least two weeks prior to the opening of said books, by publishing the same in one or more newspapers published in the city of New Brunswick.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be thirty-five thousand dollars, with the privilege for the said company to increase the same at any time or times to any sum not exceeding fifty thousand dollars, which shall be divided into shares of twenty-five dollars each, and shall be transferable in such manner as the by-laws of the said corporation shall direct; that at the time of subscribing to said stock five dollars shall be paid on each share so subscribed for to the said commissioners, and the residue shall be paid in such installments and at such times as the directors of said company shall direct, and that upon failure of the payment of such installments, or any of them, the directors shall have power to forfeit the shares of every person so failing to pay the same, to and for the use of said company.

Meeting of stockholders.

3. *And be it enacted*, That as soon as eight hundred shares of said stock shall be subscribed for, the said commissioners shall call a meeting of the stockholders, giving notice as aforesaid, for opening the subscription books, and shall lay the subscription books before the stockholders, who are hereby authorized to elect by ballot, from among said stockholders, seven directors, to whom the management of said company shall be entrusted, at which election, and at all other elections by the stockholders, every stockholder shall be entitled to one vote, either in person or by proxy, for every share of stock held by such person; and the said directors shall elect from among themselves a person for the president of said company, and may elect such other officers and agents, and make such

by-laws, as they may deem necessary for conducting the affairs of said corporation.

Location.

4. *And be it enacted*, That as soon as the said directors shall be organized, by the election of a president as aforesaid, the said company shall be authorized to receive a conveyance from the owners of all that lot of land and premises situate at the southwest corner of Burnet and Hiram streets, in the city of New Brunswick, in the county of Middlesex, known as the Bull's Head Hotel property, which lot is thus bounded; namely: on the north by Hiram street, on the east by Burnet street, on the south by property of Henry Smith and David Voorhees; and on the west by property of the late John Reamer, deceased; the said company paying the owners therefor the sum of sixteen thousand dollars; and after the said conveyance shall have been made, the said company is hereby authorized to purchase such other real estate, in the city of New Brunswick aforesaid, as the said company may deem necessary for the better enjoyment of the premises aforesaid.

Stock personal estate.

5. *And be it enacted*, That the capital stock of said company shall be deemed personal property, and shall be transferable only on the books of the company, in such manner as the directors from time to time, by their by-laws, may direct.

Annual report

6. *And be it enacted*, That the board of directors elected as aforesaid shall hold their offices until the last Saturday of April of the year succeeding their election, and until others are elected in their place, and that annually on the day of the annual election, the said directors shall submit to the stockholders a statement of the affairs of the company, and may from time to time declare dividends out of the profits arising from the profits of said company.

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

Approved March 15, 1864.

CHAPTER CLXII.

An Act to authorize the inhabitants of the township of Willingborough, in the county of Burlington, to raise money by taxation to pay bounties to volunteers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the township committee in the township of Willingborough, in the county of Burlington, and they are hereby authorized and empowered to raise or cause to be raised by taxation at the same time and in the same manner that other taxes are raised, an amount of money equal to the bounty which has, or may be paid to encourage enlistments of volunteers in said township under the calls of the president of the United States, for troops to assist in putting down rebellion against the constitution and laws of the United States; the said amount so raised, to be applied exclusively to the liquidation of indebtedness incurred by the payment of said bounties. To raise money by taxation.

2. *And be it enacted*, That the debt and liabilities which has or may be incurred by said township, in consequence of the payment of bounties to volunteers for said township, and the action of said township thereupon are hereby ratified and confirmed. Acts ratified.

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

Approved March 15, 1864.

CHAPTER CLXIII.

An Act to authorize the inhabitants of the township of West Milford, in the county of Passaic, to raise money, issue bonds, and for other purposes.

WHEREAS, The inhabitants of the township of West Milford, in the county of Passaic, in public town meeting assembled, did authorize and direct a bounty of fifty dollars, in addition to the bounty of three hundred dollars provided and Preamble.

offered by and under the direction of the board of chosen freeholders of said county, to be paid to volunteers to fill the quotas assigned to said township; therefore,

Township

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said action of the inhabitants of the township of West Milford, in the county of Passaic, be and the same is hereby ratified and confirmed, and the indebtedness incurred in pursuance thereof is hereby made a debt and liability of said township; and the township committee of the said township is hereby authorized and required to provide for the payment of said indebtedness, by issuing bonds in the name of "the inhabitants of the township of West Milford, in the county of Passaic," under the respective hands and seals of the said township committee, or of any three of them, for such amount in the aggregate, not to exceed three thousand five hundred dollars, as shall be sufficient for that purpose; said bonds to be in such sum or sums, and payable at such time or times as the said township committee shall deem proper, not exceeding ten years from the date or time of issuing the same, bearing interest at a rate not exceeding seven per centum per annum, payable anually or semi-annually; and the property and credit of the said township is hereby pledged and made liable for the payment and redemption of the said bonds; and the said township committee and their successors in office, may sell, dispose of, and assign such bonds, and shall apply the same or the proceeds thereof, exclusively in payment and liquidation of the said indebtedness.

To provide by taxation for payment and interest.

2. *And be it enacted*, That the township committee of the said township of West Milford, shall raise or cause to be raised by taxation, at the time and in the manner that other taxes in said township are or shall be assessed and collected, such sum and sums of money as shall be sufficient to pay and satisfy the principal and interest of the said bonds, as the same shall from time to time become due and payable; and all moneys so raised shall be paid to said township committee, and be inviolably applied by them to pay the principal and interest of said bonds as aforesaid.

Poll tax.

3. *And be it enacted*, That it shall be lawful for the inhabitants of the said township, at their annual town meetings respectively, by a majority of the votes cast, at each town meeting, to increase the poll tax to be assessed for the then ensuing year upon the inhabitants of said township subject to

a poll tax, to one dollar upon married men, and two dollars upon single or unmarried men.

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

Approved March 15, 1864.

CHAPTER CLXIV.

A Further Supplement to an act entitled "An act to prevent fishing with seines, baskets, nets or fikes, in the Passaic river, between the mill-dam at Little Falls, and the mill-dam at Chatham, in the counties of Essex, Morris and Passaic.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of said act to which this is a supplement, be repealed, and the same is now repealed. Repealer.

2. *And be it enacted*, That hereafter it shall not be lawful for any person or persons at any time, either by day or by night, to set, put, place or haul any seine, basket, net or fike within the limits or waters of the Passaic river, between the mill-dam at Little Falls and the mill-dam at Chatham, in the counties of Essex, Morris and Passaic, under the penalty of twenty dollars for each and every offence, to be recovered in an action of debt, before any justice of the peace in the county in which the offence was committed, with costs of suit, by any person who shall sue for the same, the one-half thereof to his own use, and the other half for the use of the poor of the township in which the offence was committed. Penalty for using seines, nets, &c.

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

Approved March 15, 1864.

CHAPTER CLXV.

An Act to provide for raising moneys paid for bounties to volunteers in the township of Frelinghuysen, in the county of Warren.

Acts legalized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Frelinghuysen, in the county of Warren, shall be held and deemed to be liable, in their corporate capacity, in the sum of ten thousand seven hundred and fifty dollars, with the interest that has or may accrue thereon, for moneys advanced and paid for bounties to volunteers credited to said township, under the calls for the same, made by the governor of this state, in July last, and in October last, and which were advanced and paid in pursuance of resolutions passed by the inhabitants of said township assembled together for that purpose; and that an action of debt may be had and sustained if need be, by the person or persons or corporation, for so much of the said moneys as were by them or either of them advanced or paid, with the interest thereon.

To raise the amount by taxation.

2. *And be it enacted*, That it shall be lawful and is hereby made the duty of the inhabitants of the said township of Frelinghuysen, to levy and raise by taxation, within the time and in the manner other township taxes are by law levied and raised, the said sum of money, for which, by the first section of this act, they are made liable, with the interest thereon; and the assessor and collector of the said township, with the other proper officers, are hereby enjoined and required to proceed in the assessment and collection of the same, within the time, and in the manner, and under the obligations prescribed by law for the assessment and collection of other township taxes, and when collected the same shall be paid to the person or persons or corporation entitled thereto; *provided*, that in assessing the said money, it shall be lawful to increase the poll tax to twice the amount now by law authorized to be imposed in the said township.

Proviso.

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

Approved March 15, 1864.

CHAPTER CLXVI.

A Supplement to an act entitled "An act to incorporate the Hoboken and Weehawken Horse Railroad Company, and to confirm the grants therein mentioned," approved February fourteenth, eighteen hundred and sixty, to authorize the said company to extend their horse and dummy engine railroad from some point on their present railroad in Union township to and into the township of Hackensack, in the county of Bergen.

Extension of privileges.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the said company to extend their said horse and dummy engine railroad from its present northerly terminus on the Bergen A line road, to or near the old turnpike road running from Fort Lee to Hackensack, in the county of Bergen, and not further at any point than three-fourths of a mile from the West shore of the Hudson river, and to construct, maintain and operate such extension, and demand and receive the same sum and sums of money for the transportation of persons and of every species of property on such extension, and to carry out the objects of this act and of said original act, and of the supplements thereto, to issue and sell such bonds and make such mortgages on said extension to secure the said bonds as they are authorized by said act, to which this is a supplement, to do in respect of or on the road originally authorized, and generally that said company shall possess and may exercise in respect of the extension all the powers, privileges, immunities and franchises given and granted in said act, to which this is a supplement, and for that purpose all the unrepealed provisions of said original act and of the supplements thereto, except as altered hereby, shall extend and be applicable to the road now authorized in every respect, in the same manner and to the same extent as if the road now authorized had been authorized by the said original act.

Additional powers.

2. *And be it enacted*, That the road hereby authorized may be constructed, maintained, and operated across any turnpike or highway; and, with the consent of a majority of the township committee of the township of Hackensack, may be constructed, maintained and operated upon and along any highway in said township of Hackensack, south of said Fort

Lee and Hackensack turnpike and not west of said proposed route.

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

Approved March 15, 1864.

CHAPTER CLXVII.

An Act concerning the fencing of improved lands in the townships of West Milford, Pompton and Wayne, in the county of Passaic.

Fences to be built.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the owner of any improved land situate and lying in the townships of West Milford, Pompton or Wayne, in the county of Passaic, to build and erect such fence or fences as are or shall be declared by law to be a lawful fence, on the outside boundaries of such improved land; and if the owner or owners of such improved land shall refuse or neglect to build and erect such fence or fences for the space of six months next after the time this act shall take effect, it shall not thereafter be lawful for any such owner or owners to maintain any suit or to recover damages for any trespass committed by cattle on said improved land, nor to impound such cattle for the same.

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

Approved March 15, 1864.

CHAPTER CLXVIII.

A further supplement to an act entitled "An act to divide the township of North Bergen, in the county of Hudson," passed February twenty-eighth, eighteen hundred and sixty-one, erecting the township of West Hoboken, &c.

Preamble. WHEREAS, by an act passed March eleventh, eighteen hundred and sixty-two, supplementary to an act entitled "An act to divide the township of North Bergen, in the county of Hudson, passed February twenty-eighth, eighteen hundred and sixty-one, erecting the township of West Hoboken, &c., all the duties of assessor and collector and collector of delinquent taxes of the township of West Hoboken, were devolved upon one officer under the designation of assessor and collector and collector of delinquent taxes; and whereas, the pay and emoluments of such officer, under existing laws, are not an adequate compensation for the services necessary to be rendered by him—therefore,

Percentage to collector regulated. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the assessor and collector and collector of delinquent taxes of the township of West Hoboken shall, in lieu of the pay and emoluments now provided by law, be allowed and paid a per centage on the amount collected this and every year hereafter, viz., five per centum on the first four thousand dollars, and seven per centum on the balance so collected; *provided*, that when the sum to be collected in said township shall exceed the sum of eight thousand dollars, then the per centage shall be five per centum on the whole amount collected.

Proviso.

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

3. *And be it enacted*, That this act shall take effect from the date of its passage.

Approved March 15, 1864.

CHAPTER CLXIX.

An Act to authorize the inhabitants of the township of Burlington, in the county of Burlington, to raise money to pay bounties to volunteers.

Township may borrow money.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of the township of Burlington, in the county of Burlington, be and the same are hereby authorized to borrow, in the name and for the use of such township, such sum or sums of money as may be necessary for the payment of bounties to volunteers, who may be enlisted from said township, under the late calls for volunteers made by the federal government, said bounty not to exceed two hundred and twenty-five dollars per head, and to pledge the property and credit of the said township for the payment of the same.

To provide for payment by taxation.

2. *And be it enacted*, That it shall be the duty of the assessor of the said township, and he is hereby required to assess upon the taxable property of said township, and at the same time and in the same manner as the other taxes of said township are assessed, and in addition thereto such sum of money as shall be certified to him, by the township committee of said township, or a majority of them, to be necessary for the repayment of said loans, with the interest thereon; that said taxes so assessed shall be collected by the collector of the township, who may be elected at the next annual town meeting to be held in the said township, in the same manner and at the same time as the other taxes of the said township are collected, and when collected it shall be the duty of the said collector to pay to the person or persons who may advance said money, or their legal representatives, upon their producing proper evidence thereof, the sums so borrowed by them respectively, with the interest that may be due thereon; *provided*, that no more that one-third of said money shall be so assessed and collected in any one year.

Proviso.

Fees.

3. *And be it enacted*, That the said assessor and collector shall receive the same fees respectively for assessing and collecting the tax in this act specified as they are by law entitled to for assessing and collecting other taxes, and shall be

liable to the same fines and penalties as are now by law imposed upon them for any neglect of duty.

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

Approved March 15, 1864.

CHAPTER CLXX.

An Act to authorize the inhabitants of New Hanover, in the county of Burlington, to raise by tax an amount necessary to pay the bounties advanced to the volunteers of said township.

Preamble. WHEREAS, the inhabitants of the township of New Hanover, in the county of Burlington, have contracted certain debts and liabilities in raising bounties to pay volunteers who have enlisted from said township to fill the quota of men called for from said township; and whereas, it is necessary that a law should be passed by the legislature to legalize the paying of said debts so incurred by taxation;

May provide for payment by taxation. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of said township be and the same are hereby authorized to raise by assessment on the taxable property in said township, a sum sufficient to liquidate and pay the debts and liabilities incurred and the amounts advanced and expended in raising said volunteers, in such sums and proportions as a majority of the inhabitants thereof at their next annual town meeting shall order and direct.

When assessed and collected. 2. *And be it enacted*, That the said assessment shall be made and collected at the same time and in the same manner as other taxes are assessed and collected, and the money so raised shall be applied exclusively to the payment of the indebtedness incurred by the payment of said bounties.

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

Approved March 15, 1864.

CHAPTER CLXXI.

An Act to authorize the inhabitants of the township of Washington, in the county of Warren, to raise an additional sum of money to pay bounties to volunteers.

Township committee may borrow money.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of enabling the inhabitants of the township of Washington, in the county of Warren, to pay bounties to volunteers to fill the deficiency of the quota still to be raised in said township, it shall be lawful for the township committee of the said township of Washington, to issue bonds of the said township under the hands and seals of the township committee of said township, or a majority of them, to an amount not exceeding sixteen thousand dollars, which bonds shall bear interest at the rate of six per centum per annum, and shall be of such denomination as the said committee shall determine, and shall be made payable at any time or times not exceeding four years from the date thereof.

Liability of township.

2. *And be it enacted*, That the inhabitants of the said township of Washington, shall be liable in their corporate name and capacity for the payment of the said bonds and all interest accruing thereon up to the time the same shall be paid.

Payment of interest and principal by taxation.

3. *And be it enacted*, That it shall be the duty of the township committee of the said township of Washington to order and cause assessments of taxes to be made from time to time of such sum or sums as may be necessary to pay the bonds so issued as aforesaid with the interest which may become due thereon, and remaining unpaid, which said taxes shall be assessed, levied and collected at the same time and in the same manner as other township taxes are or may be assessed, levied and collected in said township.

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

Approved March 15, 1864.

CHAPTER CLXXII.

An Act to authorize the inhabitants of the township of Manalapan, in the county of Monmouth, to raise money for volunteers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of the township of Manalapan, in the county of Monmouth, are hereby empowered to raise by tax, and have assessed and collected in the same manner as other moneys are assessed and collected for township purposes, and in such sums as they may think necessary and advisable, moneys sufficient to pay the bounty already paid or to be paid to volunteers in the military service of the United States, to fill up the quota of the said township under the last two calls of the president of the United States; *provided*, that the amount thereof shall not exceed the sum of two hundred dollars for each of said volunteers, to be paid by said township. Township authorized to raise money. Proviso.

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

Approved March 15, 1864.

CHAPTER CLXXIII.

Supplement to an act entitled "An act to authorize the inhabitants of the township of Matavan, township of Manalapan, county of Monmouth, township of Lafayette, in county of Sussex, to vote by ballot at town meetings," approved March sixteenth, eighteen hundred and fifty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Manalapan, in the county of Monmouth, are hereby authorized to elect two constables instead of one, as provided in the first section of the act entitled "An act to authorize the inhabitants of the township of Matavan, township of Manalapan, county of Monmouth, township of Lafayette, in county of Two constables to be elected.

Sussex, to vote by ballot at town meetings," approved March sixteenth, eighteen hundred and fifty-nine.

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

Approved March 15, 1864.

CHAPTER CLXXIV.

An Act to incorporate the Long Branch Gas Light Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel Laird, Woolman Stokes, Elwood S. Green, Benjamin A. Schoonmaker, Jacob Herbert, and John Q. Dudley, and such persons as may become stockholders under this act, and their successors are hereby created a body corporate by the name of "The Long Branch Gas Light Company."

Object.

2. *And be it enacted*, That the said corporation shall have the power to manufacture and make and sell gas, to be made of bituminous coal or other materials, for the purpose of lighting the buildings, streets and other places at Long Branch, in the township of Ocean, in the county of Monmouth, in this state; said corporation is empowered to lease, purchase, take and hold such real and personal estate as shall be necessary or convenient for the transaction of their business, or which they may acquire in securing debts which may become due to them in the course of their ordinary transactions as such corporation; and said corporation are empowered to make and enter into all contracts, agreements and covenants as shall be proper to carry into effect the purposes of this act.

Powers.

3. *And be it enacted*, That the said corporation shall be empowered to lay down their gas pipes, and to erect gas posts, burners and reflectors in the streets, alleys, lanes avenues and public grounds at Long Branch aforesaid, and in the vicinity thereof, and to do all things necessary to light the buildings, streets and places at Long Branch aforesaid, and in the vicinity thereof, with gas; *provided*, that the public travel shall not be impeded by the laying of such pipes or the erection of such posts, and the streets, side and cross-walks, public grounds, lanes and avenues shall not be injured, but

Proviso.

shall be left in as good condition as before the laying of such pipes and the erection of such posts.

4. *And be it enacted*, That the capital stock of the said company shall amount to thirty thousand dollars, and if deemed necessary by said corporation can be increased to fifty-thousand dollars; and such capital stock shall be divided into shares of twenty dollars each; the persons named in the first section of this act are hereby named commissioners for the purpose of receiving subscriptions for such capital stock; and the said commissioners, or a majority of them, shall open books for that purpose, at such time and in such place or places within this state as they shall designate by a public advertisement, to be previously inserted for at least one week in a newspaper printed in the county of Monmouth, and shall continue the same open until the said capital stock shall be subscribed, or, at their discretion, close the same after they shall have remained open two days, and again open the same at some other time or times, place or places, giving public notice thereof as aforesaid; and the sum of five per centum upon each share so subscribed shall be paid in cash, 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 of such stock from said commissioners; and the amount so received by the said commissioners shall by them, or a majority of them, be paid over to the directors of the said company, to be appointed as hereinafter directed; and all the powers of the said commissioners shall cease and determine on the appointment of such board of directors; and the said board, when so appointed, shall have power, and they are hereby authorized, from time to time, under the foregoing regulations, to open the books for the further subscription of stock, until the whole stock subscribed amounts to the sum of thirty thousand dollars; and are also authorized to call upon the said subscribers for the payment of further installments, in such sum or sums, at such time or times, and under such forfeiture or forfeitures, as they may deem expedient, until the whole amount of said shares so subscribed shall have been fully paid; and in case the said company shall at any time deem it expedient, after their organization, and after directors shall be appointed, to increase the said capital stock to the whole amount of fifty thousand dollars, by this act authorized, they shall open subscriptions for that purpose, under such rules and regulations, and at such times and places, as they shall prescribe, with the power

Capital stock.

Mode of organization.

to call in the payment of installments by forfeitures as hereinbefore authorized; and until such increase to the sum of fifty thousand dollars shall be authorized, the capital stock of said company shall be thirty thousand dollars, as aforesaid.

Board of directors.

5. *And be it enacted*, That the management of the concerns of the said company shall be vested in five directors, to be selected from the stockholders; and the said directors shall choose, by plurality of votes, a president from among themselves, and as soon as conveniently may be after ten thousand dollars shall have been subscribed, the before named commissioners or a majority of them, shall convene the said stockholders, by public notice, to be given as aforesaid, and at such time and place as they shall designate in said notice, to choose the first board of directors, who shall hold their offices until the second Tuesday in July, eighteen hundred and sixty-five; and the said directors and president shall hold their offices from the second Tuesday of July in every year for one year, and shall be elected on the first Tuesday in July in each year, at such time and place as a majority of the directors shall appoint; and public notice shall be given of the time and place of holding such election, for ten days, in a newspaper published in the county of Monmouth; and any vacancy in said board of directors may be supplied by appointments, to be made by the board of directors, until the next election; and all elections shall be by ballot of the stockholders or their proxies, allowing one vote for each share which they shall hold, or shall have held, in his, her, or their name or names at least fourteen days before the time of voting.

Not void for failure to elect.

6. *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, and the former directors shall hold their office until their successors shall be appointed.

Quorum.

7. *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.

May issue bonds.

8. *And be it enacted*, That the said company shall be authorized to issue bonds to raise money to carry on their business or make and enlarge their works, or acquire property for that purpose to an amount not exceeding twenty thousand dollars, which bonds the said company, if they shall deem advisable, are empowered to secure by mortgage on all or any part of their property, and also, in their discretion, on all

their corporate franchises, which mortgage can be made by the said company to a trustee or trustees for the purpose of securing said bonds; said bonds shall be payable at such time as shall be therein named, not, however, to exceed the period of the duration of said corporation as hereinafter limited, which said bonds can be made at such rate of interest, as may be therein specified, not exceeding seven per cent. per annum, with interest warrants or coupons to the same attached for the payment of interest, half-yearly, if deemed advisable, designating the time and place of payment, which said bonds, if negotiated or sold by the said company at a greater discount than the rate of six per centum per annum shall not for that cause, be deemed void for usury.

Stock personal property.

9. *And be it enacted*, That the stock of the corporation shall be transferable according to the by-laws and regulations of the corporation, and shall be considered personal property, and the stock and transfer books shall be opened at all times to the inspection of the stockholders.

Penalty for injuring works.

10. *And be it enacted*, That if any person or persons shall willfully do, or cause to be done, any act or acts whatsoever, with intent thereby to injure any conduit, pipe, cock, machine or structure whatsoever, or anything appertaining to the works of the said corporation, or whereby the same may be stopped, obstructed or injured, the person or persons so offending shall be considered guilty of a misdemeanor, and being thereof convicted, shall be punished by fine not exceeding three hundred dollars, or imprisonment at hard labor not exceeding two years, or both; *provided*, such criminal prosecution shall not in any wise impair the right of action for damages by a civil suit, hereby authorized to be brought for such injury as aforesaid, by and in the name of the said corporation in any court of this state having cognizance of the same.

Proviso.

Books to be kept.

11. *And be it enacted*, That the said company shall cause to be kept at their office, proper books of accounts, in which shall be fairly and truly entered all the transactions of the company, which books shall be at all times open for the inspection of the stockholders; and the company can appoint such officer and agent, and for such length of time as they may designate.

Limitation.

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

eighteen hundred and forty-six, and the supplements thereto; so far as the same are applicable; and shall continue in force for thirty years.

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

Approved March 15, 1864.

CHAPTER CLXXV.

An Act to authorize the inhabitants of the township of Pahaquarry, in the county of Warren, to raise money by issuing bonds, and for other purposes.

Preamble. WHEREAS, the inhabitants of the township of Pahaquarry, in the county of Warren, being desirous that the call of the government for troops to support its authority and suppress the rebellion should be filled with volunteers rather than with drafted men, have recommended the township committee of said township to offer bounties for that purpose; and whereas, said township committee, acting upon said recommendation, have agreed to pay bounties to volunteers; and whereas, it is desirable that said indebtedness should be gradually paid off—therefore,

May issue bonds. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the township committee of the township of Pahaquarry, in the county of Warren, to provide for the payment of said indebtedness thus being incurred, by issuing bonds in the name of the inhabitants of the township of Pahaquarry, in the county of Warren, under the respective hands and seals of the said township committee, for an amount of money not exceeding seven thousand dollars, in such sums, and payable at such time or times, as the said township committee shall deem proper, bearing interest at a rate not exceeding six per centum per annum, payable annually, and to pledge the property and credit of said township for the payment of the same; *provided*, that no bond shall be sold by the said township committee for less than its par value; *and provided further*, that the bonds so issued shall be redeemable at a period of time not to exceed seven years from the passage hereof.

Proviso.

2. *And be it enacted*, That the township committee of said township of Pahaquarry shall have power and authority to provide by taxation for the payment of said bonds and the interest thereon, and the said township committee shall yearly and every year, until the bonds to be issued by the authority hereof shall be redeemed and paid off, order and cause to be assessed and collected by tax, at the time and in the manner that other taxes in the said township are assessed and collected, a sum of money sufficient to pay the interest on the said bonds, as the same shall become due and payable, and to pay and discharge the principal at the several times it shall become due and payable; and that the township collector of said township, or other person for the purpose appointed, shall, when such tax or any part thereof shall be collected, pay the same to the township committee of said township; and all such moneys so to be raised, by virtue of this act, shall be applied by said township committee to pay the interest and principal of said bonds as the same shall become due and payable; *provided*, not more than one thousand dollars of the principal of said bonds to be issued as aforesaid shall be made redeemable in any one year. Provide by taxation for payment. Proviso.

3. *And be it enacted*, That in every such assessment of the above mentioned tax it shall be the duty of the assessor first to assess a separate and special poll tax of one dollar on every male inhabitant of said township of the age of twenty-one years and upwards, excepting the polls of all soldiers that may be or shall have been in the service of this state or of the United States since the first day of May, anno domini eighteen hundred and sixty-one. Poll tax.

4. *And be it enacted*, That it shall be the duty of the said township committee to apply the net proceeds of the bonds that may be issued by virtue of this act to the payment and satisfaction of the debt and liabilities that have or may be incurred in said township by the township committee thereof, in paying bounties to volunteers as aforesaid. How moneys applied.

5. *And be it enacted*, That the debt and liabilities already incurred in the said township of Pahaquarry, in consequence of the payment of bounties to volunteers, as mentioned heretofore, and the action of the said township committee thereupon, be and the same are hereby ratified and confirmed. Acts legalized.

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

Approved March 15, 1864.

CHAPTER CLXXVI.

An Act revising and amending the act to incorporate "The Firemen's Benevolent Association, of the City of Paterson."

Incorporated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as now are, or hereafter shall be engineers of the fire department, and all firemen belonging to any fire company, connected with any fire apparatus of the fire department of the city of Paterson, shall be, and they hereby are organized, made, declared and continued a body politic and corporate in fact, name and law, by the name of "The Firemen's Benevolent Association, of the city of Paterson," and by that name, they and their successors, shall have perpetual succession, and be in law and equity capable of suing and being sued, to plead and be 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, to make and use a common seal, and the same to change at pleasure, and purchase, take, hold, have, receive and enjoy any lands, tenements and hereditaments in fee simple, or otherwise, and any moneys, goods, chattels, legacies, donations, annuities or other personal property, of what kind or quality soever, by gift, grant, devise, bequest, or otherwise, and the same to grant, convey, assign, sell, or otherwise dispose of, for the uses and purposes of the said corporation; *provided*, that the amount of such estate shall at no time, exceed in value the sum of thirty thousand dollars.

Proviso.

Board of representatives.

2. *And be it enacted*, That each of the companies of the said fire department shall, on or before the first day of May next, and on or before the first day of May, in each and every year thereafter, have power to choose from their number three representatives, who shall hold their office for the term of one year from the day of their election, and until others are chosen in their stead; which representatives, together with the chief and assistant engineers of said fire department, shall constitute a board of representatives, and be known and designated as "The Board of Representatives of the Fire Department of the City of Paterson," which board

shall have, exercise and use all such powers and trusts as are hereinafter delegated and committed to or reposed in them.; in case of a vacancy in the office of representative, such vacancy shall be filled by the company from which such representative was deputed.

Annual meeting.

3. *And be it enacted*, That the third Tuesday in May, in each and every year hereafter, shall be the time for holding the regular annual meeting of said board of representatives, and a majority of said board shall be a quorum, and have power to transact the ordinary business of such board, and hold regular and special meetings of said board, at such times and places as they shall determine.

President and officers.

4. *And be it enacted*, That the said board of representatives shall at their first regular annual meeting, on the third Tuesday of May next, and at that time in each and every year thereafter, choose by ballot out of their own body, a president and vice-president, a secretary and treasurer, and in case of any vacancy in either of said offices, by death, resignation or disability, the said board shall have power to fill the same for the remainder of the current year.

By-laws.

5. *And be it enacted*, That the said board of representatives shall have the authority to make and establish, from time to time, all necessary by-laws, rules, ordinances and regulations for the government of said corporation, together with the exclusive right to manage the affairs, have the full control and disposition of the funds of the said corporation, according to the by-laws, rules, ordinances and regulations of the said corporation, from time to time made and established by the said board.

Two-thirds to prescribe.

6. *And be it enacted*, That two thirds, (and no less a number) of the members of said board of 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, control and disposition of the funds of the said corporation, and concerning the duties and conduct of their officers and members, and the 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 laws of the United States, or of this state.

Not void by reason of failing to elect.

7. *And be it enacted*, That in case any election shall not be made, 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 it shall and may be lawful at any other time to hold such election, in such manner as hereinbefore prescribed, and the persons so elected shall hold their offices only until the time for the next regular election of officers by said board.

Treasurer's duties.

8. *And be it enacted*, That the treasurer of said board shall collect and receive all moneys, legacies, donations or annuities due to the said corporation, keep a just and true account of the same, pay all and every sum of money out, according to the vote of the said board of representatives, or by-laws, rules, ordinances or regulations of the said corporation, and he shall, within ten days after his election, and before he enters npon the discharge of his duties, execute and give to the said corporation, a bond, with good and sufficient freehold sureties, to be approved of by the said board of representatives, which bond shall be in double the value of the moneys or securities in his hands belonging to said corporation, and conditioned for the faithful performance of his duties as such treasurer; and he shall at every annual meeting of the said board of representatives render to them in writing, a full and accurate account of the state of the funds of said corporation, stating all the receipts and disbursements thereof.

Objects.

9. *And be it enacted*, That the funds of said corporation shall be appropriated for the relief of such indigent, injured or disabled firemen of the city of Paterson, who have become indigent, injured or disabled while engaged in the discharge of duty as such firemen, or on account thereof, and for the assistance of the widows and orphans of deceased firemen, who may in the opinion of two-thirds of the members of the said board of representatives be worthy of and entitled to such assistance; and in case the amount of funds received in any one year shall exceed the amount necessary for such relief and assistance, then a majority of such board, at a regular meeting, shall have power to apply the surplus, if any, to the permanent fund of said corporation.

10. *And be it enacted*, That this act shall be construed favorably for every beneficial purpose hereby intended.

Repealer.

11. *And be it enacted*, That from and after the passage of this act, all acts and parts of acts inconsistent with or repugnant to the provisions hereof, are hereby repealed.

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

Approved March 15, 1864.

CHAPTER CLXXVII.

An Act to authorize the inhabitants of the township of Knowlton, in the county of Warren, to levy a tax and raise money.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That "The inhabitants of the township of Knowlton, in the county of Warren," be and the same are hereby authorized and empowered to raise by assessment on the taxable property of said township the sum of ten thousand eight hundred dollars, the same to be applied to the payment of the debt incurred by the inhabitants aforesaid, by order of a special town meeting held on the first day of September, one thousand eight hundred and sixty-three, and of a special town meeting held on the twelfth day of December, one thousand eight hundred and sixty-three, for the purpose of paying bounties for volunteers to fill the requisition of the president of the United States for men, and to avoid a draft. May provide by taxation for payment

2. *And be it enacted*, That the said assessment shall be made and collected in the same manner that other taxes are assessed and collected; and that whether the said amount of ten thousand eight hundred dollars shall be assessed and collected in a whole, or in equal parts, with lawful interest thereon, until entirely paid, shall be determined by the town committee of said township. Regulations.

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

Approved March 15, 1864.

CHAPTER CLXXVIII.

An Act to authorize the inhabitants of the township of Blairstown, in the county of Warren, to raise bounty money for volunteers, and to legalize the acts of said township for bounties paid heretofore.

Preamble. WHEREAS, The inhabitants of the township of Blairstown, in the county of Warren, did at a special town meeting of the inhabitants of said township held for that purpose, on the twenty-fifth day of August, eighteen hundred and sixty-three, by an unanimous vote, agree to raise the sum of three hundred dollars for each volunteer to fill the quota of the said township, under the call made by the president of the United States, on the twenty-seventh day of July, eighteen hundred and sixty-three; and whereas, the amount of money necessary for that purpose was assessed in the manner in which the same was ordered to be assessed by the said town meeting, and a considerable portion thereof paid over to such volunteers, and a few of the persons against whom assessments were made according to the said vote have refused to pay the same; and whereas, the inhabitants of the said township, at a subsequent town meeting, by an unanimous vote, did agree to pay the sum of three hundred and fifty dollars for each volunteer who should be procured to fill the quota of the said township, under the call made by the president of the United States, on the twenty-second day of October, eighteen hundred and sixty-three, and the money to answer the purpose last aforesaid has been borrowed by individuals on the faith and credit of the said vote of the inhabitants of the said township, and paid over to such volunteers; therefore,

Acts legalized. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said assessment so made as herein above recited upon the persons and property of the said township and all proceedings in relation thereto are hereby legalized and made valid, and that the collector or other proper officer of the said township be and he is hereby authorized and empowered to collect, and make of and from the delinquents aforesaid, and each of them, such sums as by the said assessment were assessed against them as aforesaid, in the manner provided by law for the collection of other taxes.

2. *And be it enacted*, That the inhabitants of the said township are and they are hereby authorized and empowered to raise by tax upon the taxable property of said township a sum of money sufficient to pay and discharge the sum of money procured or required to pay the bounties aforesaid, under the second call above stated, so ordered and voted as aforesaid, and also any deficiency that may remain uncollected of the money expended to fill the quota of the said township in the said first call; and that the same shall be assessed and collected in the same manner as the other township and county taxes are assessed and collected in the said township. To raise by taxation to refund.

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

Approved March 15, 1864.

CHAPTER CLXXIX.

A Further Supplement to an act entitled "An act to incorporate the West Jersey Railroad Company," approved February sixth, eighteen hundred and fifty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the West Jersey Railroad Company be and they are hereby authorized to subscribe for, take and hold any amount of the capital stock of "The Cape May and Millville Railroad Company" now issued, or to be issued, by said company, and to be entitled to all the rights, powers and privileges of stockholders of said company. May take and hold stock.

2. *And be it enacted*, That the West Jersey Railroad Company be and they are hereby authorized to endorse the bonds of "The Cape May and Millville Railroad Company." To endorse bonds.

3. *And be it enacted*, That the West Jersey Railroad Company be and they are hereby authorized to purchase and hold, at the termini of their road, and at any intermediate station on the line thereof, any amount of land, not to exceed fifteen acres for each station and each terminus in addition to the amount already allowed by the charter, that they may deem necessary for their shops, stations, depots, and other purposes of the road. Privileges.

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

Approved March 15, 1864.

CHAPTER CLXXX.

An Act to authorize inhabitants of the township of Pompton, in the county of Passaic, to raise money, issue bonds, and for other purposes.

Preamble. WHEREAS, The inhabitants of the said township, in consequence of the payment of bounties to volunteers, for the purpose of filling the late quotas assigned to said township upon the calls of the government for troops, have become considerably indebted; and whereas, it is necessary that provision be made for the payment of such indebtedness, and that the same should be gradually paid; therefore,

Committee may issue bonds. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of the township of Pompton, in the county of Passaic, shall provide for the payment of such indebtedness by issuing bonds in the name of "The inhabitants of the township of Pompton, in the county of Passaic," under the respective hands and seals of the said township committee or any three of them, for an amount of money not exceeding six thousand five hundred dollars, in such sum or sums, and payable at such time or times as the said township committee shall deem proper, bearing interest at a rate not exceeding seven per centum per annum, payable annually or semi-annually, and to pledge the property and credit of the said township for the payment of the same, which bonds it shall be lawful for the said township committee and their successors in office, to sell and assign; *provided*, that no bond shall be sold by the said township committee for less than its par value; *and provided further*, that the bonds so to be issued shall be redeemable at a period of time not to exceed twenty years from the date or time of issuing the same.

Proviso.

Provide by taxation to redeem bonds. 2. *And be it enacted*, That the township committee of the said township of Pompton, are authorized and required to provide by taxation for the payment of said bonds and the

interest thereon, and that the said township committee shall yearly and every year until the bonds to be issued by the authority hereof shall be redeemed and paid off, order and cause to be assessed and collected by tax, at the time and in the manner that other taxes in the said township are assessed and collected, a sum of money sufficient to pay the interest on the said bonds as the same shall become due and payable, and to pay and discharge the principal at the several times it shall become due and payable; and that the township collector of said township, or other person for that purpose appointed, shall, when such tax or any part thereof shall be collected, pay the same to the township committee of the said township, and all such moneys to be raised by virtue of this act, shall be inviolably applied by said township committee to pay the interest and principal of said bonds as the same shall become due and payable.

How appropriated.

3. *And be it enacted*, That it shall be the duty of the said township committee to apply the net proceeds of the bonds that may be issued by virtue of this act to the payment and satisfaction of the debts and liabilities incurred in said township in the payment of bounties to volunteers as aforesaid.

Acts legalized

4. *And be it enacted*, That the debts and liabilities incurred in the said township of Pompton, in consequence of the payment of bounties to volunteers, as aforesaid, and the action of the said committee thereupon are hereby ratified and confirmed.

Poll tax.

5. *And be it enacted*, That it shall be lawful for the inhabitants of the said township at their annual town meetings respectively, by a majority of the votes cast at each town meeting to increase the poll tax to be assessed for the then ensuing year upon the inhabitants of said township subject to a poll tax to any amount not exceeding three dollars.

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

Approved March 15, 1864.

CHAPTER CLXXXI.

An Act authorizing the sale of lands and buildings thereon, now held in trust at West Hoboken, for church and library purposes by the Trustees of the West Hoboken Lyceum and Library Association.

Preamble. WHEREAS, it appears, that on the thirty-first day of August, eighteen hundred and fifty-two, John Syms and Grace Lakeman his wife, sold and conveyed to the trustees of the West Hoboken Lyceum and Library Association, a certain lot, piece or parcel of ground, lying, situate and being at the southeast corner to the junction of Hayne and Suckley streets in West Hoboken, Hudson county, together with the church and library building, which by voluntary contributions had been erected thereon for the benefit of the inhabitants of West Hoboken, the basement as a library room, and the upper part of the building for the use of the First Presbyterian Church, as long as they should continue to occupy the same for stated public worship, and for some other evangelical church in case the aforesaid Presbyterian Church should cease so to occupy it; and Whereas, the aforesaid Presbyterian Church, and the said Library Association, are mutually agreed that the joint occupancy of the said premises is undesirable, causing sometimes unavoidable inconvenience and embarrassment; and whereas, the aforesaid Lyceum and Library Association desire to provide a more suitable public building for library purposes in West Hoboken, separate from all church and ecclesiastical connection, and the aforesaid Presbyterian Church desire to purchase the aforesaid property for their own sole use and benefit, and the trustees of the said church, and the trustees of the said association have heretofore agreed mutually upon terms for purchase and sale; *provided*, the proper legislative authority and sanction shall be obtained; now, therefore,

May sell premises. 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 West Hoboken Lyceum and Library Association, to bargain sell and convey the property described in the preamble to this act; *provided*, that the said association shall use the proceeds of such said sale for library, literary and scientific

Proviso.

purposes in the township of West Hoboken, aforesaid, in accordance with the laws of this state; *and provided*, that the aforesaid, the First Presbyterian Church of West Hoboken shall be entitled to the exclusive right to purchase the aforesaid library and church property, at any time before the first day of July next, on the payment therefor of the sum of two thousand two hundred dollars; *and provided also*, that the aforesaid Lyceum and Library Association shall be allowed to occupy and use the basement room aforesaid for library purposes and for public lectures, for a period of two years from and after the date of the sale thereof, free of rent. Proviso. Proviso.

2. *And be it enacted*, That the corporate name of the West Hoboken Lyceum and Library Association shall be hereafter known and designated as "The Syms Institute." Corporate name.

Approved March 15, 1864.

CHAPTER CLXXXII.

Supplement to an act entitled "An act to authorize the inhabitants of the several townships of this state to vote by ballot at their town meetings."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the 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, shall be extended to and apply to the township of Washington, in the county of Morris. Provisions of act extended.

Approved March 15, 1864.

CHAPTER CLXXXIII.

Supplement to an act entitled "An act to incorporate the Rahway Savings' Institution," approved February nineteenth, eighteen hundred and fifty-one.

Vacancies, how filled.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the seat of any manager of said institution who shall have neglected to attend for four successive meetings of the board, may be vacated by the board of managers, and that the managers shall have power to fill up by ballot, after notice of one month, any vacancy which may occur in their own body, or officers, a majority of the members present to agree to all removals and new appointments; and no appointment or removal to take place when a less number than a majority of the managers are present.

May hold real estate.

2. *And be it enacted*, That the said corporation may purchase and hold real estate, to cost not exceeding twelve thousand dollars, in addition to such as may be conveyed to such corporation for security or in payment of loans.

Location.

3. *And be it enacted*, That the office of business of the said corporation shall be in the city of Rahway, in the county of Union.

Compensation

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

Repealer.

5. *And be it enacted*, That so much of the second section of said act as requires all officers chosen as directed in said section, to take an oath before some justice of the peace of the county of Middlesex, faithfully to perform the duties of their office, is hereby repealed, and it shall be lawful for such oath to be taken before any officer authorized by the laws of this state to administer an oath.

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

Approved March 15, 1864.

CHAPTER CLXXXIV.

An Act to incorporate the Passaic Library and Lyceum Association, in the village of Passaic, county of Passaic, state of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Benjamin Aycrigg, Robert H. Blake, James A. Norton, Joseph P. Strong, Benjamin B. Aycrigg, Ureli Coralli Hill, Octavius D. Baldwin, Joseph M. How, 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 Passaic Library and Lyceum Association," 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 change and alter 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 and 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. Names of corporators.

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 neighborhood by means of a 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 the said corporation, and of those who may attend their library and meet- Object.

ings; which real estate they may again sell and re-invest as they may find expedient.

Constitution and by-laws.

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 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 and trustees.

4. *And be it enacted*, That the officers of the said corporation shall consist of a president, a vice-president, a secretary and five 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 the 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.

First trustees.

5. *And be it enacted*, That Benjamin Aycrigg, shall be the first president, and Robert H. Blake, the first vice-president, and James A. Norton, the first secretary, and Joseph P. Strong, Benjamin B. Aycrigg, Ureli Coralli Hill, Octavius D. Baldwin, John M. Howe, the first directors of the said corporation, and shall be the trustees thereof, and hold their offices until the first Friday of December, eighteen hundred and sixty-four, and until others shall be elected in their stead, as hereinafter provided.

Annual meeting for electing officers.

6. *And be it enacted*, That on the evening of the first Friday of December, eighteen hundred and sixty-four, and on the evening of the first Friday of December in every succeeding year, there shall be a general meeting of the members of the said corporation, at some convenient place in the village of Passaic, 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 six days before such meeting; and the members of the said corporation, who shall so meet, shall elect by ballot the said officers or trustees of the said corporation for the year then next ensuing, 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.

Treasurer.

7. *And be it enacted*, That the said officers or trustees of the 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.

Vacancies.

8. *And be it enacted*, That in case of the death, resignation, neglect or refusal to act of any of the 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.

Not void for failure to elect

9. *And be it enacted*, That if an 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 such election to be held at such other time and place in said village as to them shall appear proper, giving the like notice thereof as is hereinbefore required in the case of the regular annual election.

Public act.

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.

11. *And be it enacted*, That the Legislature reserve the right at any time hereafter to repeal, alter or modify this act.

Approved March 16, 1864.

CHAPTER CLXXXV.

An Act to incorporate the Passaic Fire Engine Company, Number One, 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 Andrew Moser, John Schoonmaker, George Young, Peter Doremus, Alfred W. Piaget, John T. Spear, John B. Van Blarcom, Henry McGrogan and James Radcliffe, and all persons who now are or hereafter shall become associates of the Passaic Fire Engine Company, Number One, of the city of Paterson, be and they are hereby constituted and declared to be a body corporate and politic, in fact and in law, by the name of the "Passaic Fire Engine Company, Number One, 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; *provided*, that the said company shall be subject to and be controlled by the same laws, ordinances, rules and regulations as the several companies of the fire department of the city of Paterson now are or may hereafter be subject to or controlled by.

Proviso.

Capital stock.

2. *And be it enacted*, That the capital stock of the said company shall not exceed the sum of ten thousand dollars, which shall be applied to the purchase of 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.

Payment of installments.

3. *And be it enacted*, That the said capital stock of the said company shall be divided into shares of ten dollars each; and that at the time of subscription there shall be paid an installment of ten per centum on each share subscribed; and

the directors are authorized to call upon the said subscribers for the payment of further installments in such sum or sums, at such time or times, and under such forfeiture or forfeitures as they may deem expedient, until the whole amount of said shares so subscribed shall have been fully paid.

Books of subscription to be opened.

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

Election of president.

5. *And be it enacted*, That the said company shall elect annually 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.

Annual report

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

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

Approved March 16, 1864.

CHAPTER CLXXXVI.

A Further Supplement to the act entitled "An act to incorporate the New Jersey Railroad and Transportation Company," passed the seventh day of March, eighteen hundred and thirty-two.

Time of appraisement extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time at the expiration of which it may be lawful for the legislature to cause an appraisement to be made of the road of the New Jersey Railroad and Transportation Company, as provided for in the seventeenth section of the act to which this is a supple-

ment, shall be extended to the first day of January, in the year eighteen hundred and eighty-nine.

Powers and privileges.

2. *And be it enacted*, That it shall be lawful for said company whenever they may deem it expedient, to shorten, straiten, widen or otherwise improve any part of the route of their railroad, at or between its present termini, to change the location of such part intended to be improved, and when such change of location shall be determined upon and the new route laid out, to construct their road upon the same, and to take and acquire title to the lands required for that purpose, in the manner provided by the act to which this is a supplement, for constructing their road as originally laid out and taking and acquiring title to the lands required therefor; and they are hereby for that purpose again invested with all the powers and privileges given in said act for the laying out and constructing their road, and taking and acquiring title to the lands required therefor; *provided*, that one of the commissioners appointed to appraise the value of lands shall be selected from the city or township in which the lands proposed to be taken lie; and it shall be lawful for said company after such change shall be made and the road over such new route completed, to abandon that part of their present road for which the new route shall be substituted, as soon as they deem the same can be done without injury to the public or the business on said road; such abandonment to be made in writing under their seal, filed in the office of the secretary of state, and until so abandoned they shall maintain and operate the same; *provided always*, that the said new locations shall not be laid out of any greater width than authorized by said act, nor shall the same be extended over any public street in any incorporated city along which the same may run, without the consent of the municipal authorities thereof, nor shall the new route, authorized by this section, in any case be located at a greater distance than one mile and three-quarters of a mile from the present route, nor shall this act be so construed as to authorize said company to remove their road from any station to which the said road now runs.

Proviso.

Proviso.

Additional tax may be imposed.

3. *And be it enacted*, That it shall be lawful for the state by general law, affecting in like manner all railroads in this state, except those now having irrepealable contracts of exemption in their charters, to impose on said company for state purposes, such other additional tax as the legislature may by law direct; but said tax shall not in any one year together with the amount paid in that year to the state for

tax and transit duties provided in said charter, exceed the amount by said law imposed upon any other railroad in this state, such amounts to be estimated by a percentage on the amount of the capital stock and funded debt or upon the gross receipts from railroad business of said several railroad companies.

Approved March 16, 1864.

CHAPTER CLXXXVII.

An Act vesting the real estate of Michael Dowling, deceased, in Lydia Dowling, his widow.

Preamble.

WHEREAS, Michael Dowling, late of the township of Harrison, in the county of Hudson, and state of New Jersey, now deceased, in his life time acquired by his own exertion and industry, aided by the labors and economy of his widow, Lydia Dowling, a small amount of real estate, consisting of a house and lot, situate in the township of Harrison aforesaid; and whereas, the said Michael Dowling departed this life in the month of May, in the year eighteen hundred and fifty-two, intestate and without lawful issue, leaving the said Lydia Dowling his widow, and no lawful heir who can inherit the said real estate; and whereas, the said Lydia Dowling is now advanced in life, is infirm in health and strength, and has paid off all the debts of said Michael Dowling, including certain mortgages on the said real estate—therefore,

Title of land vested in Lydia Dowling.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the estate, right, title and interest of the said Michael Dowling, deceased, at the time of his death, of, in and to the following described lot of land and premises situate in the township of Harrison, in the county of Hudson, and state of New Jersey: beginning at a point on the easterly side of Third street, distant northerly one hundred feet from the northeasterly corner of said Third street and Jersey street, running thence easterly and in a line parallel with said Jersey street one hundred and twelve feet and six inches, thence northerly and in a line parallel with said Third street fifty feet, thence westerly and in a line

parallel with Jersey street one hundred and twelve feet and six inches to the easterly side of said Third street, and thence southerly along the easterly side of said Third street fifty feet to the place of beginning, being the real estate hereinbefore mentioned, shall be vested in the said Lydia Dowling, her heirs and assigns; *provided however*, that nothing in this act contained shall in any manner interfere with the lawful claims of any person or persons whatever to the said land and premises, other than those claiming or to claim under the state of New Jersey.

Proviso.

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

Approved March 16, 1864.

CHAPTER CLXXXVIII.

An Act to authorize the inhabitants of the several townships in the county of Gloucester to raise and borrow money.

Preamble.

WHEREAS, The civil war now existing in the United States has involved the several townships of the county of Gloucester, considerably in debt in the payment of bounties to soldiers, who have volunteered in the service of this state and the United States; and whereas, it is desirable that the indebtedness so created should be gradually paid off—therefore,

Township authorized to raise money.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the several townships of said county be authorized at their next or any subsequent annual town meetings to order and cause to be assessed and collected by tax, at the time and in the manner that other taxes in the said township are assessed and collected, yearly and every year such sums as they may deem expedient, to be applied to the liquidation of the debts so created as aforesaid, until the same shall be paid off; *provided*, that not more than one-third, nor less than one-fourth, be assessed and collected in any one year.

Proviso.

Poll tax.

2. *And be it enacted*, That of the amount so ordered to be raised, by the town meetings aforesaid, in any one year for the purpose herein specified, there shall be assessed and col-

lected upon each taxable male inhabitant of the several townships a poll tax not to exceed five dollars and the balance shall be assessed and collected, upon the real and personal property in the several townships thereof.

3. *And be it enacted*, That the township committees of the several townships be authorized to borrow any amount contemplated by this act, in anticipation of the levying and collecting the same as aforesaid by issuing bonds and warrants of attorney or notes to the lender, in the name of the inhabitants of the several townships of the county of Gloucester under the respective hands and seals of the said township committees or any three of them, in such sums as the township committees aforesaid shall deem proper, bearing interest at a rate not exceeding six per centum per annum, payable annually, and to pledge the property and credit of the said townships for the payment of the same; and that the money so ordered to be raised by taxation as aforesaid shall be applied to the paying off the bonds so made by the said township committees. Township committees may issue bonds.

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

Approved March 16, 1864.

CHAPTER CLXXXIX.

An Act to authorize the inhabitants of the township of Washington, in the county of Burlington, to raise money by tax sufficient to pay the bounties to the three years' volunteers of said township.

WHEREAS, the inhabitants of the township of Washington, in the county of Burlington, at a special town meeting held on the ninth day of February, eighteen hundred and sixty-four, did authorize the sum of two thousand dollars to be raised and borrowed to advance to the three years' volunteers, and that the said sum be repaid by taxation on the taxable inhabitants by a poll tax of five dollars, and the balance to be raised on the taxable property of the said inhabitants—therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the town- Poll tax.

ship of Washington be and they are hereby authorized to raise by an assessment and a poll tax of five dollars on each male taxable inhabitant of said township and by an assessment and tax on the taxable property in said township, for the purpose specified in the preamble to this act, and with the interest which has and may accrue thereon.

When assessed and collected.

2. *And be it enacted*, That the said assessment shall be made, levied and collected at the next annual assessment of said township, by the same persons, in the same manner, and under the like fines and penalties as the other township taxes are levied and collected, and thereupon the said sum of two thousand dollars, with the interest which has or may accrue thereon, shall be paid by the collector thereof, out of any of the township funds in his hands, on the presentation and surrender by the lawful holders of the notes, certificates or obligations issued and given by the committee of the township aforesaid.

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

Approved March 16, 1864.

CHAPTER CXC.

A Further Supplement to the acts incorporating the Delaware and Raritan Canal Company, and the Camden and Amboy Railroad and Transportation Company.

Preamble.

WHEREAS, the construction of a double track, and other improvements require an increase of the capital stocks of the Delaware and Raritan Canal Company, and of the Camden and Amboy Railroad and Transportation Company.

To increase capital stock not to exceed 20,000 shares.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the capital stock of the Delaware and Raritan Canal Company be, and the same is hereby increased any number of shares not exceeding twenty thousand and that the capital stock of the Camden and Amboy Railroad and Transportation Company be, and the same is hereby increased any number of shares not exceeding twenty thousand; and the additional capital stock hereby created, shall be part of the capital stock of said companies respectively,

divided into shares of one hundred dollars each, held, enjoyed and transferred, in the same manner as the capital stock created by the acts to which this is a supplement, is now held and enjoyed; and the directors of said companies are authorised, from time to time, to issue said stocks as they may deem most expedient for the interests of the stockholders; *provided always*, that nothing in this act contained, shall be so construed as to extend or enlarge any of the privileges or franchises mentioned in the acts to which this is a supplement, but only to increase the capital stock of said companies respectively, by the amounts aforesaid. Proviso.

2. *And be it enacted*, That this act shall not go into effect until the board of directors of the Delaware and Raritan Canal Company, and the board of directors of the Camden and Amboy Railroad and Transportation Company, shall each certify their acceptance of the same as a supplement to, and as part of the charters of said companies respectively, and under the corporate seals of said companies; and shall have filed the same in the office of the secretary of state, a certified copy of which acceptance, the secretary of this state shall cause to be published in connection with this act, among the laws of this state, which publication shall be deemed competent and plenary evidence of such acceptance. Conditions.

Approved March 16, 1864.

Certificate of acceptance of the Delaware and Raritan Canal Company of the supplement to their charter, approved March sixteenth, eighteen hundred and sixty-four.

WHEREAS, the legislature of the state of New Jersey did, on the sixteenth day of March, eighteen hundred and sixty-four pass an act entitled "A further supplement to the acts incorporating the Delaware and Raritan Canal Company and the Camden and Amboy Railroad and Transportation Company; and whereas, by the second section it is enacted that this act shall not go into effect until the board of directors of the Delaware and Raritan Canal Company, and the board of directors of the Camden and Amboy Railroad and Transportation Company shall each certify their acceptance of the same as a supplement to, and as part of the charters of said companies respectively, and under the corporate seals of said companies, and shall have filed the same in the office of the secretary of state, a certified copy Preamble.

of which acceptance the secretary of state shall cause to be published in connection with this act, among the laws of this state, which publication shall be deemed competent and plenary evidence of such acceptance—therefore

Resolution of acceptance. BE IT HEREBY CERTIFIED AND RESOLVED, That the Delaware and Raritan Canal Company do accept this said act as a supplement to and as a part of the charter of said company.

Attestation. Witness the hand of the President of the said Delaware and Raritan Canal Company, and the corporate seal of said company this fourteenth day of April, eighteen hundred and sixty-four.

R. F. STOCKTON, *President.*

Certificate. *State of New Jersey:*—I, Whitfield S. Johnson, secretary of state of the state of New Jersey, do hereby certify that the foregoing is a true copy of the certificate of acceptance of the Delaware and Raritan Canal Company of the supplement to their charter, as taken from and compared with the original filed in my office, April twenty-first, eighteen hundred and sixty-four.

In testimony whereof, I have hereunto set my hand and affixed my seal of office, at Trenton, this twenty-first day of April, eighteen hundred and sixty-four.

W. S. JOHNSON.

Certificate of acceptance of the Camden and Amboy Railroad and Transportation Company of the supplement to their charter, approved March sixteenth, eighteen hundred and sixty-four.

Preamble. WHEREAS, the legislature of the state of New Jersey did, on the sixteenth day of March, eighteen hundred and sixty-four, pass an act entitled "A further supplement to the acts incorporating the Delaware and Raritan Canal Company and the Camden and Amboy Railroad and Transportation Company;" and whereas, by the second section it is enacted that this act shall not go into effect until the board of directors of the Delaware and Raritan Canal Company and board of directors of the Camden and Amboy Railroad and Transportation Company shall each certify their acceptance of the same as a supplement to and as part of the charters of said Companies respectively, and under the corporate seals of said Companies, and shall have

filed the same in the office of the secretary of state, a certified copy of which acceptance the secretary of this state shall cause to be published, in connection with this act, among the laws of this state, which publication shall be deemed competent and plenary evidence of such acceptance—therefore,

BE IT HEREBY CERTIFIED AND RESOLVED, That the Camden and Amboy Railroad and Transportation Company do accept this said act as a supplement to and a part of the charter of said Company. Resolution of acceptance.

Witness the hand of the President of the said Camden and Amboy Railroad and Transportation Company, and the corporate seal of said Company, this fourteenth day of April, eighteen hundred and sixty-four. Attestation.

E. A. STEVENS, *President.*

State of New Jersey:—I, Whitfield S. Johnson, secretary of state of the state of New Jersey, do hereby certify that the foregoing is a true copy of the certificate of acceptance of the Camden and Amboy Railroad and Transportation Company of the supplement to their charter, as taken from and compared with the original filed in my office April twenty-first, eighteen hundred and sixty-four. Certificate.

In testimony whereof, I have hereunto set my hand and affixed my seal of office, at Trenton, this twenty-first day of April, eighteen hundred and sixty-four.

W. S. JOHNSON.

CHAPTER CXCI.

An Act to authorize the Board of Chosen Freeholders of the county of Passaic, to issue bonds for money expended in payment of bounties to volunteers, and for other purposes.

WHEREAS, The board of chosen freeholders of the county of Passaic, at a meeting held November twenty-seventh, eighteen hundred and sixty-three, resolved to offer and pay a bounty of three hundred dollars for each volunteer enlisted from the several townships of said county, and the city of Paterson, under the then late call for volunteers, Preamble.

including any deficiency under former calls, the same to be thereafter assessed upon, and paid from time to time by the respective townships and city to the county, according to the number of volunteers raised and enlisted from them respectively; and in pursuance thereof, volunteers have been enlisted from the several townships of said county, to whom bounties have been paid; but the city of Paterson has not availed itself of the said action of the board of chosen freeholders, but has enlisted volunteers to fill the quota of said city, independently of said action—therefore,

Acts legalized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said proceedings of the board of chosen freeholders of the county of Passaic, and the indebtedness incurred or to be incurred by virtue thereof, are hereby legalized, ratified and confirmed.

Freeholders may issue bonds.

2. *And be it enacted*, That it shall be lawful for the board of chosen freeholders of the county of Passaic, to provide for the payment of the indebtedness mentioned in the first section of this act, and of any further indebtedness that may be incurred by said board in raising and paying bounties to volunteers mustered into the service of the United States, and credited to said county, or to any township therein, by issuing bonds in the corporate name and under the corporate seal of said county, the same to be signed by the director of the said board of chosen freeholders, and attested by the clerk thereof, for such amount in the aggregate as may be required to satisfy and redeem the indebtedness incurred or to be incurred by the said board for the purposes herein mentioned or referred to, and to be respectively for such sum and sums, and payable at such time and times, as the said board may deem proper, not exceeding twenty years from the date or the time of issuing the same, and bearing interest not exceeding the rate of seven per centum per annum, payable semi-annually, and to pledge the property and credit of the said county for the payment and redemption of the same; and the said board of chosen freeholders is hereby authorized to sell, transfer and assign such bonds at not less than the par value thereof, and apply the proceeds of the same to the payment and satisfaction of said indebtedness; and the said bonds shall and may be deposited as a basis or security for circulating notes in the business of banking, under the act entitled "An act to authorize the business of banking," approved February twenty-seventh, eighteen hundred and fifty, and the several supplements thereto.

3. *And be it enacted*, That each of the townships of the county of Passaic, shall be liable for and shall pay to the said board of chosen freeholders, or to its county collector, all the indebtedness incurred by said board for and in the payment of bounties in behalf of such township to volunteers enlisted and credited to such township as mentioned in this act, and the principal and interest of the bonds to be issued by virtue hereof, for the payment or redemption of such indebtedness, in the same manner and to the same extent as such township is or shall be liable for moneys ordered to be raised and collected for other county purposes; and the said board is authorized and required to decide and direct when, and what sum or sums of money shall be raised, levied and collected in and from said townships respectively, to pay the interest and principal of said bonds as the same shall from time to time become due and payable, and shall yearly and every year, cause such sum and sums of money to be levied and collected from said townships respectively, by taxes, at the time and in the manner that other county taxes are assessed and collected in said county, and shall apply the same to the payment of the interest and principal of said bonds as the same shall become due and payable, until the said bonds shall be fully paid and redeemed. Payment of interest and principal by taxation.

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

Approved March 16, 1864.

CHAPTER CXCII.

An Act to authorize the inhabitants of the township of Hardwick, in the county of Warren, to raise by tax on the inhabitants of said township, a sum sufficient to pay the bounties to volunteers.

WHEREAS, the inhabitants of the township of Hardwick, in the county of Warren, have paid to volunteers, to fill the quota of said township, the sum of three thousand and fifty dollars; and whereas, the inhabitants, at a special town meeting held for that purpose, did vote unanimously to Preamble.

raise the same by tax on the taxable property of said township—therefore,

To raise money by taxation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Hardwick be and the same are hereby authorized to raise by assessment on the taxable inhabitants of said township the sum of three thousand and fifty dollars so advanced.

Taxation regulated.

2. *And be it enacted*, That the assessor of the said township of Hardwick shall, immediately after the passage of this act, proceed, after being sworn, to assess the sum so expended in the payment of bounties, and the expenses incident to the assessing, collecting and paying out of the same, upon the real and personal property of the tax payers of said township, according to the valuation thereof at the last regular assessment on each male inhabitant of said township above the age of twenty-one years, who is not enlisted in the military service of the United States, and hand the same forthwith to the collector of the township of Hardwick, and the collector of said township shall enter into bonds for the faithful performance of the duty hereby enjoined upon him, and shall immediately thereafter give fifteen days' notice, by advertisement set up in at least eight of the most public places in said township, of the said tax, and of the day and place when and where he will receive the same, and within that time shall demand payment of the tax or sum assessed on each individual in said township, in person or by notice left at his or her place of residence; and in case of the non-payment of the said taxes, or any of them, at the time appointed, the collector shall make out a list of delinquents, with the sums due from them respectively, thereto annexed, and deliver the same to a justice of the peace in said township, within three days after the same was payable, who shall proceed thereon and issue his warrant in the same manner as is directed and required by law in the collection of other township taxes, and the said collector shall require the payment of twelve per centum per annum additional on each tax from the date of said warrant, together with thirty-six cents cost.

Fees.

3. *And be it enacted*, That the assessor of the said township of Hardwick shall be entitled to receive six cents and no more, and the collector of the said township shall be entitled to receive six cents and no more, for each name on the duplicate for assessing, levying and collecting the said tax.

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

Approved March 16, 1864.

CHAPTER CXCIII.

A Supplement to the act entitled "An act to authorize the trustees of Saint Marks' School District, in the town of Orange, in the county of Essex, to sell and convey certain real estate, approved March seventh, eighteen hundred and sixty-one."

Preamble. WHEREAS, An act entitled "An act to authorize the trustees of Saint Mark's School District, in the town of Orange, in the county of Essex, to sell and convey certain real estate," was passed by the legislature of this state, and approved March seventh, Anno Domini eighteen hundred and sixty-one; and whereas, the said trustees neglected to sell and convey said real estate under and by virtue of the provisions of said act; and whereas, the said school district was afterwards abolished, and a certain portion of said district situated in the township of West Orange, in the county of Essex, was incorporated under and by the name of Saint Mark's School District, in the township of West Orange, to which last mentioned district said real estate, consisting of a lot of land with a building thereon, situate at the head of Main street, nearly opposite Saint Mark's (Episcopal) Church, fell, in the distribution of the property of the Old School District, and doubts have arisen whether the trustees of said Saint Mark's School District have power to sell and convey the said lot of land, with the said building and appurtenances thereto belonging, in fee simple absolute, as set forth and provided for in said act: therefore,

Provisions of act extended. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to authorize the trustees of Saint Mark's School District in the town of Orange, in the county of Essex, to sell and convey certain real estate," approved March seventh, eighteen hundred and sixty-one, and all the benefits and provisions of, and powers conferred by said act, be and the same are hereby extended to and conferred upon the trustees of Saint Mark's School District, in the township of West Orange, in the county of Essex, or their successors in office, or a majority of them.

Repealer. 2. *And be it enacted*, That all acts and parts of acts contrary to or inconsistent with the provisions of this act are hereby repealed, so far as the same will conflict with this act;

and that this shall be deemed a public act, and shall take effect immediately.

Approved March 17, 1864.

CHAPTER CXCIV.

An Act to confirm a certain sale and conveyance made by Anna Maria Cougle, late of the county of Hunterdon, dated March seventeenth, eighteen hundred and fifty-eight.

Preamble. WHEREAS, John Fine and wife, of the township of Clinton, and county of Hunterdon, did by deed of bargain and sale dated the sixth day of February, eighteen hundred and fifty-seven, grant and convey unto Anna Maria Woolverton, wife of Joseph B. Cougle, of the same place, and by and with his consent, five several lots or parcels of land and premises in said township for the consideration of nine thousand seven hundred and fifty dollars, subject to large incumbrances, which formed part of said consideration; and whereas, the said Anna Maria Cougle, by and with the consent of her said husband, did by deed dated March seventeenth, eighteen hundred and fifty-eight, sell, grant and convey the said premises unto Daniel Kinney, of the county of Somerset, for the same consideration, and subject to the said incumbrances, which deed, although intended to pass to the said Daniel Kinney and his heirs, all the estate and interest therein, of the said Anna Maria Cougle, was not executed by the husband, Joseph B. Cougle, it being, by mistake, considered unnecessary that the said husband should join in the deed, as the property to be conveyed was the property of the wife, and purchased with her own money, subject to the incumbrances aforesaid in virtue of which deed the said Daniel Kinney entered into possession of the said premises and continued therein until his death in the month of May, eighteen hundred and fifty-eight, having first made his last will and testament in which he devised the said premises unto his son Andrew K. Kinney, who is now in possession of the same as owner; and whereas, the said Anna Maria Cougle afterwards, in the fall of the year eighteen hundred and fifty-eight, died, leaving one

child by her said husband and leaving a last will and testament made with his assent, giving to him and his heirs and assigns all her estate whatsoever, real and personal, which will has been duly proved and recorded in the surrogate's office of the county of Hunterdon; and whereas, it appears that the said Joseph B. Cougle, afterwards, on the fourth day of May, eighteen hundred and sixty, in confirmation of the title so conveyed or intended to be conveyed by the deed of the said Anna Maria Cougle, granted and conveyed to the said Andrew K. Kinney, all his right, title and interests in and to the said premises; and it appearing also that the whole of the purchase money has been paid and satisfied by the said Daniel Kinney and his estate, and by the said Andrew K. Kinney, save one mortgage for two thousand four hundred and seventy-seven dollars and eighty-five cents, ($2,477 85), which was at the time of the purchase aforesaid a lien on the property to secure the dower due to the widow of Peter Emery, a former owner of said property; and that the said Anna Maria Cougle, and her estate have received the full amount of the money paid by her on the said property; and that the sale and purchase were made by the parties in good faith, and in entire ignorance of any informality attending the same, and that it is just and right that the title of the said Andrew K. Kinney to the said premises should be confirmed—therefore,

Deed legalized

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the deed so made as aforesaid by the said Anna Maria Cougle, wife of the said Joseph B. Cougle, dated on the seventeenth day of March, eighteen hundred and fifty-eight, and which was recorded on the eighth day of April, of the same year, in the office of the clerk of the county of Hunterdon, and afterwards confirmed by the deed of the said Joseph B. Cougle, shall be held and taken to have vested in the said Daniel Kinney, his heirs and assigns, all the estate, right and interest of the said Anna Maria Cougle in the said premises, in as full and ample a manner as they were then vested in her, and to have the same force and effect as if the said Joseph B. Cougle had joined in the said deed; *provided always*, this act shall not injuriously affect any rights or claims existing against the said lands and premises before and at the time of the execution of the said deed.

Proviso.

Approved March 17, 1864.

CHAPTER CXCV.

An Act entitled an act to authorize the inhabitants of Clayton and Franklin townships, in the county of Gloucester, to raise and borrow money.

Preamble. WHEREAS, the inhabitants of Clayton and Franklin townships, in the county of Gloucester, at their annual town meetings, convened on the ninth day of March, one thousand eight hundred and sixty-four, did authorize and direct the township committees to negotiate a loan sufficient in amount to pay the quota of volunteers from said townships, a bounty, said loan with interest accruing thereon, and the necessary expenses incurred in the collecting and disbursement of the same to be levied and collected from the taxable inhabitants of the said townships in accordance with the resolutions adopted at the aforesaid town meetings—therefore,

To raise bounty money. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the township committees of Clayton and Franklin townships, in the county of Gloucester, and they are hereby authorized and empowered to raise or cause to be raised an amount of money equal to the bounty which has or may be paid to encourage enlistments of volunteers in said townships, under the calls of the president of the United States.

Poll tax. 2. *And be it enacted*, That of the amount so ordered to be raised by the town meetings aforesaid in any one year, for the purpose herein specified, there shall be assessed and collected upon each male taxable inhabitant of the said townships, a poll-tax of five dollars, and the balance shall be assessed and collected upon the real and personal property in the said townships thereof; *provided*, that not more than one-fifth of the whole amount be assessed and collected in one year.

May borrow money and issue bonds. 3. *And be it enacted*, That the township committees of the said townships be authorized to borrow any amount contemplated by this act in anticipation of the levying and collecting the same as aforesaid, by issuing bonds and warrants of attorney, or note, to the lender, in the name of the inhabitants of the said townships, under the respective hands and seals of the said township committees or any three of them,

in such sums as the township committees aforesaid shall deem proper, bearing interest at a rate not exceeding six per centum per annum, payable annually, and to pledge the property and credit of the said townships for the payment of the same; and that the money so ordered to be raised by taxation as aforesaid, shall be applied to the paying off the bonds so made by the said township committees.

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

Approved March 17, 1864.

CHAPTER CXCVI.

An Act to incorporate the Astor House Hotel Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles A. Stetson, Junior, Francis B. Wallace, Charles Haight, William R. Maps and Joseph D. Bedle, 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 Astor House Hotel Company, and by that name shall have power to lease, purchase and hold real estate at, or near, or in the neighborhood of Long Branch, in the township of Ocean, county of Monmouth, 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. Corporators.

2. *And be it enacted*, That the said corporation shall have power to raise by subscription a capital stock of two 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 three hundred thousand dollars, which capital stock shall be divided into shares of one hundred dollars each, and shall be transferable in such man- Amount of capital stock.

ner 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.

Mode of organization.

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 Monmouth, 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 eighty 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 such 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 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, and shall be five in number, who shall hold their 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.

Debts to be limited.

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.

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

Approved March 17, 1864.

CHAPTER CXCVII.

A Supplement to the act entitled "An act to provide for the instruction of indigent blind persons, inhabitants of this state," approved April tenth, eighteeen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the annual expense of each blind person, instructed at the charge of the fund provided in the act to which this a supplement, shall not exceed the sum of two hundred and twenty-five dollars, including clothing. $225 annually for each pupil.

2. *And be it enacted*, That the annual appropriation of four thousand dollars authorized by the act to which this is a supplement, be and the same is hereby increased to six thousand dollars, subject to the provisions of the aforesaid act. Appropriation increased.

3. *And be it enacted*, That all acts and parts of acts in conflict with or contrary to the provisions of this act shall be and the same are hereby repealed. Repealer.

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

Approved March 17, 1864.

CHAPTER CXCVIII.

An Act to authorize the township committee of the township of Stoe Creek, in the county of Cumberland to raise money.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of the township of Stoe Creek, in the county of Cumberland, be and they are hereby authorized and empowered to raise, or cause to be raised by taxation a poll tax of five dollars on all single men, and the balance on the taxable property of the township, at the same time, and in the same manner that other taxes are raised, an amount of money equal to the bounty paid to encourage enlistment of volunteers in said township, under the three last calls of the President of the Poll tax.

United States for troops, the said amount so raised to be applied exclusively to the liquidation of indebtedness incurred by the payment of said bounties.

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

Approved March 17, 1864.

CHAPTER CXCIX.

A Further Supplement to an act entitled "An act relative to the sale and disposition of the real estate of infants," approved March nineteenth, eighteen hundred and forty-five.

Proceedings in case of death of guardian.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case of the death of any guardian appointed by the chancellor by virtue of the act to which this is a supplement, in any proceedings now pending, or which may be hereafter commenced under said act, the chancellor is hereby empowered to appoint another guardian in the place of such deceased guardian, who shall give bond according to the provisions of said act, and shall then have power, under the order and discretion of the chancellor, to perform and shall be liable to all the duties, requirements and provisions of the said act and the supplement thereto, and all such proceedings now pending or to be commenced as aforesaid, may be continued and conducted by said newly appointed guardian, according to said act and supplement, and such guardian shall be invested with the like powers and authority as fully as if he had been originally appointed.

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

Approved March 17, 1864.

CHAPTER CC.

An Act to enable the board of chosen freeholders of the county of Atlantic, to borrow money to pay bounties to volunteers, to issue bonds to repay the same and for other purposes.

Preamble. WHEREAS, the board of chosen freeholders of the county of Atlantic, did, at a regular meeting of said board, held August twelfth, eighteen hundred and sixty-two, offer a bounty of twenty-five dollars to each man who would enlist for nine months agreeably to the call of the president; and whereas, at a meeting of said board held August eleventh, eighteen hundred and sixty-three, it was resolved that those holding orders against the said county should present them for cancellation, receiving in lieu thereof the bonds of said county, bearing interest at the rate of six per centum per annum, for the purpose of funding the floating debt of said county; and whereas, the said board at a regular meeting, held December fifteenth, eighteen hundred and sixty-three, resolved that two hundred dollars should be paid to each accepted volunteer called for by the president in his two calls of three hundred thousand each, (said quota being three hundred and forty-three for the said county,) and for the purpose of paying such bounties, and cancelling such orders the said board authorized the bonds of said county to be issued, signed by the director and clerk of said board, and which have been issued under the authority of said board—therefore,

Acts legalized. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the acts of said board, recited in the preamble to this act, are valid in all respects, and binding upon the inhabitants of said county, and that for the purpose of paying said bonds, and the interest accruing thereon, together with the necessary expenses incurred, it shall be lawful for the said board to raise the amount not exceeding the sum of seventy-five thousand dollars in the whole, by tax, the same as other taxes are raised in said county; *provided*, that the amount to be raised for the payment of volunteers who have received two hundred dollars each, shall be assessed in the townships which have received the said amount, each township being charged with the

amount so paid to the volunteers furnished by such townships, and that the said amounts together with the interest and the expenses incurred shall be thus assessed during the years eighteen hundred and sixty-four, eighteen hundred and sixty-five, eighteen hundred and sixty-six, and eighteen hundred and sixty-seven, in equal proportions.

Time of payment.

2. *And be it enacted*, That the said board of chosen freeholders shall assess the remainder of such indebtedness the same as other county taxes are assessed, and that the whole amount shall be paid in the four years mentioned in the preceding section, in equal amounts, one-fourth of the principal together with the interest and expenses to be assessed and collected in each year.

How sold.

3. *And be it enacted*, That the bonds issued and to be issued by the said board of chosen freeholders under this act shall not be sold or disposed of at less than their par value, and the amount realized by tax shall be paid over to the county collector, by the several township collectors, the same as other taxes authorized to be levied and collected by the said board are paid.

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

Approved March 18, 1864.

CHAPTER CCI.

An Act to authorize the inhabitants of the township of Stafford, in the county of Ocean, to raise money to pay bounties to volunteers.

Preamble.

WHEREAS, The inhabitants of the township of Stafford, in the county of Ocean, did assemble and organize themselves into a meeting, in pursuance of public notice given throughout said township; and whereas, at said meeting it was resolved that for the purpose of avoiding a draft that a bounty of three hundred dollars per man be offered to fill the aforesaid township's quota of men required under the late calls of the president of the United States, and that said bounty be raised as follows, viz: a poll tax of five dollars per year for three years to be levied on every taxa-

ble male inhabitant of said township, the said tax to be assessed and collected in the same manner as other taxes are now assessed and collected; and whereas, the inhabitants of the said township are desirous to have the action of said township legalized, and that the township committee shall have lawful authority to borrow money upon the credit of the said township to pay said bounty, until the same shall be assessed and collected—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the township of Stafford to borrow money upon the credit of said township to pay said bounty to volunteers, and for that purpose they are hereby authorized to issue bonds in the name of "The inhabitants of the township of Stafford, in the county of Ocean," under the respective hands and seals of said township committee, or any three of them, for an amount of money not exceeding six thousand dollars, in such sums and payable at such time or times as said township committee shall deem proper, and to pledge the property and credit of the township for the payment of the same, which bonds it shall be lawful for said township committee to sell and assign. Township may borrow money.

2. *And be it enacted*, That for the purpose of providing for the payment of said bonds and interest thereon, it shall be lawful to asses a poll tax of five dollars per year for three years upon every male taxable inhabitant of said township, said poll tax to be assessed and collected in the same manner as other taxes are now assessed and collected. Poll tax.

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

Approved March 18, 1864.

CHAPTER CCII.

An Act to increase the capital stock of "The Keyport and Middletown Point Steamboat Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if the directors of said company shall at any time hereafter deem it expedient, it shall be lawful for them to increase the amount of their capital stock May increase capital stock.

to any sum not exceeding one hundred and thirty-two thousand dollars, in the manner and under the provisions as are directed in their act of incorporation, approved March twenty-fourth, eighteen hundred and fifty-two.

How stock called in.

2. *And be it enacted*, That the said additional stock shall and may be called in, from time to time, as the directors of the said company for the time being shall deem expedient; and the books for subscribing to said stock shall be opened at such times and in such manner as the said directors shall order, of which four weeks' notice shall be given in one or more of the newspapers published in Monmouth county; and the same, when so called in, shall be allotted ratably among the several stockholders of the stock of said company, in proportion to the number of shares held by them respectively, at least ten days before the time of subscribing to such new stock; and in case it shall happen that at the time noticed for subscribing to any such additional capital, any of the stockholders shall decline or neglect to subscribe for the same, he or she shall forfeit the privilege thereto, and the remaining stockholders, or such of them as then apply for the purpose, shall be entitled to the privilege of subscribing as aforesaid, in proportion to the shares held by them respectively as aforesaid, or the said directors may, from time to time, sell the shares forfeited as aforesaid, as they may think most for the interest of said company, for the best price or prices that can be obtained, not less than their par value, and the overplus, if any, to be credited to the account of the profits of the said company.

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

Approved March 18, 1864.

CHAPTER CCIII.

A Further Supplement to the act entitled "An Act to incorporate the city of Trenton," passed the seventh day of March, eighteen hundred and thirty-seven.

City may borrow $20,000.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council of the city

of Trenton shall have power, and they are hereby authorized to borrow a sum of money not to exceed the sum of twenty thousand dollars, at such time or times as to them shall seem expedient, for the purpose of constructing sewers and improving the drainage of said city; and to issue the bonds or certificates of said city therefor, bearing legal interest, and payable at such time or times as the said common council may by ordinance direct; which said bonds or certificates shall have the city seal attached, and be signed by the mayor and treasurer of said city.

Assessment to be made and how collected.

2. *And be it enacted*, That the assessment of the expense of constructing said sewers, now by law authorized to be made, on the owners of the property drained thereby, shall be levied and collected by such person or persons as the said common council may appoint, within three months from the time when they may be notified that the said assessments have been made; and any person or persons refusing or neglecting to pay the said assessment within the said three months, shall pay the additional sum of ten per cent. on the said assessment, which said assessment and additional per centage shall be recovered in an action of debt with costs of suit, in the name of "The Inhabitants of the City of Trenton," by the person or persons appointed to collect the same, before any court of competent jurisdiction.

Bonds, how redeemed.

3. *And be it enacted*, That the bonds or certificates to be issued as provided for by the first section of this act, shall be redeemed from the moneys collected by virtue of the assessments aforesaid, upon the owners of the property drained and benefitted by said sewers.

Rate of taxation.

4. *And be it enacted*, That it shall and may be lawful for the common council of the city of Trenton, to order and cause to be assessed and raised by tax, from year to year, over and above the rate of seventy cents to the one hundred dollars, on the real and personal estate in said city, the amount of county tax apportioned to the said city of Trenton, and which tax shall be assessed and collected in the same manner as the other taxes are now raised in the said city.

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

Approved March 18, 1864.

New Jersey State Library

CHAPTER CCIV.

A Further Supplement to an act entitled "An act to create from parts of the town of Orange, and the townships of Caldwell and Livingston, in the county of Essex, a new township, to be called the township of Fairmount," approved March eleventh, Anno Domini eighteen hundred and sixty-two.

Township committee may 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 town committee of the township of West Orange, created by a supplement to the act of which this is a further supplement, which said supplement was approved March fourteenth, Anno Domini eighteen hundred and sixty-three, to borrow the sum of six thousand dollars upon the credit of said township in its corporate character, and to secure the payment of the same by giving the bonds of the said township, in such sums and for such length of time as said committee may deem best, and to apply such money so borrowed to the payment of the share or part of the volunteer bounty fund, which said last named township now owes, under and by virtue of the provisions of said last mentioned supplement, and of the supplement to the act of incorporation of said town of Orange, approved March eighteenth, Anno Domini eighteen hundred and sixty-three.

Duty of assessor defined

2. *And be it enacted*, That the duty required of the assessors of the several townships by the third section of the act entitled "An act concerning taxes," shall be performed by the assessor of the township of West Orange, within fifteen days after the second Monday in July, hereafter; and the commissioners of appeal in cases of taxation in said township, shall meet annually, on the fourth Tuesday of September, instead of the fourth Tuesday of November, as heretofore.

Duty of collector.

3. *And be it enacted*, That the duty which the collector of said township is now required to perform by the tenth section of the act aforesaid, shall be performed on the first day of August, instead of the first day of October, in each year hereafter; and the time of payment of moneys to the collector of the county of Essex, shall be on the twenty-second day of October, instead of the twenty-second day of December, in each year; and the duty required of the collector of

said township by the twelfth section of said act, shall be performed on the twentieth day of October, instead of the twentieth day of December, in each year.

4. *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 a public act, and shall take effect immediately. Repealer.

Approved March 18, 1864.

CHAPTER CCV.

A Further Supplement to an act entitled "An act to incorporate the Dundee Manufacturing Company, in the county of Bergen," passed the fifteenth day of March, eighteen hundred and thirty-two.

WHEREAS, "The Dundee Manufacturing Company" have heretofore issued their bonds for the aggregate sum of one hundred thousand dollars, with interest, and have sold and disposed of the same, and secured the payment of the principal and interest of said bonds by a mortgage upon the whole of their property, franchises and chartered rights, as authorized by an act of the legislature, approved March fourteenth, eighteen hundred and sixty-one, and entitled "A further supplement to an act entitled 'An act to incorporate the Dundee Manufacturing Company, in the county of Bergen,' passed the fifteenth day of March, eighteen hundred and thirty-two;" and the said mortgage has been foreclosed in the court of chancery of this state, and the said property, with its appurtenances, franchises and chartered rights, in said mortgage, contained, have been, by decree of said court, ordered to be sold for the payment and satisfaction of the principal and interest of said mortgage bonds to the several holders thereof; and whereas, in case of sale under said decree and the execution issued thereon, it is proper and desirable that the said property, rights and franchises should vest in the purchasers, and they be enabled to re-organize and become a new body politic and corporate; but doubts have arisen whether they could so reorganize under the act entitled "An act concerning Preamble.

the sale of railroads, canals, turnpikes and plank roads," approved March fifteenth, eighteen hundred and fifty-eight, without an enabling act for that purpose; therefore,

Regulations of sale by decree of chancery.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the said property, franchises and chartered rights of "The Dundee Manufacturing Company" shall be duly sold and conveyed, under and by virtue of the decree of the court of chancery, and the execution thereon, recited in the preamble to this act, it shall and may be lawful for the purchaser or purchasers thereof to reorganize and become a new body politic and corporate, in fact and in law, in the mode and manner prescribed in and according to the terms and stipulations of the said act entitled "An act concerning the sale of railroads, canals, turnpikes and plank roads;" and shall have and enjoy all the powers, rights and privileges conferred by, and be subject to the provisos, limitations and conditions contained in said act, except as herein otherwise provided; and they shall thereupon be entitled to and have all the rights, privileges and franchises, and be subject to all the conditions, limitations and restrictions contained in the act under which the said "The Dundee Manufacturing Company" was created, and in the supplements thereto, so far as the same shall be in force at the time of such sale and conveyance, except as herein otherwise enacted; *provided*, that such new corporation may be organized with any number of persons not less than five, and with a capital stock of not less than one hundred thousand dollars, to be divided among such purchaser or purchasers and his or their associates, in the ratio and according to the amount of purchase money, or the amount otherwise by them respectively contributed to the said capital stock, under the direction and authority of such purchaser or purchasers; *and provided also*, that the stockholders of such new corporation, may, at each annual election for directors thereof, appoint one or more inspectors of such election, who shall not be stockholders.

Proviso.

Proviso.

Not to forfeit rights.

2. *And be it enacted*, That all proceedings of the said "The Dundee Manufacturing Company," for the use or overflow of lands and assessment of damages, or otherwise, and undetermined at the time of such sale and conveyance, may be continued in the same manner and upon the same conditions as if such sale and conveyance had not been made, and shall inure to the use and benefit of such new corporation.

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

Approved March 18, 1864.

CHAPTER CCVI.

A Supplement to the act entitled "An act to provide for the maintenance and instruction of indigent children of feeble minds, inhabitants of New Jersey," approved March twelfth, eighteen hundred and sixty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the annual expense of each feeble minded child, instructed at the charge of the fund provided in the act to which this is a supplement, shall not exceed the sum of two hundred and twenty-five dollars, including clothing. Expenses to be $225 per year.

2. *And be it enacted*, That the annual appropriation of three thousand dollars, authorized by the act to which this is a supplement, be and the same is hereby increased to five thousand dollars, subject to the provisions of the aforesaid act. Appropriation increased.

3. *And be it enacted*, That all acts and parts of acts in conflict with or contrary to the provisions of this act shall be and the same are hereby repealed. Repealer.

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

Approved March 18, 1864.

CHAPTER CCVII.

An Act for the relief of Jacob S. Rockafellow.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jacob S. Rockafellow, of Restored to citizenship.

Somerset county, be and he is hereby restored to all his rights and privileges as a citizen of New Jersey.

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

Approved March 18, 1864.

CHAPTER CCVIII.

An Act to legalize certain acts in the township of Galloway, in the county of Atlantic, relative to raising money to pay bounties to volunteers to fill the quotas of the different calls made by the president, and to provide for the payment of the same.

Preamble. WHEREAS, The inhabitants of the township of Galloway, did on the nineteenth day of December, eighteen hundred and sixty-three, at a meeting called for that purpose by the township committee, eight days' notice having been given for the same, vote to pay a bounty of one hundred dollars to each accepted volunteer to fill the quotas of said township under the calls of the president, (the said quota being eighty-nine); and whereas, the inhabitants having no authority under the laws of this state to raise money to pay said bounties or borrow money for the payment of the same —therefore,

May issue bonds. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said township of Galloway be authorized to provide for the payment of said bounties by issuing their bonds therefor, bearing interest at the rate of six per centum per annum, which bonds shall be made redeemable at such times as the township committee of said township may think best, the whole amount together with the interest and expenses to be paid within four years from the date of such bonds.

Poll tax. 2. *And be it enacted*, That for the purpose of paying said bonds the township assessor shall assess, and the township collector shall collect a poll tax of five dollars on each taxable inhabitant of the said township, the residue of the amount to be apportioned and raised in like manner as other taxes are raised on real and personal property in the said township.

3. *And be it enacted*, That the acts and doings of the township committee and the inhabitants of the said township relative to paying bounties to volunteers to fill the quotas of said township, and the issuing of bonds be, and are hereby declared valid in all respects, and binding upon the inhabitants and taxable property of said township. Acts legalized

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

Approved March 18, 1864.

CHAPTER CCIX.

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 term of office of the chief engineer of the fire department of Jersey City, shall be two years, instead of one year, as established by the third section of the act to which this is a supplement. Term of office two years.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and that this act is hereby declared to be a public act, and shall take effect immediately. Repealer.

Approved March 22, 1864.

CHAPTER CCX.

An Act to confirm the acknowledgments and proof of deeds, mortgages and other instruments of writing, taken by George W. Dillaway, of Hudson county.

WHEREAS, by a commission dated the eleventh day of March, one thousand eight hundred and sixty-three, George W. Dillaway was duly commissioned as a commissioner for Preamble.

taking acknowledgment and proof of deeds agreeably to law for the county of Hudson; and whereas, by an inadvertence on the part of the senate and assembly in joint ballot, he the said George W. Dillaway, was appointed as a commissioner for the town of Bergen; instead of for the (then) new township of Greenville, then being set off from the said town of Bergen, he the said George W. Dillaway, being a citizen resident in the new township of Greenville, at the time of said appointment and still continues to be a resident of the said township of Greenville; and whereas, this inadvertence not appearing on the face of the commission as approved and endorsed by the governor of the state; the said George W. Dillaway did perform certain acts as a commissioner for the taking of acknowledgments and proofs of deeds; therefore to remove any doubt as to the legality of his the said George W. Dillaway's official acts in the premises,

Acts legalized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the acts of the said George W. Dillaway as commissioner aforesaid, in and for the county of Hudson, under the commission by him held and dated as aforesaid, be as valid and effective in law to all intents and purposes as if the said appointment had been made for the township of Greenville, in the county aforesaid.

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

Approved March 22, 1864.

CHAPTER CCXI.

A Further Supplement to an act for the "Preservation of Deer and other Game, and to prevent trespassing with dogs or guns," approved April sixteenth, eighteen hundred and forty-six.

Game regulated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, it shall not be lawful for any person or persons to kill destroy or take any partridge, meorfowl, grouse, quail or rabbit, in the county of Middlesex, at any time except be-

tween the first day of December and the first day of February yearly and every year; *provided*, that nothing in this act shall be so construed as to prevent any owner of real property from killing game on his own premises. Proviso.

2. *And be it enacted*, That if any person or persons offending against any of the provisions of the first section of this act, he, she or they so offending shall forfeit and pay for every partridge, moorfowl, grouse, quail or rabbit, the sum of one dollar for each and every offence, to be sued for and recovered in an action for debt, with costs of suit, by any person who shall sue for the same, and on non-payment thereof, shall be committed to the common jail of the county, for any period not exceeding thirty days, and until the fine and costs are paid; and any person into whose hands or custody any partridge, moorfowl, grouse, quail or rabbit shall be found, that shall have been killed contrary to the provisions of this act, shall be deemed, taken and adjudged to be the killer and destroyer of said game, and liable to the penalties of the same. Penalty.

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

Approved March 22, 1864.

CHAPTER CCXII.

Supplement to an act entitled "An act to authorize Tewksbury township, Hunterdon county, to raise money to pay bounties," approved February twenty-sixth, eighteen hundred and sixty-four.

WHEREAS, The township of Tewksbury, finding that by a bounty of three hundred dollars per man the township would be unable to fill its quota; and whereas, at a recent town meeting the inhabitants of said township did vote in favor of amending the resolutions of the previous town meeting, so that a bounty of four hundred dollars or such sum per man, not exceeding four hundred dollars, as the recruiting officer of said township might be able to procure men to fill the quota of said township for, be paid to volunteers for said township until its quota should be filled; therefore, Preamble.

Acts legalized

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the proceedings of the last town meeting of said township be legalized so that the sum of four hundred dollars per man, or such sum per man as the recruiting officer of said township may be able to procure men to fill the quota of said township for, not exceeding four hundred dollars, may be raised by taxing the property, real and personal of said township, according to the act to which this is a supplement.

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

Approved March 22, 1864.

CHAPTER CCXIII.

A Further Supplement to an act entitled "An act to incorporate the Jefferson Machine Works," passed February fifteenth, eighteen hundred and thirty-eight.

Time of charter extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to incorporate the Jefferson Machine Works," passed February fifteenth, eighteen hundred and thirty-eight, and the supplement thereto, approved January thirty-first, eighteen hundred and fifty-six, be and the same are hereby continued in force for the term of thirty years, from the fifteenth day of February, which will be in the year of our Lord, one thousand eight hundred and sixty-eight, with all the rights, powers and privileges conferred by the said act and supplement, and subject to all the terms and conditions therein contained.

Privileges increased.

2. *And be it enacted*, That in addition to the articles mentioned in said act, the said company shall be and is hereby authorized to make, manufacture, sell and dispose of locomotive engines, and such other articles as the interests of said company may require, and as the directors thereof may determine.

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

Approved March 22, 1864.

CHAPTER CCXIV.

A Supplement to the act entitled "An act to incorporate the Camden County Manufacturing Company," approved March twenty-fifth, eighteen hundred and sixty-three.

Repealer

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the proviso to the fourth section of the act to which this is a supplement, requiring all the directors of the company thereby incorporated, to be residents of New Jersey, be and the same hereby is so far repealed as to require only a majority of the said directors to be residents as aforesaid.

Privileges limited.

2. *And be it enacted*, That the powers conferred upon the Camden County Manufacturing Company by the third section of the act to which this is a supplement, to purchase and hold real estate, shall be limited to the purchasing and holding of real estate lying and being within the county of Camden.

Approved March 22, 1864.

CHAPTER CCXV.

An Act to incorporate the New Jersey Glass Manufacturing Company, in the county of Camden.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John S. Read, Thomas J. Roberts, Joseph C. Porter, William S. Doughten and William P. Tatem, 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 fact and law, by the name of "New Jersey Glass Manufacturing Company," 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.

Capital stock.

2. *And be it enacted*, That the capital stock of said company shall be twenty-five thousand dollars, with the privilege

from time to time of increasing the same to any sum not exceeding seventy-five 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 stock, which shares shall be deemed personal property and transferable in such manner as the said company by its by-laws may direct; that ten dollars on each share of stock shall be paid at the time of subscribing, said stock to be subscribed for and further paid in at such times and in such installments as the directors may from time to time appoint and direct;

Proviso. *provided*, that no installment shall be for more than ten dollars on each share, or called in at intervals of less than one month, and that notice shall be given thereof in one newspaper published in said county at least three weeks once in each week next preceding the time of payment.

First directors 3. *And be it enacted*, That the property and affairs of the said company shall be managed and conducted by a board of directors not less than three, nor more than five in number, shareholders in said company, who shall be chosen annually at such time and place in the county of Camden, 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 John S. Read, Thomas J. Roberts, Joseph C. Porter, William S. Doughten and William P. Tatem, shall be the first directors of this company under this charter, to continue in office until others are elected and appointed in their stead; that the 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 installments 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 amount of stock actually paid in, and of the assets and debts of the com-

pany, and no dividends shall be declared except from the actual profits of the company.

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 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 or survivor of them, or such persons as the said stockholders shall appoint, shall be trustees for settling all the affairs of the company, collecting and disposing of its property and assets, paying its debts and dividing the surplus among the stockholders in proportion to their respective interests in the stock. May be dissolved.

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. Act may be amended, &c.

Approved March 22, 1864.

CHAPTER CCXVI.

Supplement to an act entitled "An act concerning Goats," approved March nineteenth, eighteen hundred and sixty-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the provisions of the act to which this is a supplement, shall apply to the township of North Bergen, to the township of Union, and to the township of West Hoboken, in the county of Hudson. Extension of law.

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

Approved March 22, 1864.

CHAPTER CCXVII.

An Act to confirm the acknowledgments and proofs of deeds and other instruments in writing, taken before John P. Harker, Commissioner appointed for Waterford township, Camden county.

Preamble. WHEREAS, the parchment scroll containing the names of commissioners, &c., in the clerk's office, in Camden county, has not the township named thereon for which such commissioner &c., was appointed, and by the same appearing that John I. Githens, Washington Schlosser, and Nixon Davis, were appointed commissioners for the township of Waterford, in 1852, that appearing to be the full complement for said township, and Barzillai W. Bennett, was also appointed in 1855, before there appeared to be a vacancy; and whereas, John I. Githens and Washington Schlosser, were re-appointed in 1857, and their names only appearing upon the book of the secretary of state, at the time of the the joint meeting in 1859, whereupon John P. Harker was appointed to fill such supposed vacancy; and whereas, it has been clearly demonstrated that Nixon Davis, as aforesaid, was appointed for the township of Delaware, in 1852, and soon thereafter moved into Waterford township, and that the appointment of Barzillai W. Bennett was legal, and that of John P. Harker, illegal, because of the misunderstanding in reference to the said Nixon Davis's appointment; and whereas, by reason of such error of appointment the acknowledgments and proofs are defective, and innocent persons may be subject to great loss—therefore,

Acts legalized. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the acts of the said John P. Harker, as commissioner aforesaid, shall be as valid and effectual in law to all intents and purposes as if the said John P. Harker's appointment had been legal.

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

Approved March 22, 1864.

CHAPTER CCXVIII.

An Act to confirm the acknowledgments and proofs of deeds, mortgages and other instruments in writing, taken by Hiram B. Rittenhouse, of the county of Hunterdon.

Preamble. WHEREAS, It appears to the legislature, that Hiram B. Rittenhouse was appointed a commissioner to take the acknowledgment and proof of deeds for the county of Hunterdon, on the eleventh day of March, one thousand eight hundred and sixty-three, and was duly commissioned, but not sworn until the twentieth day of April, next ensuing, after said appointment; and by a wrong impression of the law, did acknowledge certain deeds and mortgages between the said eleventh day of March, and the said twentieth day of April, eighteen hundred and sixty-three, by which innocent persons are liable to great loss and inconvenience; therefore for the remedy of the same,

Acts legalized. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no acknowledgment or proof of any deed, mortgage, or other instrument in writing, heretofore taken and certified by the said Hiram B. Rittenhouse, shall be deemed defective by reason of such acknowledgment or proof having been taken and certified before being sworn into office; but all such acknowledgments and proofs shall have the same validity and effect as if the said Hiram B. Rittenhouse had been at the time of taking and certifying such acknowledgments and proofs, duly authorized by law to take and certify the same.

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

Approved March 22, 1864.

CHAPTER CCXIX.

A Further Supplement to the act entitled "An act to establish the Sussex Bank at Newton, in the county of Sussex," passed the thirty-first day of January, eighteen hundred and eighteen.

May reduce capital stock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the president, directors and company of the Sussex Bank, are hereby authorized to reduce the capital stock of said bank to the sum of two hundred thousand dollars, by redeeming and cancelling as many shares of said capital stock as will suffice for that purpose, at such price and upon such terms as may be agreed upon with the holders thereof; and to appropriate as much of the surplus profits of said bank now on hand as may be required for that purpose, to the purchase and redemption of said shares.

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

Approved March 22, 1864.

CHAPTER CCXX.

A Supplement to an act to incorporate the town of Guttenberg, in the county of Hudson, approved March ninth, eighteen hundred and fifty-nine.

May appropriate money for roads.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the councilmen of the town of Guttenberg, whenever they may deem the same to be necessary, and without any petition for that purpose, upon ordinance passed by them, or whenever the inhabitants of the town shall so direct by a vote of said town, to appropriate the sum of two thousand dollars for the improvement of that part of the ferry road, as designated on the map of Guttenberg, from the easterly line of the Bull's ferry-road, leading down the hill to a point where said ferry road

first strikes the southerly line of the town of Guttenberg; which sum shall be assessed by three discreet persons, residents of said town, appointed by said councilmen, who shall be duly sworn or affirmed to assess the same upon the inhabitants and real estate of said town, and on the property of non-residents; of which said assessment like notice shall be given, and it shall be confirmed by said councilmen and collected in the same manner as is provided for in the eighth section of the act to which this is a supplement, in cases of other improvements.

Approved March 22, 1864.

CHAPTER CCXXI.

An Act to authorize the inhabitants of Maurice River township, Cumberland county, to raise money.

Preamble.

WHEREAS, The president of the United States, having made several calls for men to sustain the Union, and there being a number yet due from the township of Maurice River, county of Cumberland, the inhabitants thereof did at a special town meeting held on the twenty-sixth day of December, eighteen hundred and sixty-three, pass a resolution to raise by tax the sum of two hundred dollars, to be paid to each man who shall volunteer to fill the above calls, and be duly credited to said township—therefore,

Poll tax on white and colored inhabitants.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That a poll tax be assessed and collected upon the male inhabitants liable to be taxed, of said township who are not in the service of the United States at the time of assessment, as follows: on all married men and single men having a widowed mother dependent upon them for support, the sum of one dollar; on all other single men the sum of two dollars, and the balance of what may be necessary to pay the above sum, together with the interest on the loan procured or to be procured by the committee, to be assessed and collected as other taxes are assessed and collected, under the late general tax law of this state.

2. *And be it enacted*, That the above sums be assessed and

When assessed and collected.

collected as above directed, and by the same officers and at the same time that other taxes are assessed and collected.

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

Approved March 22, 1864.

CHAPTER CCXXII.

An Act to confirm the acts of the inhabitants of the township of Egg Harbor, in the county of Atlantic, in raising money by taxation to aid in raising volunteers in said township for the war.

Preamble.

WHEREAS, The inhabitants of the township of Egg Harbor, in the county of Atlantic, at a special town meeting held on the thirteenth day of December, eighteen hundred and sixty-three, resolved to pay two hundred dollars to each volunteer that should enlist under the calls of the president for volunteers for the war, and for that purpose the township committee have given the township notes or bonds to the amount of twenty thousand dollars, with interest at six per centum, payable in one, two and three years from date thereof.

Bonds obligatory.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the bonds or notes that have been given by the committee of said township shall be and are hereby declared to be valid in law against the said township, the same as if they had been issued by an express act of the legislature for that purpose.

To raise money by taxation

2. *And be it enacted*, That it shall and may be lawful for the committee of the township of Egg Harbor to cause to be raised by taxation, in the same manner as other township moneys are raised, a sum sufficient to liquidate yearly the amount which may become due for volunteer purposes in said township.

Poll tax.

3. *And be it enacted*, That it shall be the duty of the assessor and the collector, to assess and collect one dollar and sixty-six cents on each poll yearly (above the general poll tax), and the balance of the amount required shall be assessed on the real and personal property, and paid by the township

collector to the township committee, and by them or their clerk to the legal holders aforesaid of the township obligations.

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

Approved March 22, 1864.

CHAPTER CCXXIII.

An Act to incorporate the Rahway Library Association.

Preamble. WHEREAS, a number of ladies, inhabitants of the city of Rahway, in this state, have now an association, known as the Rahway Library Association, it is apprehended that the object of said association will be promoted by an act of incorporation—therefore,

Corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William C. Squier, Jacob R. Shotwell and Benjamin M. Price, and their associates, are hereby constituted a body politic and corporate, in fact, name and law, by the name of "The Rahway Library Association," and by that name they and their successors shall have perpetual succession, power to sue and be sued, plead and be impleaded, answer and answered unto, in all courts and places whatever, to make a common seal and alter it at pleasure, to purchase, take, have, hold, receive and enjoy any lands, tenements, hereditaments, in fee simple or otherwise, and any goods, chattels, legacies, donations, annuities or other personal property of whatever 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; *provided always*, that the clear value of said real estate shall not exceed the value of ten thousand dollars. Proviso.

Nine trustees. 2. *And be it enacted*, That the property, affairs and concerns of said corporation shall be managed and conducted by nine trustees, to be elected on the first Monday in June next; the said corporation shall name nine ladies, now associated with and stockholders of the Rahway Library Association, residing in the city of Rahway or its vicinity, as trustees of said associa-

tion, and the persons so named shall constitute the first board of trustees, and in case any vacancy shall happen in the said trustees by death, removal, resignation or otherwise, such vacancy shall be filled by the said board, and the seat of any trustee who may have neglected to attend four successive meetings may be vacated and their place filled by a majority of the board of trustees; the trustees shall meet annually on the first Monday in June, and choose by ballot from their number a first and second directress, secretary and treasurer, and such other officers as may be expedient, and the duties and powers of such officers shall be defined by such by-laws as the board of trustees may make.

Objects.

3. *And be it enacted*, That the object of said corporation shall be the establishment of a circulating library in the city of Rahway; a majority of the trustees shall constitute a quorum to transact business, who shall have power to make and provide such by-laws as to them may seem needful for the purposes of said corporation not inconsistent with this act and the laws of the state.

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

Approved March 22, 1864.

CHAPTER CCXXIV.

A Further Supplement to the act entitled "An act to incorporate the Cape Island Turnpike Company," approved March first eighteen hundred and fifty-one.

Additional powers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever at a meeting of the stockholders of the Cape Island Turnpike Company, convened by the board of directors, giving at least ten days' notice of the time and place of said meeting, a majority of the said stockholders, voting according to the rule and in the ratio observed in the election of directors, shall determine that a reduction of the capital stock of the said company is expedient, it shall and may be lawful for the said stockholders, by resolution to be adopted at such meeting, to reduce the capital of the said company, to such sum as they may deem most

likely to promote the interests of said stockholders; *provided always*, that the said capital stock shall not be reduced to a less sum than ten thousand dollars, nor to a sum less than the amount of the existing liabilities of said corporation at the time of the said reduction. Proviso.

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

Approved March 22, 1864.

CHAPTER CCXXV.

An Act to incorporate the Little Mantua Creek Meadow Company.

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 adjoining Little Mantua Creek, in the county of Gloucester, are hereby incorporated and constituted a body politic and corporate, under the name, style and title of "The Little Mantua Creek Meadow Company." Corporate name.

2. *And be it enacted*, That Henry Allen, Jr., Matthew Gill, and John C. Smallwood, 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 June next, after giving two weeks' notice in writing to each of the owners or possessors of said marsh or meadow, or by advertising the same in "The Constitution" for the like space of time, stating the time and place of their meeting, to 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), Mode of proceeding.

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 clerk'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.

Clerk and managers.

3. *And be it enacted*, That on the first day of June, eighteen hundred and sixty-four, the meadow owners shall meet at the present dwelling house of William Rambo, and by a plurality of votes, elect a clerk and two managers, who shall serve until the next annual meeting, which is to be on the first Tuesday of April, eighteen hundred and sixty-five, at one o'clock, P. M.; and in all cases in which there shall be a failure to elect annually two managers and a clerk, 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.

Vacancies, how filled.

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, then one or more persons, as the case may be, shall be appointed by Richard M. Wilkins, John S. Lord and Carlton P. Stokes, or a majority of them, and he or they so appointed, shall be empowered to act as if named in this act.

Powers and regulations.

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 the said company; and if the managers shall neglect to pay or repair as aforesaid, for the space of six months, then the owner of the 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.

May collect money.

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.

Proceedings in case of default.

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 Little Mantua Creek 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 moneys.

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

Proviso.

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.

Special meetings.

9. *And be it enacted*, That whenever the managers shall deem it necessary to call a special meeting of the Little Mantua Creek 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 supplied.

10. *And be it enacted*, That in case the clerk or 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.

Book of proceedings and accounts.

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.

Bonds to be given.

12. *And be it enacted*, That the said managers, before entering on 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 "Clerk of the Little Mantua Creek 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, and give under his hand a proper discharge exonerating the said managers from further liability, whenever the said company shall so direct.

Penalty for injuring works.

13. *And be it enacted*, That if any person or persons shall wilfully damage or injure 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 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.

Book with names of owners to be kept.

14. *And be it enacted*, That the clerk of the 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 his possession at the

annual meeting, and deliver them over to his successor in office.

Commissioners to be appointed 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 clerk 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 resolution so made shall be entered in the clerk's book, and the said managers shall be governed in their future assessments by it.

Fees.

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.

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 June, eighteen hundred and sixty-four, 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 June, eighteen hundred and sixty-four, 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. Final settlement.

18. *And be it enacted*, That so much of the old law incorporating "Little Mantua Creek Meadow Company" as conflicts with this act, be and the same is hereby repealed. Repealer.

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

Approved March 22, 1864.

CHAPTER CCXXVI.

An Act to incorporate the Childrens' Friends Society, of Jersey City.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Armstrong, Edward F. C. Young, Charles E. Gregory, Alexander H. Wallis, Michael Lienau, Elias B. Bishop, Junior, Benjamin G. Corporators.

Clarke, James Gopsill, John Olendorf, John A. Kingsbury, John W. Schanck, Theodore F. Randolph, Jacob R. Schuyler, Abraham Hooley, Junior, John H. Carnes, James A. Williamson, Alfrederick S. Hatch, John Owen Rouse, Joseph Colgate, Edgar B. Wakeman and Hampton A. Coursen, and all such persons as shall hereafter become members of the society called "the Childrens' Friends Society of Jersey City, New Jersey," in the manner to be prescribed by the constitution and by-laws of said society, to be enacted as hereinafter provided for, shall be and hereby are constituted a body corporate and politic, in fact and in name, by the name of "the Childrens' Friends Society, of Jersey City."

Board of trustees.

2. *And be it enacted*, That the property and concerns of the said corporation shall be governed and directed by a board of trustees, composed of the twenty-one persons named in the first section of this act, whose term of office shall continue until their place shall be vacated by death, resignation, or in such other manner as shall be provided for by the constitution of said corporation.

Powers.

3. *And be it enacted*, That the said board of trustees shall have power to enact a constitution, by-laws, rules and regulations for the government and management of its property, purposes and affairs, and from time to time repeal and alter the same or any part thereof, in such manner as such constitution and by-laws shall prescribe.

Officers.

4. *And be it enacted*, That the said constitution shall prescribe the officers of said corporation, their term and tenure of office, and the time, manner and mode of electing the same, and shall prescribe their powers and duties.

Quorum.

5. *And be it enacted*, That a majority of the members of the board of trustees shall constitute a quorum of said board, authorized to transact the business of the said corporation, and the said board of trustees shall have power to fill all vacancies that may occur in said board.

May hold real estate.

6. *And be it enacted*, That the said corporation may take and hold by purchase, devise or bequest, any real and personal estate not exceeding the sum of five hundred thousand dollars in value or amount, in addition to the premises occupied by the said corporation for charitable purposes, and may mortgage and convey the same; and the real and personal estate of such corporation, to the value of fifty thousand dollars, shall be free from all state, county and city taxes whatever.

7. *And be it enacted*, That when a child shall be surren-

dered to the charge and custody of the said corporation, by an instrument in writing, signed by either parents of said child, or its guardian, or any person having its care, and with whom it shall reside, the board of trustees may, in their discretion, bind out such child, if of the full age of eight years, to some suitable employment, in the same manner and with like effect as the overseers of the poor, with the assistance and approbation of two justices of the peace, are by law authorized to put forth and bind any poor child or children; and said corporation are hereby appointed the guardian of all and every such child or children so put forth and bound out as aforesaid, in the same manner and to the like extent as justices of the peace, and overseers of the poor or any two of them, are now by law appointed guardians of any poor child or children put forth and bound out by them. Directions relative to children.

8. *And be it enacted*, That any child that shall be surrendered to the said corporation, as in the next preceding section mentioned, shall be and remain in the care, custody and under the control of said corporation, until put forth and bound out as in that section provided for, and such corporation is hereby appointed the guardian of such child. Corporation to be guardian.

9. *And be it enacted*, That the said corporation shall be possessed of all the powers, and subject to all the obligations which by the laws of this state are incident to a corporation. Regulations.

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

Approved March 22, 1864.

CHAPTER CCXXVII.

An Act to authorize the Mayor and Common Council of the City of Hudson, to borrow a sum of money not exceeding thirty-three thousand dollars, and to issue bonds therefor.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in order to raise money to pay bounties to volunteers in the military service of the United States, it shall be lawful for the mayor and common council of the city of Hudson, to issue bonds under their corporate May issue bonds.

seal and the signature of the mayor of said city, for an amount not exceeding thirty-three thousand dollars, to be designated and known as "Volunteer Bounty Bonds," bearing interest payable half-yearly, at a rate not exceeding seven per cent. per annum, with coupons attached, and payable at such time or times as may be agreed upon by the common council, not exceeding thirty years from the date thereof, which bonds it shall be lawful for the said mayor and common council to sell at public or private sale, as the proceeds of the same may be required.

Provide by taxation fo payment.

2. *And be it enacted*, That the said mayor and common council shall have power to provide by tax for the payment of said bonds and the interest thereon, and that none of the restrictions, limitations or conditions contained in the thirty-third section of the act entitled "An act to incorporate the city of Hudson," approved April eleventh, eighteen hundred and fifty-five, shall be held to affect in any wise this act, but this act shall be and remain effectual, to all intents and purposes, at if the said section had not been enacted.

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

Approved March 22, 1864.

CHAPTER CCXXVIII.

An Act to incorporate the Rahway Car Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Francis LaBaw, Hugh H. Bowne, Melancthon F. Carman, John R. Ayres, William S. Woodruff, John D. Chapin and John J. High, and such other persons as may be hereafter associated with them, and their successors and assigns, shall be and they are hereby constituted a body corporate and politic in fact and in name, by the name and style of the Rahway Car Company, for the purpose of manufacturing railroad cars, express wagons, carriages, and other vehicles, in the city of Rahway, and of carrying on the business incident thereto; and by that name they and their successors shall have succession, and continue a body corporate and politic, and shall in law be capable of

contracting and being contracted with, suing, pleading, defending and answering, and being sued, impleaded, defended and answered unto, in all courts and places whatsoever, and in all manner of actions, suits and complaints, matters and causes whatsoever, and of doing and causing to be done all acts needful for the proper management of the funds and property of said corporation, and carrying on the business for which the said corporation is hereby created; and they and their successors, by the same name may be capable to acquire, purchase, receive, have, hold and enjoy, and again to sell or otherwise to dispose of such personal and real estate as may be necessary or useful for the said corporation to carry on the manufacturing operations before mentioned, and such other real estate as shall have been bona fide mortgaged or pledged to them by way of security, or conveyed to them in satisfaction of debts or liabilities previously created in their business, or purchased at sales upon judgments which shall have been obtained for such debts or liabilities; *provided always*, that the funds of 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 seven directors, being stockholders, (one of whom shall be president,) who shall hold their offices for one year; and the said directors shall be chosen on the first Monday in April of every year, at such place and time as shall be directed by the by-laws of said corporation; and public notice thereof shall be given, not less than ten days previous, in one or more newspapers printed in the city of Rahway; and each stockholder shall at such election be entitled, in person or by proxy, to as many votes as he or she shall hold shares of the capital stock of said corporation; and the persons having or receiving in such elections the greatest number of votes, and being stockholders, shall be directors; and the directors chosen at one election shall be capable of serving by virtue thereof until another election shall have been had, and the directors so chosen may appoint such officers and superintendents, and assign such compensation as they shall think fit, not less than a majority of the whole number of directors being present when the same shall be done; and all vacancies occurring by death, resignation or otherwise, among the directors named in this act, or those hereafter to be chosen, shall be filled by such person or persons as the remainder of Election of directors.

the directors for the time being, or a majority of them, shall appoint for that purpose; and the said Francis LaBaw, Hugh H. Bowne, Melancthon F. Carman, John R. Ayres, William S. Woodruff, John D. Chapin and John J. High, and the survivors of them, shall be the first directors of the said corporation, and shall hold their offices until the first Monday in August next, and until others are legally chosen.

First directors

Capital stock.

3. *And be it enacted*, That the capital stock of said corporation shall not exceed the sum of one hundred and fifty thousand dollars, which shall be divided into shares of fifty dollars each; but as soon as thirty thousand dollars of the said capital stock shall have been subscribed and paid, or satisfactorily secured to be paid, it shall be lawful for said corporation to commence their said business, or any part of it, and with that capital to conduct and carry it on until they shall deem it expedient to extend the same; and it shall be lawful for the directors of said corporation, or a majority of them from time to time, to call for and demand from the stockholders respectively, all such sums of money by them subscribed, at such times and in such proportions as they shall deem proper, under pain of forfeiting the shares of said stockholders, and all previous payments thereon, if such payments shall not be made within thirty days after the day fixed for that purpose by public notice previously published for the space of thirty days, in one or more of the newspapers printed in said county, designating the proportion of such payment per share, and the time and place, when and where, and the officer to whom the same shall be required to be made.

Books, how long kept open.

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

Stock personal estate.

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

Proviso.

Not void by reason of failing to elect.

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

shall not for that cause be deemed to be dissolved, but it shall be lawful to hold such elections on such other days as shall be prescribed by the by-laws of the said corporation.

Quorum. 7. *And be it enacted*, That a majority of the directors for the time being, shall form a board for transacting the business of the said corporation, and shall have power to make and enforce such by-laws and regulations as they shall deem expedient for the government, management and disposition of the stock, effects, profits and concerns of the said corporation; *provided*, that the same are not contrary to the constitution or laws of the United States, or of this state. Proviso.

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

How dissolved. 9. *And be it enacted*, That the said corporation may be dissolved at and by a general meeting of the stockholders specially summoned for that purpose; *provided*, that at least three-fourths in value of the stockholders shall be present or represented therein; and upon such dissolution, the directors for the time being, and the survivors and survivor of them shall be trustees for settling all the affairs of the said corporation, disposing of its effects, recovering its claims, and paying its debts and dividing the surplus among the stockholders in proportion to their respective interests in the stock, unless the stockholders at such general meeting shall appoint other persons, not less than three nor more than five in number, for such purpose, in which case the persons so appointed, and the survivors and survivor of them, shall be trustees for the purpose aforesaid. Proviso.

Limitation. 10. *And be it enacted*, That this act shall, unless the corporation be dissolved as above provided for, continue in force for the term of thirty years from the time of its passage; *provided nevertheless*, that the legislature reserve the right to alter or amend this act whenever the public good may require it.

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

Approved March 22, 1864.

CHAPTER CCXXIX.

A Further Supplement to an act entitled "An act to incorporate Jersey City."

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the tenth section of the act entitled "A further supplement to an act entitled 'An act to incorporate Jersey City,'" which said supplement was approved March eighteenth, eighteen hundred and sixty-three, be and the same is hereby repealed.

Election of surveyors regulated.

2. *And be it enacted*, That such parts of the act to which this act is supplementary as prescribe that two surveyors of highways shall be elected in each of the wards of Jersey City be and the same are hereby repealed, and that so many surveyors of highways, to be selected from such parts of the city as the said common council shall determine from time to time by ordinance, shall be appointed by the said common council.

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

Approved March 22, 1864.

CHAPTER CCXXX.

An Act to authorize the inhabitants of the township of Clinton, in the county of Hunterdon, to vote by ballot at their town meetings.

May vote by ballot.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Clinton, in the county of Hunterdon, are hereby authorized and required to elect by ballot, and not otherwise, the following officers until otherwise required by law, whose qualifications shall be the same as are or may be fixed by law, that is: a township clerk, a judge of election, an overseer, a collector, one or more chosen freeholders, two surveyors of the highways, three commissioners of appeals, one or more overseers

of the poor, one or more pound keepers, a township committee consisting of five persons, a town superintendent of public schools, as many justices of the peace as the township shall be constitutionally entitled to elect, one or more constables; and shall also, upon the same ballot, vote for the amount of money to be raised for the support of the poor, for school purposes, for the repair of roads, and all other money necessary for township purposes, and the places of holding the next annual town meetings, and the election of state and county officers.

Judge of election.

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

Election regulated.

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

Plurality of votes.

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

between those having an equal number of votes and determine the amount or sum to be raised or specified.

Vacancies. 5. *And be it enacted*, That when the township committee shall fill a vacancy, or elect in case of a tie between candidates, they shall immediately notify the clerk of the township, who shall enter the same on the township book containing the minutes of the proceedings of the town meetings, and shall notify the person or persons appointed or chosen, and shall transmit a statement thereof to the clerk of the county.

Annual report 6. *And be it enacted*, That the reports of the township committee, the overseers of the poor and town superintendent of public schools shall be presented to the township committee and filed and preserved by the town clerk; in posting up the list of officers elected, as required by law, the clerk shall add thereto the result of the election in other particulars; the first election under this act shall be held at the place appointed at the last town meeting; the same ballot box shall be used at the town meeting and provided by the clerk which is used at the state and county election; the judges of election and clerk shall receive the same compensation for attending any town meeting as for attending a state or county election, and the township committee may allow the clerk such compensation for the additional duties required by this act as they may deem reasonable.

Road overseer how elected. 7. *And be it enacted*, That the overseers of the road districts shall be elected as follows: the taxable inhabitants of the several road districts shall elect overseers in their respective districts, at two o'clock in the afternoon of Saturday preceding the annual town meeting in each year, the overseer of each road district in said township shall give five days notice of the time and place of holding the election, by notices set up in three of the most public places in said district, and the old overseer shall preside at said election, except in case of his absence, or death, the said inhabitants shall choose a chairman from amongst them, whose duty it shall be to preside, and he shall certify the result thereof to the town clerk on the day of the next annual town meeting, who shall record the same in the town book, and such election of overseers for said roads shall be elected by ballot.

In case of neglect committee to appoint 8. *And be it enacted*, That if any road district in said township shall neglect or refuse to elect an overseer for said district at the time specified as aforesaid, or if the overseer of any road district in said township shall remove or die, or become unable to discharge the duties of an overseer, then it

shall be the duty of the township committee of said township to appoint an overseer of said district from the taxable inhabitants thereof, and the persons thus appointed shall hold his office until a successor shall have been appointed or elected.

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

Approved March 22, 1864.

CHAPTER CCXXXI.

An Act to authorize the city of Cape Island, in the county of Cape May, to raise by tax, bounty money for volunteers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the city of Cape Island be and it is hereby authorized to raise by assesssment on the taxable property of said city a sum sufficient to liquidate the amount advanced and expended in raising volunteers. To raise money by taxation.

2. *And be it enacted*, That the said assessment shall be made and collected at the same time and in the same manner as other taxes are assessed and collected in said city. When assessed and collected.

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

Approved March 22, 1864.

CHAPTER CCXXXII.

An Act to incorporate the "Neptune Yacht Club."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thomas Flenders, John T. Henry, Henry B. Crippen, William A. B. Hoghland, Josiah S. Cooley, John E. Johnston, John G. Baum, Alexander H. McGarren, James D. Hall, Edward Reed, W. Manson, James G. Nolan, Alfred A. Jones, George Mountjoy, J. T. Corporators.

Carrick, Thomas F. Weaver, Charles Riley, Alexander Matthews, David McLellen, Walter S. Lawrence, Thomas Lawrence, John Taylor, William H. Taylor, Joseph B. Taylor, George Quackenbush, Noah D. Taylor, William H. Dusenbury, William B. Ranken, Cornelius C. Martindale, Simon Van Winkle, Hale Kingsley, Charles Lewis, Thomas Barclay, Wm. H. Harris, and Lewis R. Ryers, and their successors, shall be and they are hereby created a body politic and corporate by the name of the Neptune Club, of the state of New Jersey, and by that name shall be located in the state of New Jersey, in the county of Monmouth.

How managed.

2. *And be it enacted*, That the business of said corporation shall be managed by said corporators, or by such number of them as they shall fix for that purpose by their by-laws, and they shall elect from their number a president and such officers as they shall see fit from time to time.

First trustees.

3. *And be it enacted*, That the persons named in the first section of this act shall be the first trustees of the said corporation, and all vacancies by death, resignation or retirement in the said board of trustees shall be filled by the board without unnecessary delay, and at least a majority of trustees shall be necessary for the election of a trustee of said corporation, and if any trustee shall neglect or refuse to attend the meetings of the board for the space of six months, the said board may in its discretion by a vote of a majority of said board, declare the place of said trustee vacant, and a successor may then be elected to fill the same.

May hold real estate.

4. *And be it enacted*, That the said corporation shall have authority to take and hold by gift, grant or devise, subject to the restrictions of law, any real or personal property, the clear yearly income of which shall not exceed the sum of five thousand dollars.

Object.

5. *And be it enacted*, That the general purposes and the objects of the corporation hereby created, shall be that of a summer club house and yacht club, and they shall have power to adopt such by-laws for their regulation as to them may seem meet and proper, as far as the same are applicable and not repugnant to this act.

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

Approved March 22, 1864.

CHAPTER CCXXXIII.

A Supplement to the act entitled "An act to incorporate the Elizabeth Port Manufacturing Company," passed February seventeenth, eighteen hundred and thirty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act to which this is a supplement be, and the same is hereby extended for the term of thirty years. Charter extended.

2. *And be it enacted*, That the capital stock of said company shall be reduced to the sum of one hundred thousand dollars, and divided into shares of twenty-five dollars each. Capital stock reduced.

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

Approved March 22, 1864.

CHAPTER CCXXXIV.

An Act to legalize a special town meeting held in the township of Alexandria, in the county of Hunterdon, on Wednesday, the twenty-ninth day of December, eighteen hundred and sixty-three.

WHEREAS, The inhabitants of the township of Alexandria, in the county of Hunterdon, did hold a special town meeting by a resolution of the township committee due notice being given eight days previous, to authorize the raising of money by taxation for volunteers and drafted men; and whereas, it is necessary that a law should be passed by the legislature to legalize the raising of said money by taxation; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of the township of Alexandria, in the county of Hunterdon, shall be authorized and required to raise by taxation on the taxable property in said township, and collected in the same manner as other taxes are collected, and at such time as the Township authorized to raise money.

township committee may order and direct, any sum of money not exceeding twenty-nine thousand one hundred dollars, or may borrow upon the credit of the township any sum not exceeding the above mentioned sum, to be expended by the township committee, with which to procure volunteers, and to pay to every person who shall volunteer to fill the quota of this township not exceeding ninety-seven, required by the call of the president, the sum of three hundred dollars, when the said volunteers shall produce the certificate of an authorized officer that he has been mustered into the United States service; and if in defect of volunteers a draft is ordered for the said township, then to pay the sum of three hundred dollars to each drafted man, when he shall produce his certificate of the examining board of this district that he has been examined and is liable to do military duty.

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

Passed March 22, 1864.

CHAPTER CCXXXV.

A Further Supplement to the act entitled "An act to incorporate the Belleville and Newark Horse Car Railroad Company," approved March fifteenth, eighteen hundred and sixty.

Time extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the period mentioned in the eighteenth section of the act to which this is a supplement, within which the Belleville and Newark Horse Car Railroad Company were required by said act to complete their railroad, is hereby extended to authorize the said Company to complete the said railroad at any time within six months after the passage of this act.

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

Approved March 22, 1864.

CHAPTER CCXXXVI.

A Further Supplement to the act entitled "An act to authorize the business of banking," approved February twenty-seventh, eighteen hundred and fifty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any association of persons formed and organized under the act to which this is a supplement, to deposit, in addition to the stocks mentioned in said act, and the supplements thereto, the "Volunteer Bounty Bonds" of the city of Hudson, issued according to law, by the mayor and common council of said city, bearing interest not less than seven per centum, as a basis or security for their circulating notes, subject to all the provisions and restrictions in said act authorizing the business of banking. Bonds to be public stock for banking purposes.

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

Approved March 22, 1864.

CHAPTER CCXXXVII.

A Supplement to the act entitled "An Act to incorporate the Haddonfield and Camden Turnpike Company," approved March second, eighteen hundred and forty-seven.

WHEREAS, By the eleventh section of said act of incorporation, it is enacted "that it shall and may be lawful for the said company to construct and make a turnpike road four rods wide from the village of Haddonfield, in the county of Camden, to some place within the corporate limits of the city of Camden;" and whereas, the said company is desirous of having the said place within the limits of said city determined, and of improving all that part of the public road, as it is now used and travelled upon, to Federal street, and thence by way of Seventh street to Market street in said city; therefore, Preamble.

Powers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said Haddonfield and Camden Turnpike Company shall have full power and authority to extend, construct, and build their said turnpike road along and upon the public road as it is now laid and used to Federal street, and thence by way of Seventh street to Market street, in the said city of Camden.

Grade and drainage regulated.

2. *And be it enacted*, That the grading and drainage of the said turnpike road within the limits of the city of Camden shall be made to conform to the grade and drainage of the streets of the said city, as established by the proper authorities of the same, and shall be subject to any future regulation or change in grade that may be made by said city.

Regulations.

3. *And be it enacted*, That if at any future time, the proper authorities of the said city of Camden, should deem it expedient to have charge and control of the said turnpike road within the limits of said city, or any part of the same, for the purpose of paving and curbing, that it shall and may be lawful for them so to do, upon three months previous notice in writing being given to said company of such intention, specifying in such notice the extent of such paving and curbing.

Powers.

4. *And be it enacted*, That the said turnpike company shall have full power and authority, to build, construct, and make said turnpike road to Market street, in said city of Camden, by way of Seventh street, as aforesaid, conforming with the requirements, restrictions and regulations of the charter of said company as to the facing, elevation, width and drainage of the same, with full power to demand and receive toll upon said road to Market street in said city, according to the rates established in the charter aforesaid, for the period of ten years after the completion of said turnpike road to Market street, and until it shall be paved from said street to the city limits;

Proviso.

provided, that nothing herein contained shall authorize said company to place a toll-gate within the limits of said city of Camden.

May collect tolls.

5. *And be it enacted*, That it shall be lawful for the Camden and Blackwoodtown Turnpike Company, whose turnpike road joins the said turnpike road of the said Haddonfield and Camden Turnpike Company, about a quarter of a mile southerly from the southerly boundary of the city of Camden, to collect tolls for travelling on the turnpike road of the said Haddonfield and Camden Turnpike Company, (not exceeding the rates allowed by their charter) from said junction to said Market street, in the city of Camden; and account for all the

tolls, so collected, to the said Haddonfield and Camden Turnpike Company, deducting therefrom, only such reasonable compensation for such collections, as may be agreed upon by said companies.

6. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, shall be held to be inapplicable to this act and the provisions of this supplement thereto. Repealer.

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

Approved March 22, 1864.

CHAPTER CCXXXVIII.

A Further Supplement to an act entitled "An act to authorize the president and directors of the Trenton Water Works to convey their works and franchises to the City of Trenton, and to provide for the management of said works," 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 it shall be lawful for the common council of the city of Trenton, at such time or times, whenever it shall seem to them expedient so to do, to borrow such sum or sums of money on the credit of said city, as shall appear to them to be necessary, for the purpose of paying the expenses which may hereafter be incurred, in making all necessary repairs and improvements in the mains, machinery and other works of the Trenton Water Works, and to loan such moneys to the commissioners of the water works for the purposes aforesaid; *provided*, that the sums of money so to be borrowed shall not exceed in the whole the sum of fifty thousand dollars. Common council may borrow money. Proviso.

2. *And be it enacted*, That to secure the payment of the loan authorized by this act, the said common council, upon the written application of said commissioners of the water works, are hereby authorized to issue the bonds of said city of Trenton, at such time or times as to them shall seem expedient, for an amount of money not exceeding in the whole the sum of fifty thousand dollars; which bonds shall have the May issue bonds for $50,000.

city seal attached, and be signed by the mayor and treasurer of said city, and shall bear interest at the rate of six per centum per annum, payable semi-annually; and shall not be liable to any tax which may hereafter be levied or assessed by order of said common council; the principal of said bonds shall be made payable at such time or times as the said common council may by ordinance prescribe; *provided*, that such bonds shall not be issued in any case unless a majority of the whole number of said common council shall concur therein.

Proviso.

Name.

3. *And be it enacted*, That the loan hereby authorized shall be called the "Water Loan" of the city of Trenton, and that none of the said bonds shall be sold or disposed of for less than their par value, and the proceeds thereof shall be appropriated exclusively to the purposes contemplated by this act, and to no other purposes whatever.

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

Approved March 22, 1864.

CHAPTER CCXXXIX.

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

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the supplement of the act, to which this is a further supplement, approved March twenty-third, eighteen hundred and fifty-nine, be and the same is hereby repealed, so far as relates to the township of Bayonne, in the county of Hudson, and that this act shall be considered a public act and shall take effect immediately.

Approved March 22, 1864.

CHAPTER CCXL.

A Supplement to an act entitled, "An act to incorporate the Hoboken Bank for Savings, for the City of Hoboken," approved March twentieth, eighteen hundred and fifty-seven.

Board reorganized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the second section of the act to which this is a supplement as requires thirty managers to conduct the business of said corporation, and also so much as requires a two-third vote to remove a manager, is hereby repealed; and that hereafter the business of the said corporation shall be conducted by twenty managers, who shall be residents of this state; and if any manager shall fail or neglect to be present at three successive meetings, which shall be called by due notice from the president, then the members of the board shall have power by a majority vote, to declare the seat of such manager vacated; and the remaining managers may fill such vacancy or vacancies by a majority vote of said board.

Eleventh section amended.

2. *And be it enacted*, That the eleventh section of said act is hereby repealed, and that the following shall be taken as the eleventh section: "*And be it enacted*, That no emolument whatever shall directly or indirectly be received by the managers, or either of them, for their services, except the president secretary and treasurer, and the committee of examination of property offered as security for loans who shall receive such compensation as may from time to time be established by a majority of the whole humber of the managers of said corporation; and the said institution shall not issue any notes or bills; nor shall any officer, manager or agent of the said institution be allowed, directly or indirectly, to borrow any money from the said institution."

Repealer.

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

Approved March 23, 1864.

CHAPTER CCXLI.

An Act for the better defining and limiting the corporate powers of the inhabitants of the township of East Brunswick, in the county of Middlesex.

To elect by ballot township officers.

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

Voting regulated.

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

Elections how conducted.

3. *And be it enacted*, That the election shall open and close at the same hour in the day, and be conducted in the same manner, and be subject to the same rules, as elections for state and county officers are or shall not be; and the same duties shall devolve upon the judge of election and the clerk as are to be performed by the board of election and the clerk in other elections; they shall take the same oath or affirmation, as far as applicable, be invested with the same powers, and be liable to the same penalties; the same qualifications for voters shall

be required and the result ascertained in the same manner and stated according to law.

Plurality of votes sufficient to elect.

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

Township clerk.

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

Overseers of highways to be elected.

6. *And be it enacted*, That the overseers of the highways shall be elected by the voters of the several road districts as they may be arranged from time to time by the town committee; and for the purpose of carrying this provision into effect it shall be the duty of the town committee to give public notice, as directed in the seventh section of this act, of the time, which shall be within five days after the town meeting, and of the place, which shall be some convenient place in each district, when and where the legal voters of the township, residing in such district, shall assemble for the purpose of such election; and at which time and place such legal voters, so assembled, having been called to order by any legal voter of the district, shall proceed viva voce, by holding up of hands, or by count, or by ballot, to elect a moderator of such meeting, by plurality of votes; and being so organized the meeting shall proceed, as in the election of the moderator, to elect

an overseer of the highway for the district, being a resident in said district; the moderator of each district meeting shall immediately thereafter notify the town committee, in writing, of the election of such overseer, which committee shall thereupon, in like manner, inform the person so chosen of his appointment; in case of the failure of any district to elect an overseer, or of the person so elected to accept the appointment, the town committee shall fill such vacancy, as in other cases; in case the town committee neglect to give the notice required for the district road meetings, the town committee next elected shall call a special district meeting for the election of such overseer, at a convenient time and place; the overseers of the highways shall account to and settle with the town committee, as now required to do by law.

Annual reports to be made.

7. *And be it enacted*, That the overseer of the poor and the school superintendent shall, at least ten days before the town meeting, prepare and lay before the town committee their annual reports; and the town committee shall prepare their annual report, and, at least five days before the town meeting, shall have copies thereof, and of the reports of the overseer of the poor and of the school superintendent, and a notice of the time and place of holding the district road meetings, as required by the sixth section of this act, to be posted up in three of the most public places in the township, and in addition thereto shall also cause a notice of the time and place of holding such district road meeting to be posted up in some conspicuous place in such district at least five days before the time of holding such meeting.

Reports to be filed.

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

9. *And be it enacted*, That the collector of the said township, in case of the non-payment of taxes on or before the twentieth day of December in each year, shall make out a list of the names of the delinquents, with the sums due from them respectively thereunto annexed, and deliver the same to the clerk of said township on the twenty-first day of December of each year; which said list the said clerk shall lay before the township committee at a meeting thereof held next after the same shall be delivered to him, and the said town committee shall deliver the same to a justice of the peace of said township, who shall proceed and issue a tax warrant for the same, whereupon the said committee shall annually appoint a collector for said delinquent taxes, as constable, pursuant to section eighteenth of "An act concerning taxes," approved April fourteenth, eighteen hundred and forty-six; *provided*, that such collector shall, before he delivers such list to said clerk, take and submit an oath or affirmation before some justice of the peace in said township that the moneys in said list mentioned have been duly demanded, or due notice thereof given at the usual place of residence of each delinquent who could be found or may then reside in said township. Collector to make out list of delinquents. Proviso.

10. *And be it enacted*, That all school districts, incorporated districts and parts of districts lying within the bounds of said township, be and are hereby abolished, and that the town superintendent and town committee, jointly, be a committee to re-district the township into convenient and suitable school districts. School districts abolished.

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

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

Approved March 23, 1864.

CHAPTER CCXLII.

A Further Supplement to an act entitled "An act to incorporate the city of Hoboken," approved March twenty-eighth, eighteen hundred and fifty-five.

Preamble. WHEREAS, The citizens of Hoboken are desirous that the late call of the government for troops to aid in suppressing the rebellion should be filled with volunteers, rather than with drafted men, and for that purpose it is necessary to provide for the payment of bounties to such as may volunteer to fill the quota of said city—therefore,

May issue bonds. 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 mayor and council of the city of Hoboken, to issue bonds under their corporate seal and the signature of the said mayor, for an amount of money not exceeding sixty-five thousand dollars, in such sums and payable at such time or times as the said mayor and council shall deem proper, bearing interest at a rate not exceeding seven per centum per annum, payable semi-annually, with coupons attached, and to pledge the property and credit of said city for the payment of the same, which bonds it shall be lawful for the mayor and council and their successors to sell and assign; *provided*, that no bond shall be sold by the said mayor and council for less than par; *and provided further*, that the bonds to be issued by virtue of this act shall be redeemed at a period of time not to exceed forty years from the passage hereof.

Proviso.

Proviso.

Payment of interest and principal by taxation. 2. *And be it enacted*, That the said mayor and council shall have power and authority to provide by taxation for the payment of said bonds and the interest thereon, and that they shall yearly and every year, until the bonds so to be issued shall be redeemed and paid off, order and cause to be assessed and collected by tax, at the time and in the manner that other taxes in the said city are assessed and collected, a sum of money sufficient to pay and discharge the principal at the several times it shall become due and payable, and the interest on the said bonds as the same shall become due; *provided*, that none of the said principal shall be made redeemable before the first day of January, eighteen hundred and eighty-four, and that not less than four thousand dollars nor more than six thousand dollars of the principal of the said

Proviso.

bonds shall be redeemable in any one year after that period; *and provided further*, that the said mayor and council shall cause to be assessed and collected a special poll tax of one dollar upon every white male inhabitant of the said city of Hoboken of the age of twenty-one years and upwards, and shall also cause to be assessed all real and personal estate in the said city of Hoboken now liable to taxation for city purposes, at the full and actual value thereof, at such rate per dollar as will be sufficient to produce the sum required to be raised, after deducting the said special poll-tax. Proviso.

3. *And be it enacted*, That it shall be the duty of the said mayor and council to apply the net proceeds of the said bonds to the payment of bounties to such as may volunteer to fill the quota of said city and for no other purpose. How appropriated.

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

Approved March 23, 1864.

CHAPTER CCXLIII.

An Act to authorize the township committee of the township of Union, in the county of Camden, to issue bonds upon which to borrow money for the payment of volunteers to fill the quota of said township.

WHEREAS, The inhabitants of the township of Union, in the county of Camden, being desirous that the various calls of the government for troops to be raised by said township, to aid in suppressing the present rebellion, should be filled by volunteers rather than drafted men, have recommended the township committee of said township to offer bounties for that purpose; and whereas, said township committee have agreed to pay bounties to volunteers; and whereas, it is desirable that the said indebtednss should be gradually paid off—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 township committee of the township of Union, in the county of Camden, to provide for the payment of said indebtedness thus being incurred, by bonds, in the name of the inhabitants Township committee may issue bonds.

of the township of Union, in the county of Camden, under the respective hands and seals of the said township committee, for an amount of money not exceeding ten thousand dollars, in such sums and payable at such times as the said township committee shall deem proper, bearing interest at the rate not exceeding six per centum per annum, payable annually, and to pledge the property and credit of said township for the payment of the same; *provided*, that no bond shall be sold by the said township committee for less than its par value; *and provided further*, that the bonds so issued shall be redeemable at a period of time not to exceed ten years from the passage hereof.

Proviso.

Proviso.

Provide by taxation to redeem bonds.

2. *And be it enacted*, That the township committee of said township of Union shall have power and authority to provide by taxation for the payment of said bonds and the interest thereon, and the said township committee shall yearly and every year, until the bonds to be issued by the authority hereof shall be redeemed and paid off, order and cause to be assessed and collected by tax, at the time and in the manner that other taxes in the said township are assessed and collected, a sum of money sufficient to pay the interest on the said bonds as the same shall become due and payable, and to pay and discharge the principal at the several times it shall become due and payable and the township collector of said township, or the person for the purpose appointed, shall, when such tax or any part thereof shall be collected, pay the same to the township committee of said township, and all such money so to be raised by virtue of this act shall be applied by said township committee to pay the interest and principal of said bonds, as the same shall become due and payable; *provided*, that not more than two thousand dollars of the principal of said bonds to be issued as aforesaid shall be made redeemable in any one year.

Proviso.

Poll tax.

3. *And be it enacted*, That in every assessment of the above mentioned tax it shall be the duty of the assessor first to assess a special poll tax of one dollar on every male inhabitant of said township of the age of twenty-one years and upwards, excepting the polls of all soldiers that may be or shall have been in the service of this state or of the United States since the first day of May, Anno Domini eighteen hundred and sixty-one.

How moneys applied.

4. *And be it enacted*, That it shall be the duty of the said township committee to apply the net proceeds of the bonds that may be issued by virtue of this act to the payment and

satisfaction of the debt and liabilities that have or may be incurred in said township by the township committee thereof in paying bounties to volunteers as aforesaid.

5. *And be it enacted*, That the debt and liabilities already incurred in the said township of Union, in consequence of bounties paid to volunteers, as mentioned heretofore, and the action of the said township committee thereupon, be and the same are hereby ratified and confirmed. Acts legalized.

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

Approved March 23, 1864.

CHAPTER CCXLIV.

An Act to establish a new township in the county of Union, to be called the township of Clark.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the city of Rahway, in the county of Union, contained within the bounds of the present fifth ward of the city of Rahway, shall be and hereby is set off from the city of Rahway, in the county of Union, and shall be called and known by the name of the township of Clark. Clark township organized.

2. *And be it enacted*, That the inhabitants of the township of Clark 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 Clark, in the county of Union, and shall be entitled to all the rights, powers, authority, privileges and advantages, and subject to the same regulations, government and liabilities as the inhabitants of the other townships in the said county of Union are or may be entitled or subjected to by law. Corporate name.

3. *And be it enacted*, That the inhabitants of the township of Clark shall hold their first annual town meeting at the public school house of the said fifth ward, in said township, on the day appointed by law for holding the annual town meetings in the other townships in the county of Union, and afterward at such place in the said township of Clark, as the inhabitants thereof shall determine. First township meeting.

Election by ballot.

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

First election officers.

5. *And be it enacted*, That the elections to be held in said township shall be opened and closed at the same hours as required by law in state elections; and also, that at the first election held under this act, William N. Dougherty shall be judge of election, Adam Brown and Hugh H. Bowne shall be inspectors, and Leonard Dunn shall be clerk; *provided however*, that in case of the absence or inability of any of the above named persons to act, the town meeting may fill the vacancy.

Proviso.

Regulations.

6. *And be it enacted*, That the inhabitants of the township of Clark shall be entitled to have and receive of and from the city of Rahway, their full quota and proportion of all moneys now raised or appropriated for school purposes, the same as if this act had not been passed; and no incorporated school district in the city of Rahway shall continue or be in force within the said township of Clark.

Certain officers to continue.

7. *And be it enacted*, That nothing in this act shall be so construed as to interfere with the officers now elected and residing within the said township of Clark, nor with the commissions of justices of the peace, nor commissioners to take acknowledgments of deeds, but the said officers, justices and commissioners shall continue to act and exercise their respective powers and duties until the expiration of their respective terms of office.

Second assembly district.

8. *And be it enacted*, That the township of Clark shall form a part of the second assembly district of the county of Union.

Common council of Rahway and committee of Clark to adjust claims.

9. *And be it enacted*, That the common council of the city of Rahway and the township committee of Clark township be and they are hereby empowered to meet on the first Monday of May next, at the City Hall, in the city of Rahway, at nine o'clock in the forenoon of that day, and then and there proceed ratably to allot, divide and apportion the debts and liabilities incurred for purposes connected with the existing war by the said city of Rahway, so that the said township of

Clark, now or late the fifth ward of the said city, shall bear and assume, and the property and effects of the inhabitants thereof be liable for their just and proportional share of the same, according to the comparative value of the taxable property of the said township, and should any such committee or members thereof fail to attend, then a majority may proceed to make such allotment, division and apportionment, setting forth the same in writing, and such convention, committee or members thereof shall have power to adjourn from day to day, and their decision or the decision of a majority of them shall be final, and the passage of this act shall be sufficient notice of the time and place of such meeting.

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

Approved March 23, 1864.

CHAPTER CCXLV.

An Act to authorize Luke Stansbie to vacate a certain part of a private road in the township of West Hoboken, in the county of Hudson.

Preamble.

WHEREAS, On a plan and map made by A. C. Stansbie, surveyor, for Abraham L. Van Boskerck, Garret Sip and Thomas B. Gautier, commissioners duly appointed to divide the lands of Charles Loss, deceased, and which map or plan is duly recorded in the office of the clerk of the county of Hudson, in liber twelve of deeds, pages one and two, &c., on the sixth day of May, eighteen hundred and forty-eight, a certain private road is laid down and designated as a "private road," leading from the Hackensack turnpike to the mountain, and since that time called Amelia street; and whereas, the said Luke Stansbie is the owner of all the lands and premises on both sides of that part of the said private road hereby authorized to be vacated, and such lands on both sides of said road are elevated at a great height above the other part of the said road, and consist of solid rocks, so that such street can never be graded to any proper or level grade, except at a cost which will far exceed the value of the said premises; and whereas, no

lands have been sold fronting on any part of the said private road, now vacated, nor any individual acquired any rights in said lands except the said Luke Stansbie, but it is suggested that by reason of the recording of the said map or plans and sales of other parts of the said premises so delineated on said map, made thereby, that the public may have acquired a claim to call for the opening of the said road, and the said Luke Stansbie has applied for a law annulling any right that might exist in the public or any person or persons or body whatever to require said street to be opened, and it appearing that such vacating of a certain portion of said private road will be beneficial to the public and all parties interested; therefore,

Road vacated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the said road marked and laid out on the said map or plan as the "private road," and since called Amelia street, as is laid out through and over the lot of land and premises now owned by the said Luke Stansbie, and upon which he now resides, being from the westerly line of Herman Von Drehli's lot adjoining the said Stansbie's lot to the westerly boundary of the said lot of land of the said Luke Stansbie, a distance of about one hundred and seventy-feet, be and the same is hereby vacated and made void; and it shall not be lawful for any person or persons or body politic or corporate whatever to open or use the same as a road or street, and the land over which said road is laid out, as shown on said map, shall be held by the owners of the fee thereof, free from any easement or right of way, street or road over the same.

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

Approved March 23, 1864.

CHAPTER CCXLVI.

An Act to authorize the inhabitants of the township of Manchester, in the county of Passaic, to raise money by issuing bonds.

Preamble.

WHEREAS, The said township, by reason of the payment

bounties to volunteers, in addition to that by the county, has become indebted, and it is necessary that there be provision made for the payment thereof—therefore,

Committee may issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the township committee of the township of Manchester, in the county of Passaic, to provide for the payment of the said indebtedness by issuing bonds in the name of "the Inhabitants of the township of Manchester, in the county of Passaic," under the respective hands and seals of the said township committee, or any three of them, for an amount of money not exceeding one thousand dollars, in such sums and payable at such times as the said township committee shall deem proper, bearing interest at a rate not exceeding seven per centum per annum, payable annually, and to pledge the property and credit of the said township for the payment of the same, which bonds it shall be lawful for the said township committee and their successors to sell and assign; *provided*, that no bond shall be sold by the said township committee for less than its par value.

Proviso.

May provide for payment by taxation.

2. *And be it enacted*, That the township committee of the said township shall have power and authority to provide for the payment of the said bonds and interest thereon by taxation; and that the said township committee shall yearly and every year until the bonds to be issued by authority hereof, shall be redeemed and paid off, order and cause to be assessed and collected by tax, at the time and in the manner that other taxes in the said township are assessed and collected, a sum of money sufficient to pay the interest on the said bonds as the same shall become due and payable, and to pay and discharge the principal at the several times it shall become due and payable; and that the township collector of said township or other person for that purpose appointed, shall, when such tax or any part thereof shall be collected, pay the same to the township committee of said township; and that all such money so to be raised by virtue of this act, shall be inviolably applied by said township committee to pay the interest and principal of said bonds as the same shall become due and payable.

Acts legalized.

3. *And be it enacted*, That the debt and liabilities incurred in the said township in consequence of the payment of bounties to volunteers, as mentioned in the preamble hereto, and the action of the said committee thereupon are hereby ratified and confirmed.

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

Approved March 23, 1864.

CHAPTER CCLXVII.

A Supplement to an act entitled "An Act to incorporate the Hightstown and Perrineville Turnpike Company," approved March ninth, eighteen hundred and fifty-nine, and supplement thereto, approved March fourteenth, eighteen hundred and sixty.

Third section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the third section of an act entitled "An act to incorporate the Hightstown and Perrineville Turnpike Company," approved March ninth, eighteen hundred and fifty-nine, be amended by striking out the words "five hundred," and inserting the words "four hundred" in place thereof.

Route in sixth section changed.

2. *And be it enacted*, That the sixth section of the said act be amended by striking out the words "along the road known as the Hightstown and Perrineville road, commencing at the storehouse of William H. Mount, in the county of Monmouth, and following said road, as near as may be, to the intersection of the same with the Clarksburg road; thence along and across lands of Wesley Sill, Benjamin Gordon, and William Hutchinson, to a point on the old road near the corner of Daniel Hutchinson's land; thence on the old road to the corner of lands of John Dey and Fielder and Mount; thence in a direct line to the old red bridge, near the village of Milford," and inserting the words, "commencing at the storehouse of William H. Mount, in the county of Monmouth; thence to the village of Milford, by such courses as the stockholders of such company may agree upon," in the place thereof.

Repealer.

3. *And be it enacted*, That the supplement to said act approved March fourteenth, eighteen hundred and sixty, be, and the same hereby is repealed.

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

Approved March 23, 1864.

CHAPTER CCXLVIII.

A Further Supplement to an act entitled "An act to revise and amend the charter of the city of Perth Amboy," approved March eighth, eighteen hundred and fifty-nine.

Preamble. WHEREAS, the charter of the said city requires and directs certain assessments, publications and notices to be advertised in one or more public newspapers printed in the county of Middlesex, one of which shall be published in the city of Perth Amboy; and whereas, there is now no public newspaper published in the said city of Perth Amboy, by reason whereof the said city is and may be embarrassed and delayed, in the prosecution and collection of assessments and other claims, due or owing to the said city; for remedy whereof,

Publications may be advertised in papers in Middlesex. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all assessments, publications and notices, required or directed by the charter of the said city, or any provision of the same, or any supplement thereto, to be advertised, printed or published, in a public newspaper published in the said city of Perth Amboy, shall and may be advertised in any public newspaper printed and published in the said county of Middlesex, (in which said county said city is situated,) and that such advertisement and publication (if in other respects in conformity to the said charter or supplement thereto) shall be as good and effectual for all purposes, as if the same had been advertised and published in a public newspaper published in the said city of Perth Amboy, anything in said charter or any supplement thereto to the contrary; *provided*, that at the time of any such advertisement being first published, no public newspaper is published in said city of Perth Amboy.

Proviso.

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

Approved March 23, 1864.

CHAPTER CCXLIX.

An Act to authorize the inhabitants of the township of Acquackanonk, in the county of Passaic, to raise money issue bonds, and for other purposes.

Preamble. WHEREAS, The inhabitants of the said township, in consequence of the payment of bounties to volunteers by the township committee thereof, for the purpose of filling the last two quotas assigned to said township upon the calls of the government for troops, have become considerably indebted; and whereas, it is necessary that provision be made for the payment of such indebtedness, and that the same should be gradually paid; therefore,

May borrow money and issue bonds. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the township committee of the township of Acquackanonk, in the county of Passaic, to provide for the payment of the said indebtednesss, by issuing bonds in the name of "the inhabitants of the township of Acquackanonk, in the county of Passaic," under the respective hands and seals of the said township committee, or any three of them, for an amount of money not exceeding one thousand seven hundred dollars, in such sum or sums, and payable at such time or times as the said township committee shall deem proper, bearing interest at a rate not exceeding seven per cent. per annum, payable annually or semi-annually, and to pledge the property and credit of the said township for the payment of the same, which bonds it shall be lawful for the said township committee and their successors in office, to sell and assign; *provided*, that no bond shall be sold by the said township committee for less than its par value; *and provided further*, that the bonds so to be issued shall be redeemable at a period of time not to exceed ten years from the date or time of issuing the same.

Proviso.

Proviso.

May provide by taxation for payment. 2. *And be it enacted*, That the township committee of the said township of Acquackanonk shall have power and authority to provide by taxation, for the payment of said bonds and the interest thereon, and that the said township committee shall yearly and every year, until the bonds to be issued by the authority hereof shall be redeemed and paid off, order and cause to be assessed and collected by tax at the time and

in the manner that other taxes in the said township are assessed and collected, a sum of money sufficient to pay the interest on the said bonds as the same shall become due and payable, and to pay and discharge the principal at the several times it shall become due and payable; and that the township collector of said township, or other person for that purpose appointed, shall, when such tax or any part thereof shall be collected, pay the same to the township committee of the said township, and all such moneys to be raised by virtue of this act, shall be inviolably applied by said township committee to pay the interest and principal of said bonds as the same shall become due and payable.

How applied.

3. *And be it enacted*, That it shall be the duty of the said township committee to apply the net proceeds of the bonds that may be issued by virtue of this act, to the payment and satisfaction of the debts and liabilities incurred in said township by the township committee thereof paying bounties to volunteers as aforesaid.

Acts ratified.

4. *And be it enacted*, That the debts and liabilities incurred in the said township of Acquackanonk, in consequence of the payment of bounties to volunteers as aforesaid, and the action of the said committee thereupon, are hereby ratified and confirmed.

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

Approved March 23, 1864.

CHAPTER CCL.

An Act to provide for raising moneys paid for bounties to volunteers in the township of Independence, in the county of Warren.

Acts of township legalized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Independence, in the county of Warren, shall be held and deemed to be, liable in their corporate capacity in the sum of seven thousand five hundred and twenty-five dollars, for moneys advanced and paid for bounties to volunteers, credited to said township under the call for the same, made by the

governor of this state in July last, with the interest thereon, and which was advanced and paid in pursuance of the vote and order of the inhabitants of said township assembled for that purpose; and that an action of debt may be had and sustained if need be by the person or persons or corporation, for so much of the said moneys as were by them or either of them, advanced or paid with the interest thereon.

To raise the amount by taxation.

2. *And be it enacted*, That it shall be lawful, and it is hereby made the duty of the inhabitants of the said township of Independence, to levy and raise by taxation within the time and in the manner other township taxes are by law levied and raised, the said sum of money, for which by the first section of this act they are made liable; and the assessor and collector of the said township, with the other proper officers, are hereby enjoined and required to proceed in the assessment and collection of the same, within the time and in the manner, and under the obligations prescribed by law for the assessment and collection of other township taxes; and when collected the same shall be paid to the person or persons or corporation entitled thereto.

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

Approved March 23, 1864.

CHAPTER CCLI.

An Act to authorize the Venango Oil and Transportation Company, incorporated by the laws of Pennsylvania, to exercise in this state, rights and franchises incident to the general transportation, warehousing and commission business.

Corporation may enjoy franchises in this state and may hold land

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Venango Oil and Transportation Company, a corporation created and organized by and in pursuance of a special act of the legislature of Pennsylvania, passed on the fourteenth day of April, Anno Domini eighteen hundred and sixty-three, be and the same is hereby authorized and empowered to use, exercise, and enjoy its corporate franchises in this state, and especially to pur-

chase, receive, transport to market, sell, take consignments of and make acceptances and advances upon all such consignments or shipments to them, or to their care and custody, of petroleum or mineral oil, and all other articles and commodities in any way connected with the production and transportation to market thereof, or such as are otherwise in any manner elsewhere manufactured or produced; and for the convenient purposes thereof, to lease, purchase or otherwise hold and use any quantity of land, not exceeding sixty acres, in all, which the said company may deem necessary for the business aforesaid, together with the rights and privileges appertaining thereto, and also the right to sell, lease or otherwise dispose of the same and the products thereof, and likewise to erect, maintain, use and occupy piers, docks, wharves, warehouses and such convenient machinery connected therewith as said company may desire, and likewise to do whatever else may be incident to the general transportation, warehousing and commission business, with all the rights and privileges by law appertaining to the same.

Not to manufacture petroleum or mineral oils.

2. *And be it enacted*, That nothing herein contained shall be construed to authorize the said Venango Oil and Transportation Company, to manufacture petroleum or mineral oils, nor any materials made therefrom, on any lands in this state, held by virtue of this act.

Approved March 23, 1864.

CHAPTER CCLII.

Supplement to an act entitled "An act to incorporate the town of Guttenburg, in the county of Hudson," approved March ninth, eighteen hundred and fifty-nine.

Amendment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section eight of said act shall read as follows, "*provided*, that no such assessment shall be made unless upon petition of at least a majority of the resident owners of the land over which, or along whose line such improvements shall pass.

Name changed.

2. *And be it enacted*, That wherever the words "North Bergen Township" appear in the act to which this is a sup-

plement, the same shall be erased, and the words "Union Township," substituted therefor.

Approved March 23, 1864.

CHAPTER CCLIII.

Supplement to an act entitled "An act to raise money to pay volunteers in the township of Millburn, county of Essex, and state of New Jersey," approved March sixth, eighteen hundred and sixty-three.

Appropriation of balance.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any moneys raised by tax and collected under the provisions of the act to which this is a supplement shall be left in the hands of the township committee of Millburn after payment of the bounties to the volunteers, as provided in said act, it shall be the duty of said township committee to appropriate said balance to the persons who originally paid and advanced said moneys for volunteers; *provided*, no person shall receive more than the amount that may remain due to him or her on account of such money by him or her advanced as aforesaid.

Proviso.

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

Approved March 23, 1864.

CHAPTER CCLIV.

An Act to change the corporate name of the Paterson Rolling Mill Company, to the Idaho Iron Company.

Name changed to Idaho Iron Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the corporate name of the Paterson Rolling Mill Company be and the same is hereby changed to the Idaho Iron Company, and that the said corporation, as the Idaho Iron Company, shall possess all the

powers, privileges and immunities of the said Paterson Rolling Mill 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 Paterson Rolling Mill Company, approved February sixteenth, Anno Domini eighteen hundred and sixty-three.

Approved March 23, 1864.

CHAPTER CCLV.

An Act to authorize the township of Bernards, in the county of Somerset, to loan money and repay the same by taxation, for the payment of money to volunteers.

WHEREAS, The township of Bernards, in the county of Somerset, have incurred liabilities for the payment of bounties to volunteers under the calls therefor made by the governor in July last and October last, on the faith of said township, and request that their action in the premises may be legalized by this legislature; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of the township mentioned in the preamble of this act, or the major part of them respectively, in which liabilities have been or may be incurred under their authority for the payment of volunteers under said calls, and including recruits in lieu of the draft ordered by the President of the United States, to be made on the tenth day of March next, furnished by and credited to such township, shall have power and authority to loan upon the bonds or notes of such township in their corporate capacity, to be signed by the township committee of such township or the major part of them, all such sum or sums of money as may have been or shall be expended by such township committee, or under their direction in the payment of such bounties, and to provide by taxation in their respective townships for the payment of such liabilities from year to year as they may direct, until such liabilities shall be redeemed and paid; which tax shall be levied, assessed, and collected by the same persons in the same manner, and fees, Loan money and repay by taxation.

fines and penalties as other taxes in said township are or may be levied, assessed and collected.

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

Approved March 23, 1864.

CHAPTER CCLVI.

A Supplement to an act entitled "An act to enable the owners and possessors of the meadows adjoining Assiscunk or Birch creek, within the townships of Springfield and Mansfield, in the county of Burlington, to improve the same," passed March seventh, eighteen hundred and thirty-two.

Preamble. WHEREAS, there are large bodies of bog meadows in the township of Westhampton, in the county of Burlington, lying on Eldridge's creek, mentioned in the first section of the original act, to which the provisions of said act will not apply—therefore,

Powers extended. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the said original act be extended, so as to apply to that part of the said Eldridge's creek which lies between the public road leading from the city of Burlington to Mount Holly, and the boundary line between the townships of Springfield and Westhampton; and that the managers chosen under the provisions of the original act are hereby invested with full power and authority to remove all obstructions from the said Eldridge's creek, and to open and clear the same to the width of eight feet, to keep the same open and the flowage thereof clear of all obstructions, so as continually to drain the said meadows; and the moneys required for this purpose shall be raised in the same manner as the moneys required to be raised by the act to which this is a supplement.

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

Approved March 23, 1864.

CHAPTER CCLVII.

An Act for the relief of the Methodist Episcopal Church, at Lambertville, Hunterdon county, New Jersey.

May sell land and deed confirmed.

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 trustees of the Methodist Episcopal Church in Lambertville, in the county of Hunterdon, and state of New Jersey, to sell either at public or private sale, the whole or any part of their church property, situated on Coryell street, in Lambertville, in aforesaid county, and state of New Jersey; held by virtue of a warranty deed from John Coryell, to the trustees of said church, dated the eighth day of July, A. D. eighteen hundred and thirty-nine, as may seem proper and advisable, and to execute and to deliver to the purchaser or purchasers thereof, under the seal of the trustees of said church, a good and sufficient deed or deeds therefor, which deed or deeds shall convey to and vest in the purchaser or purchasers a good and valid title in fee simple, in said church property, free and clear and absolutely discharged of and from all trusts whatsoever; and the purchase money shall and may be applied to the benefit of said religious society as to them may seem proper and advisable.

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

Approved March 23, 1864.

CHAPTER CCLVIII.

An Act to authorize the raising of taxes to pay bounties in certain townships of Burlington county.

Liability of townships for bounty money

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of Little Egg Harbor, Shamong, Southampton, Pemberton, Westhampton, Lumberton, Medford, Northampton, Chester, and Evesham townships, in the county of Burlington, shall be held and

deemed to be liable in their several corporate capacities for all the moneys respectively raised and paid, or which may be raised and paid for bounties to volunteers credited or to be credited, to the said townships respectively, under the calls for volunteers from this state, made by the governor in July last, and in October last, together with the interest and expenses thereon; and that any and every person or persons, or corporations that have loaned or advanced, or may loan or advance money for the payment of such bounties or any of them, may have an action of debt to recover such money with interest, from the inhabitants in their corporate capacity, of such township as has received or may receive the credit for the volunteers to whom the said bounties were paid, for which the said money was loaned or advanced, or may be loaned or advanced; *provided*, the amount for which they shall be liable, or which may be recovered, shall not exceed the amount voted or ordered to be paid by the inhabitants assembled for that purpose in the respective townships, or determined upon by the township committees or a majority of them, with the interest and expenses thereon.

Proviso.

To provide for payment by taxation.

2. *And be it enacted*, That it shall be lawful, and it is hereby made the duty of the inhabitants of the said several townships, to levy and raise by taxation, in the manner other township taxes are by law levied and raised, the moneys respectively paid, or which may be paid, for bounties to volunteers credited, or to be credited to the said townships respectively under the said calls, with the interest and expenses thereon, to the extent for which they are made liable by the first section of this act; and the assessors and collectors of the said several townships, with the other proper officers, are hereby enjoined and required to proceed in the assessment and collection of the same within the time, and in the manner, and subject to the obligations prescribed by law, for the assessment and collection of other township taxes, and when collected the same shall be paid to the person or persons, or corporation, entitled thereto; *provided*, that in the township of Chester respectively, in levying and assessing the moneys by this act authorized to be raised therein, it shall be lawful to assess a poll tax of five dollars upon every male inhabitant therein of the age of twenty-one years and over, by the existing law subject to poll tax.

Proviso.

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

Approved March 23, 1864.

CHAPTER CCLIX.

A Supplement to an act entitled "An act authorizing the appointment of commissioners to lay out and map streets, avenues and squares in that part of Bergen township south of the Morris canal, in the county of Hudson," approved the sixteenth day of March, eighteen hundred and fifty-seven.

Preamble.

WHEREAS, by the act to which this is a supplement, certain commissioners were appointed to survey and map all that part of the township of Bergen, which lies south of the Morris canal, to mark the same out into streets, avenues and squares, of such width, extent and direction, as to them should seem most conducive to the public good; and whereas, the said commissioners named in the said act have performed the duties imposed upon them by the said act, and have deposited maps of their said survey in the clerk's office of the county of Hudson, and in the office of the secretary of state at Trenton, as required by the said act; and whereas, it is desirable that the said streets, avenues and squares should, from time to time, be opened to the use of the public in the territory aforesaid, which, since the passage of the said act, has been erected into a separate township, by the name of Bayonne—therefore,

How to proceed to open streets.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever ten or more persons, being freeholders and residents in the said township of Bayonne, in the county of Hudson, shall think it necessary or conducive to the public good to have any of the streets, avenues or squares laid out by the said commissioners named in the said act to which this is a supplement opened for public use, it shall be lawful for the said persons to make application in writing to the judge of the circuit court of the said county of Hudson, either in term time or in vacation, having given notice for at least ten days of such intended application, and also of the time and place at which said application is intended to be made, by advertisement, under their hands, set up in three of the most public places in the neighborhood of the said street, avenue or square, in the said township of Bayonne, for the appointment of commissioners to open such street, avenue or square; and the said judge upon such appli-

cation being made to him, and on due proof that notices of such application have been set up as herein required, shall nominate and appoint three intelligent, judicious and disinterested freholders of the said township of Bayonne, commissioners to view the said street, avenue or square, and determine whether the same shall be opened or not; *provided*, that no person shall be appointed a commissioner under this act who has any interest in any of the lands which will be taken for said street, avenue or square; *provided further*, that the commissioners shall in no case open any streets, avenue or squares, when five-eighths of the owners of property in value on the line of such streets, avenues or squares, shall object thereto in writing.

Proviso.

Proviso.

Damages to be assessed.

2. *And be it enacted*, That the said commissioners upon receiving notice of their appointment as aforesaid, shall appoint a time not more than ten days from the date of their appointment, where persons interested in the said street, avenue or square may be heard before them on the merits of the said application to open the same, and they shall give notice of the time and place of such hearing by advertisements in writing, signed by at least two of said applicants, and set up in three of the most public places in the neighborhood of said street, avenue or square in the said township of Bayonne, six days before such time of hearing, and if the said commissioners shall determine to open the said street, avenue or square, they shall certify the same to the said circuit court, and shall make an assessment of the damages the owner of any land or real estate will sustain by reason of the opening of the said street, avenue or square, over and above the benefits he will derive therefrom, which said damages they shall assess as equitably as may be, upon the owner or owners of any land or real estate in the neighborhood of the said street, avenue or square, which, in their opinion will be benefitted thereby, as nearly as may be in proportion to the benefits which the said lands of each of the said owners shall be deemed by them to have derived from the opening of the said street, avenue or square, and shall certify the same under their hands, together with a survey and map of the said street, avenue or square so opened by them, on which shall be marked the lots or parcels of land taken for the said street, avenue or square, and the lots or parcels benefitted thereby, distinguishing each lot or piece by numbers on said map, to the said circuit court of the county of Hudson, at the next term thereof, which certificate, if

approved by the said court shall be filed in the clerk's office of the county of Hudson, where the same shall be recorded by the said clerk.

Assessment of damages on township.

3. *And be it enacted*, That in case the said commissioners at the time of opening any such street, avenue or square, shall be of opinion that the same is a general benefit to the said township of Bayonne at large, they shall have power to assess upon said township, such part or portion of the damages awarded by them, as they shall deem equitable and just, the remaining part of the said damages to be assessed as hereinbefore provided; and in that case said township shall be bound to pay the amount so assessed against it at the same time with the land owners who may also have been assessed therefor.

Notice to be given.

4. *And be it enacted*, That a copy of the return of said commissioners, certified by the clerk of the said county of Hudson, shall, within ten days after the same shall have been approved by the court, be served on the clerk of the said township of Bayonne, to be kept by him with the other papers and writings of his office; and the said township clerk shall, within ten days after the receipt by him of the said certified copy of the said commissioners' return and assessment, give notice thereof in writing to each of the said owners whose land may have been taken for such street, avenue or square, and shall also, within the time aforesaid, give like notice to each of the land owners upon whom any sum shall have been assessed for benefits as aforesaid, stating the amount so assessed, the date of the said assessment, and the time of filing the same with him, to the end that said land owners may examine the same and appeal therefrom, as hereinafter provided, if they, or any or either of them, shall desire so to do.

Committee may appeal.

5. *And be it enacted*, That if the township committee of said township of Bayonne, or any land owner who may have been assessed for benefits arising from the opening of any such street, avenue or square as aforesaid, shall be dissatisfied with the amount of damages so assessed upon the said township, or upon the said land owner for benefits as aforesaid, and any land owner or land owners whose lands may have been taken for such street, avenue or square, who shall be dissatisfied with the amount of damages awarded to him, her or them, may at any time within ten days after the service of such notice upon him, her or them by the township clerk as aforesaid, appeal to the board of chosen freeholders of the said county of Hudson by filing with the clerk of the said

township of Bayonne a notice of such appeal, and presenting within the said ten days to the director of the said board of chosen freeholders a petition requesting said board of chosen freeholders to review said assessment, when it shall be the duty of the said board of chosen freeholders, within thirty days from the time of the presentation of the said petition to their director, to appoint three of their number, none of whom shall be in any way interested in any such assessment to be reviewed, who shall proceed to review the whole of said assessment, and affirm or alter the same in such manner as to them shall seem equitable and just; the party appealing giving at least ten days' public notice of the time and place of their meeting to review said assessment, by setting up written notices thereof, signed by the said chosen freeholders, in three of the most public places in said township of Bayonne and neighborhood of said street, avenue or square; and the said chosen freeholders shall make a certificate of their action, either affirming or altering the said assessment, which shall be filed with the clerk of the said county of Hudson, and by him recorded; and a certified copy thereof shall, within ten days after the same is filed in the county clerk's office, be delivered to the clerk of the said township of Bayonne, who shall keep the same among the other papers and writings of his office.

Owners to be paid assessment.

6. *And be it enacted*, That it shall be the duty of the township committee of the said township of Bayonne, within thirty days after the said assessments shall have been completed, to tender and pay to the owner or owners of such lands taken for such street, avenue or square, to whom damages may have been awarded as aforesaid, the amount of such damages so awarded, if resident in the said township of Bayonne; but if such owner or owners cannot be found in said township, upon due inquiry, or is a lunatic, or idiot, or an infant, or if for any other lawful cause, he, she or they be incapacitated to receive the same, or if such owner or owners will not accept the same and sign a proper receipt therefor when tendered, then the said township committee shall cause the same to be deposited in some safe bank for the use of the person to whom the same may be due; when the applicants for the opening of said street, avenue or square shall proceed to open the said street, avenue or square, which, when so opened, shall become a public street, avenue or square for the use of the public at large; and the said township committee shall have power to borrow on the credit of the said

township of Bayonne, such sums of money as may be required to pay such assessments against the said township, or any land owner who shall not pay the amount assessed against him within the said twenty days limited by this act, to be repaid when the said assessments shall be collected as hereinafter provided.

Assessment to be a lien on land.

7. *And be it enacted*, That whenever any such assessment shall be completed as aforesaid, the same shall be and remain a lien upon the lands upon which the same shall have been assessed until paid, and the person or persons against whom any sum or sums may have been assessed as aforesaid shall, within twenty days after the completion of said assessment, pay to the collector of the said township of Bayonne the amount assessed against him, her or them, and in default thereof the township committee of the said township of Bayonne shall cause the same to be collected from the person or persons against whom the same have been assessed, at the same time and in the same manner as the ordinary township, county and state taxes are now collected, and if necessary shall cause the said lands upon which the same are assessed to be sold to pay the same, in the same manner as lands may now be sold to pay the ordinary township, county and state taxes.

Fees of clerk, &c.

8. *And be it enacted*, That the clerk of the circuit court of the county of Hudson shall be entitled to receive for entering, filing and recording all orders, returns and other papers required to be entered, filed or recorded in his office by this act, the following and no other fees, viz: eight cents for filing each paper, eight cents for each folio for recording all papers required to be recorded, eight cents for each folio for copies of any such papers made by him, and twenty cents for making a certificate and affixing to the same the seal of the court or county; and that the said commissioners and chosen freeholders shall be entitled to receive for each day spent by them in the performance of the duties imposed on them by this act the sum of two dollars; and that the said township clerk of the township of Bayonne shall be entitled to receive twenty-five cents for each notice made out and served by him under this act.

Repealer.

9. *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 have any operation in the said township of Bayonne; and that no road, street, avenue or square shall be laid out, opened, vacated or altered

in the said township of Bayonne, in any other way than that provided by this act.

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

Approved March 23, 1864.

CHAPTER CCLX.

A Further Supplement to the act entitled "An act relative to juries and verdicts," approved April seventeenth, eighteen hundred and forty-six.

Jurors to be drawn from panel of struck juries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the names of twenty-four persons on the panel of any struck jury that shall be struck, and hereafter returned for the trial of any cause, civil or criminal, shall, in like manner as persons summoned and returned on the general panel of petit jurors, be written on seperate pieces of paper, and severally rolled up and put together in a box, and whenever the trial of the said cause shall be ordered on, the said box shall be shaken and said pieces of paper drawn therefrom, until twelve of said persons, whose names shall be found written thereon, and not successfully challenged or excused shall appear; and such twelve persons, being severally sworn or affirmed, shall constitute the jury for the trial of said cause, any law, usage or custom, to the contrary notwithstanding; and whenever a view is required to be had of the place in question, the officer summoning such jury shall be required to have twelve or more of said twenty-four jurors at said view.

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

Approved March 23, 1864.

CHAPTER CCLXI.

A Supplement to the act entitled "An act to incorporate Jersey City," approved March eight, one thousand eight hundred and fifty-one.

Streets regulated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the streets of Jersey City, running from north to south, east of Provost street, and between Pavonia avenue and South Seventh street, when they shall be laid out and opened by the Mayor and Common Council of Jersey City, shall be laid out and opened parallel to Prospect street, and in continuation of Warren street, Washington street, Greene street and Hudson street, as laid down on Mangin's map of Powles' Hook, and now actually opened, and each of the same width as the street of which it is a continuation; and both sides of each shall correspond with the sides of the street of which it is a continuation, at the points where the sides of said streets intersect the south side of South Seventh street, except as to Hudson street, as hereinafter provided.

Hudson street regulated.

2. *And be it enacted*, That Hudson street shall be continued in the location and direction above established, in a straight course acrosss and north of Pavonia avenue, to the north boundary of Jersey City; and that the same, from Harsimus street, to the north boundary line of Jersey City, shall be one hundred feet wide, and shall have a carriage-way of seventy feet wide at least.

Restrictions.

3. *And be it enacted*, That it shall not be lawful for the term of twenty years from the passage of this act to lay out or open any public street east of Provost street and west of Hudson street, as above located, between Pavonia avenue and North Fourth street, except Meadow street from Pavonia avenue to a line one hundred feet north of North First street; and North First street, from Meadow street to Provost street; and North street, from Pavonia avenue to a line one hundred feet north of the north side of Pavonia avenue, subject to the provisions of the sixth section of this act; *provided*, that the assessment for taxes on lands now bounded by the streets in this section referred to, shall be made in the same manner as though this act had not been passed, and the lands where

Proviso.

the unopened streets named in this section are located shall be assessed for taxation as other lands shall be assessed.

Certain dedication annulled.

4. *And be it enacted*, That any dedication to public use by making, filing or recording Mangin's map of Harsimus, or by sales and conveyances thereby, of Hudson street, as laid down on that map, or any street running north and south east of Provost street and south of Pavonia avenue, which it is by this act declared unlawful to lay out or open, is hereby declared null and void.

Acts confirmed.

5. *And be it enacted*, That the lands over which the streets shall be extended that are hereby directed to be laid out and opened in continuation of Warren street, Washington street, Greene street and Hudson street, are hereby declared to be dedicated to the public use for such streets in lieu of the streets extending across the same tract of land which are now dedicated, and the dedication declared void by this act; and when said streets, by this act so directed to be laid out and opened, shall be opened and graded by the Mayor and Common Council of Jersey City, no assessment shall be made for the value of the land occupied or the damages done by taking the same, to any person or corporation; but the vacating the streets across said tract in lieu of which the said streets are directed to be laid out, shall be in full payment of such compensation and damages; and if any owner shall refuse to accept the same in full for such compensation and damages, then so far as his land is concerned, the vacation herein provided shall be null and void.

Condition of reservation.

6. *And be it enacted*, That the tract of land over which it is declared unlawful to lay out any street, by the third section of this act, shall be protected from the laying out of streets upon the same only so long as the same is used for railroad purposes, and as soon as the use of the same for such purposes is discontinued and abandoned, it shall be lawful to lay out and open public streets upon the same in the same manner as could be done before the passage of this act, and the parts of said tract now dedicated as public streets shall continue to be so dedicated for the purpose of opening streets thereon after such discontinuation and abandonment of the use thereof for railroad purposes, and in such case streets may be opened over the parts now dedicated for public streets without compensation.

Act may be repealed, &c.

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

good may so require, and this act shall take effect immediately.

Approved March 24, 1864.

CHAPTER CCLXII.

An Act further to extend the charter of the State Bank at Elizabeth.

Charter extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to extend the act incorporating the state banks in New Jersey," passed February nineteenth, in the year of our Lord one thousand eight hundred and twenty-nine, shall be and hereby is continued and extended so far as regards "The President, Directors and Company of the State Bank at Elizabeth," for and during the further term of twenty years from and after the time limited for its continuance by the act entitled "An act to extend the charter of the State Bank at Elizabeth," approved February twenty-first, eighteen hundred and forty-six.

Proceedings in case corporation becomes insolvent.

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

Directors to be liable for circulation.

3. *And be it enacted*, That all the directors of said corporation shall be residents of this state, and shall be jointly and severally liable for the payment of all the bills or notes of said corporation which may be in circulatian at the time of its becoming insolvent, and may be jointly or severally prosecuted, at law or in equity, by any receiver or receivers that shall or may be appointed for the payment of any such bills or notes, as if the same were their joint and several bills and notes, executed by them in their individual capacity; and it shall not be lawful for any director of such corporation to resign his office to avoid such liability and if any director

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

Proviso.

Liability of stockholders.

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

Proviso.

Mode of proceeding.

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

Proviso.

Present charter not changed.

6. *And be it enacted*, That nothing in this act contained shall be construed to alter or change the present charter of said corporation, but the same shall continue as if this act

had not been passed, up to the expiration of the time limited for its continuance when this act shall take effect.

Approved March 24, 1864.

CHAPTER CCLXIII.

An Act to incorporate the Red Bank and Holmdel 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 Red Bank and Holmdel Turnpike Company shall be opened by Peter R. Smock, Joseph J. Van Mater, Keortenus C. Heyer, John Bennett, James H. Hendrickson, George W. Crawford, Joseph A. Throckmorton, Joseph Conover, John W. Stout, Anthony Reckless, Asher S. Parker, 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 twenty days prior to the opening of said books, by publishing the same in at least two of the newspapers published in this state. Commissioners to open books.

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 "Red Bank and Holmdel 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. 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 of them, which money shall be paid over to the treasurer of the company as soon as one shall be appointed, and the residue of the subscription shall be paid in installments, at such times and at such places and to such persons as the president and directors of the Payment of installments.

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 installments, 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 installment, by work upon said road, under such regulations, at such time and upon such notice as the directors may determine.

Proviso.

Limitation.

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 in to the respective subscribers, or their representatives, in proportion to the sums paid in by them.

Election of directors.

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

President and officers.

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 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 some other suitable person, who for the time being shall possess the same powers and authority and perform all duties herein prescribed.

Powers and privileges.

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.

Annual report

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.

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.

Not void for 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.

Turnpike road to be constructed.

11. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road from Red Bank, in the county of Monmouth, to Holmdel, in said county, beginning at the junction of Broad and Front streets, in Red Bank, and ending at the junction of the roads by Thomas W. Thorne's store, in Holmdel, which said turnpike road shall be constructed on and along the public highway leading from the village of Red Bank, through Leedsville, to Holmdel, 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 said owners cannot agree upon the amount of the said damages, then the said damages shall be ascertained and determined as nearly as may be in the manner hereinafter 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.

Proviso.

Width and grade regulated.

12. *And be it enacted*, That the said turnpike road shall be constructed at least thirty-two feet in breadth along the middle as near as may be of the said highway, and shall be sufficiently arched and drained to make and keep the same

dry, and at least sixteen feet six inches thereof shall be so graded that in its progress no part of said road shall rise above an angle of six degrees with the plane of the horizon; and the said company shall make good and sufficient bridges along the line of said road not less than twenty feet in breadth; and whenever the said road, in passing over low ground, shall be raised so much at the margin or side as to render carriages passing thereon liable to overset, the said company shall cause railings to be erected and maintained on the sides, so as to prevent horses and carriages from running off.

May enter on lands.

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 said road, doing as little damage thereto as possible, repairing any breach they may make in the enclosures thereof, and to make all ditches and underdrains across and through such lands necessary for properly draining said road; and that when 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, 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

Proceedings when company and owners cannot agree.

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 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 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.

Rates of toll.

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 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;
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 turnpikes until they shall have paid the toll as above specified; *provided*, that nothing of 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 of the United States. Proviso.

15. *And be it enacted*, That before the said company shall receive toll for travelling said road, they shall cause mile-stones or posts to be erected and maintained, one for each and every mile on 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." 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 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 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 Penalty for injuring works.

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.

Travellers protected.

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 hindered or defrauded.

Travellers to keep to the right.

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.

Proceedings when road is out of 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 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 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 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 same 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.

When to collect tolls.

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.

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

Approved March 24, 1864.

CHAPTER CCLXIV.

An Act entitled an act to revise and amend the Charter of the "Town of Bergen," approved March eleventh, eighteen hundred and sixty-two.

Boundaries of the town.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Town of Bergen shall hereafter consist of all the territory included within the following boundaries, that is to say: beginning at the most westerly corner of the City of Hudson, where the New Jersey Railroad crosses the Hackensack river, thence easterly along the centre line of the New Jersey Railroad, its several courses, to the centre of the Mill creek; thence southerly along the centre of the Mill creek, its several courses, into New York Bay, until it intersects the boundary line of the state of New York; thence southerly along said boundary line of the state of New York, until it intersects the dividing line between the township of Greenville, and the Town of Bergen, thence westerly along said line to the middle of the Hackensack river, thence northerly along the middle of the Hackensack river, its several courses, to the place of beginning, be and the same is hereby formed into a town corporate, to be designated and known in law, as the Town of Bergen, and all the citizens of this state, who are now, or hereafter may be, inhabitants, within the said limits, shall be, and they are hereby constituted a body politic and corporate in law, by the name of the Town of Bergen, in the county of Hudson, and they shall have all the rights and privileges of any township of this state, not hereby expressly abrogated, altered or avoided, and they shall have all the powers of a municipal corporation necessary for carrying out the objects of this act; and for purposes not provided for by this act, the said the Town of Bergen, shall be considered a township.

Officers, when and how elected.

2. *And be it enacted*, That the officers of said town shall consist of nine councilmen, a town clerk, who shall also be the clerk of elections, two assessors, one collector of revenue, one superintendent of schools, five commissioners of appeal, one chosen freeholder, two surveyors of the highway, one or more overseers of the poor, two or more constables, one or more inspectors of streets, one or more pound keepers, three judges of elections, one treasurer, and one or more town

surveyors, all of which officers shall hold their office for one year; the councilmen, assessors, superintendent of schools, commissioners of appeal, chosen freeholder, surveyors of the highway, constables and judges of elections, shall be elected annually, on the second Tuesday of April, the election to be held and conducted by the judges of elections and the clerk of elections at such places as the councilmen shall designate, at the same hours, in the same manner, and under the same regulations, in all things prescribed by law for the elections of members of the legislature, except that the return of all elections of town officers shall be stated and signed by the judges thereof, and attested by the clerk, and within forty-eight hours after the closing of the polls, filed in the office of the town clerk, who shall within five days thereafter also file a true copy of said return in the office of the clerk of the county of Hudson.

Elective franchise.

3. *And be it enacted*, That every person who would by the laws of this state, be entitled to vote in said town, at an election for members of the legislature, held on that day, shall be entitled to vote at the town elections above designated; and the person or persons receiving the greatest number of votes of those given in the town for any town officer to be voted for, shall be deemed elected to the office designated by such votes, and the judges shall, in their said return, designate who are elected to the several offices to be filled at such an election.

Election for state and county officers regulated.

4. *And be it enacted*, That all future elections to be held within said town, for members of the senate and general assembly of this state, for sheriff, clerk, surrogate and coroners of the county of Hudson, and for members of congress, and electors of president and vice president of the United States, or for any other officers of the federal or state governments or officers of said county of Hudson, to be elected by the people, shall be held by the judges and clerk of elections, on the day or days which now are or hereafter may be designated by law for holding such elections, and such elections shall be conducted by the judges and clerk in all things pursuant to the laws of this state, applicable to such elections in the townships of this state; and the judges and clerk in said town of all elections hereafter to be held, shall be liable to the same obligations, duties and penalties imposed upon the like officers of elections in townships in this state, and they shall be entitled to the same compensation for their services at all elections, as the like township officers are entitled to;

and in case of absence, disqualification or inability of any of them, the vacancy shall be supplied in the manner prescribed by the laws of this state in such cases; and such elections shall be held at the place fixed by the councilmen, but in case they shall omit or neglect to fix such place, said election shall be held at the place where the last preceding election for town officers was held.

Places of election.

5. *And be it enacted*, That the places at which all elections shall be held shall be fixed by the councilmen for the time being, and shall be published or advertised by the town clerk at least ten days prior to such election.

Corporate name.

6. *And be it enacted*, That the said corporation may, by the title of the "Town of Bergen," sue and be sued in any of the courts of this state, may have a common seal, alterable at pleasure.

Council and powers.

7. *And be it enacted*, That the legislative power of said corporation, shall be vested in the councilmen, who shall also for the purposes of this act, do the duties of, and be invested with the powers of the township committees, in the townships of this state, in all cases wherein the exercise of such powers and duties shall be required in such town, and said councilmen shall annually elect one of their number to be president, and in his absence a president for the time being, appoint their times and places of meeting, determine the rules of their own proceedings, be the sole judges of the qualifications of their own members, keep a journal of their own proceedings, pass ordinances, by-laws and resolutions pertaining to the purposes and objects of said corporation, and necessary and proper for the carrying out of the provisions of this act.

Officers.

8. *And be it enacted*, That the councilmen shall annually appoint the town clerk, the treasurer, the inspectors of streets, overseers of the poor, pound masters and town surveyors, and they shall, at least six weeks prior to each election of town officers, designate, by resolution, how many constables shall be elected at said election, of which determination public notice shall be given by the clerk, by advertisements put up in at least ten public places in said town, not less than ten days before said election is to be held; *provided*, that if no such determination shall be made by the councilmen as aforesaid, the same number of said respective officers shall be elected as were elected at the last regular town election; and that in case of the death, resignation, inability or removal of any of the officers elected or appointed for said town, (except the councilmen,) before the expiration of the term for which

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such election or appointment was made, it shall be lawful for the councilmen to fill such vacancy by appointment for the residue of such unexpired term; and all appointments by said councilmen must be made by a majority of councilmen of concurrent votes; and in case of a vacancy occurring in the board of councilmen during their official term, by death, resignation, removal or otherwise, the councilmen may order a special town election to be held in said town, to fill such vacancy for the remainder of such unexpired term, and shall cause ten days' notice of such special election to be given in the same manner as is directed to be given of regular elections of town officers.

Bonds to be given.

9. *And be it enacted*, That the councilmen may, in addition to the official bonds now required from officers elected at township meetings, require such other bonds for the faithful performance of the trusts and duties of any officer elected or appointed by virtue of this act, as said councilmen shall deem expedient; and no officer elected or appointed under this act shall enter upon the discharge of his duties unless within twenty days after his election he shall take and subscribe, before the town clerk, an oath or affirmation faithfully and impartially to execute the trusts imposed in him, which clerk is hereby authorized and empowered to administer the same, and shall keep such oaths and affirmations on file in his office, and the clerk himself shall make a like oath or affirmation, before some justice of the peace in said town, which shall by the councilmen be filed in the office of the clerk of the county of Hudson.

Collector and his duties.

10. *And be it enacted*, That there shall be appointed by the town council, in the same manner in which the other officers in the town are appointed, a collector of revenue for said town, whose duty it shall be to perform the duties of the present officers of said town, known as collector of taxes, collector of arrears of taxes, and collector of assessments, and such other duties as the town council may, by ordinance prescribing his duties, ordain; and it shall further be his duty to keep a record of all proceedings affecting the revenue of the town, and at the end of each and every current year, the said proceedings shall be filed by him in the office of the town clerk.

To pay over money.

11. *And be it enacted*, That the said collector of revenue shall pay over all moneys received by him as revenue for the town, as soon as collected, to the treasurer of said town, who shall in turn pay over to the treasurer of the state, or the

collector of Hudson county, upon demand, the full quota of taxes required by law to be raised in said town for state or county purposes.

To give bonds

12. *And be it enacted*, That the said collector of revenue shall, before entering on the duties of his office, give bonds to the town, in its corporate name, in such sums and with such security as the town council may approve, for the faithful performance of his duties; and shall also, before entering upon the duties of his said office, take and subscribe an oath of office in the manner and to the effect as in and by the charter of said town required, before the person in said charter mentioned, and in default thereof within the time limited by said charter for that purpose, his said office shall thereby become vacant, as by said charter prescribed.

Treasurer's duties.

13. *And be it enacted*, That the treasurer shall receive all moneys collected by said corporations from the persons who shall collect the same, and shall pay out the same only upon the warrants of the councilmen, signed by the president and countersigned by the town clerk, and no warrants on the treasurer shall be authorized, except in pursuance of an order of the councilmen passed at a stated meeting, and entered on their minutes; and such warrants shall be made and numbered, payable to the order of the person or persons to receive the same, and shall specify for what purpose the amount therein mentioned is directed to be paid.

Township clerk and his duties.

14. *And be it enacted*, That the town clerk shall, in addition to the duties required of him by this act or any other act of this state, have charge of all the records, books and documents of the town, except when the councilmen shall otherwise direct by ordinance; he shall keep a record of the proceedings of the councilmen; he shall engross all the ordinances of the councilmen in a book to be provided for that purpose, with proper indexes, which book shall be deemed a public record of such ordinances, and each ordinance shall be signed in said book by the president or acting president of the councilmen and said clerk; copies of all papers duly filed in this office, and transcripts thereof, and of the records and proceedings of the councilmen, and copies of the laws or ordinances of said town, certified by him under the corporate seal, shall be evidence in all courts and places.

Police powers.

15. *And be it enacted*, That every councilman shall have the power, and it shall be his duty, without warrant, to arrest or cause to be arrested any person or persons engaged in his presence in disturbing the public peace, or violating any law

of the state or ordinance of the town, for the preservation thereof, or of good order or morality, and to bring or cause such person to be brought before a justice of the peace to be dealt with according to law.

Terms of office

16. *And be it enacted*, That the official term of the several persons who shall be elected in pursuance of this act shall commence on the last Monday of April next after their election, and they shall continue in office until the end of one year from that date, and the official term of all officers appointed by virtue of this act shall commence on the first Monday of May in every year, and they shall continue in office until the end of their term, unless removed, and until others are appointed and qualified to serve in their place, and no appointments for the full term shall be made more than one week prior to the commencement of said term.

Justices of the peace.

17. *And be it enacted*, That the elections of justices of the peace in said town, shall be held and conducted as heretofore, as if this act had not passed.

Salaries and fees.

18. *And be it enacted*, That the councilmen shall have power to fix the salary, pay or compensation of all officers, both elected and appointed, except the councilmen, by general ordinance, and the salary, pay, or compensation of any officer which has once been fixed shall not be increased during the continuance of his term in office.

Inhab'tants not incompetent as witnesses.

19. *And be it enacted*, That upon the trial of any issue, or upon the judicial investigation of any part to which issue or investigation the "Town of Bergen" is a party, or in which it is interested, no person shall be deemed an incompetent judge, witness or juror, by reason of his being an inhabitant, freeholder or freeman of said town.

Annual statements to be published.

20. *And be it enacted*, That the councilmen shall, at least once in each year, not more than twenty, nor less than fifteen days before the annual town election, publish a full statement of all receipts and expenditures of every description, for the fiscal year preceeding, such statement including all the moneys which have passed through the hands of the treasurer for any purpose whatever, together with the different sources of revenue, and the amount received under each, with all such other information as may be necessary for a full understanding of the financial concerns of the town.

May raise money for city purposes.

21. *And be it enacted*, That it shall be lawful for the town council (in lieu of the usual taxes voted at the town elections), to raise by tax every year so much money as they may deem expedient for the purpose of lighting the streets, supporting a day or night watch, for repairing streets, maintaining the poor, sup-

porting and maintaining public schools, a city prison, for contingent expenses, and all other purposes authorized by this charter; and that the ordinance directing the raising of said tax shall set forth the amount required for each object, and that the expenditures for such specification shall be confined to the objects therein specified and appropriated to no other, which tax shall not exceed, in any one year, three mills on the dollar of the actual value of property assessed, except obligations for war purposes; and every male resident of said town, over the age of twenty-one years, who is not a pauper, shall be assessed the sum of fifty cents as a poll tax, to be applied for the purpose of public schools; and the councilmen may borrow such sum or sums as may be necessary, and to secure the payment thereof by bond or other instrument, under the common seal and signature of the president of the councilmen, attested by the town clerk; *provided*, that it shall not be lawful for the said town council to raise any sum by loan, unless the repayment thereof shall be provided for from the taxes to be raised in said town in any such year; *provided*, nevertheless, that in all cases where the councilmen are authorized to make or levy any assessment for any improvements in said town, they shall be authorized to borrow the amount of any such assessment in anticipation thereof.

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Present taxes and ordinances regulated.

22. *And be it enacted*, That all taxes and assessments made and due, before this act takes effect, in the township of Bergen and the town of Bergen, and not then paid, shall be collected and received by the town of Bergen, as hereby constituted, in the name of such of the two present corporations as may be entitled to collect the same, and the property liable to be sold therefor shall be sold, as if this act had not passed; and any duty in such collection and sale imposed upon any officer in such present corporation shall be performed by the corresponding officers of the town of Bergen under this act, which last mentioned corporation shall be liable to the debts, claims and rights in action, which the said two corporations, or either of them, are liable to; and all ordinances heretofore passed by the councilmen of the town of Bergen, that may be in force when this act goes into effect, so far as the same are not inconsistent with this act, shall remain in force until altered or repealed by the councilmen of the town of Bergen hereby provided.

Lamp and watch district

23. *And be it enacted*, That the town council may establish, by ordinance, certain limits in said town, to be called the lamp and watch district, and shall, in directing the taxes

to be raised each year, designate how much is to be raised for the expenses of lighting the streets and supporting a day and night watch, and shall provide that such taxes shall be assessed only on property lying within such lamp and watch district; and the assessors shall assess such taxes separately from all other taxes, and shall assess them only on the property within the lamp and watch district.

Mode of raising taxes.

24. *And be it enacted*, That all taxes for the purposes of the town shall be assessed by the assessors in the manner and within the time directed by the laws of this state, for assessing township, county and state taxes, and all taxes so assessed for town purposes shall be collected by the collector of revenue in the same manner as he is by law directed to collect township, county and state taxes, and shall be paid over by him to the town treasurer as soon as collected.

List of delinquents and proceedings thereon.

25. *And be it enacted*, That the collector of revenue of said town in case of the non payment of taxes on or before the twentieth day of December in each year, shall make out a list of the names of the delinquents, with the sums due from them respectively, thereunto annexed, and deliver the same to the clerk of said town on or before the thirtieth day of December, each the year, except when the said day shall be Sunday, and then on the next day following; and it shall be the duty of said clerk to lay the same before the councilmen at a meeting thereof held next after the same shall be delivered to him; and thereupon the said councilmen shall deliver the same to a justice of the peace residing in said town, who shall proceed and issue a tax warrant thereon, as provided by law in cases of taxes in townships, which shall be directed and delivered to the collector of revenue, who shall have the power to collect the same in like manner in all things, as the constables in townships are directed by law; *provided*, that such collector shall, before he delivers such list to said clerk, take and subscribe an oath or affirmation before some justice of the peace, in said town, that the moneys in said list mentioned, have been duly demanded, or due notice thereof given at the usual place of residence of each delinquent who could be found, or may then reside in the said town.

Interest to be added.

26. *And be it enacted*, That whenever within the said town, the tax shall remain unpaid after the twentieth day of December in every year, it shall be lawful for the collector of revenue to charge, receive and collect, in addition to the amount of said tax, interest thereon, to be computed at the rate of twelve per centum per annum, from the said twentieth

day of December until the same is paid, and such interest shall be paid over by the said collector of revenue to the treasurer of said town, in like manner, and at the same time as he may be required to pay over to the said treasurer all taxes by him collected.

Taxes a lien on lands and may be sold to pay.

27. *And be it enacted*, That all taxes and all assessments which shall hereafter be levied, assessed or made upon any lands, tenements or real estate, situate in the said town of of Bergen, shall be and remain a lien thereon until paid, notwithstanding any devise, descent, alienation, mortgage or other incumbrances thereof, and that if the full amount of any such tax or assessment shall not be paid and satisfied within the time limited and appointed by the councilmen for the payment thereof, it shall and may be lawful for the councilmen to cause such lands, tenements or real estate to be sold at public auction for the shortest term for which any person will agree to take the same, and pay such tax or assessment, or the balance thereof remaining unpaid, with the interest thereon, and all costs, charges and expenses, and to execute under the common seal of said town a declaration of such sale, to be signed by the president of the councilmen and the town clerk, and to deliver the same to the purchaser; and such purchaser, his executors, administrators or assigns, shall, by virtue thereof, lawfully hold and enjoy the said land, tenements or real estate, for his and their own proper use, against the owner or owners thereof, and all persons claiming under him or them, until his said term shall be completed and ended; *provided*, the said councilmen shall first have caused said sale to be advertised for at least sixty days in at least one daily newspaper generally circulated in said town, and also by advertisement put up in at least five public places in the said town, which advertisements shall describe the said lands, tenements or real estate, and specify the amount of the assessment or tax, and the recitals in such declaration of sale shall be evidence of the assessment, advertising and sale; *and provided also*, that the lands, tenements or real estate so sold, may be redeemed by the owner, mortgagee, occupant or person interested therein, or by any other person, for or in behalf of the owner, mortgagee or claimant of such lands tenements or real estate, at any time within two years after the sale for either taxes or assessments, or for both, by paying to the treasurer of the town for the use of the said purchaser, the purchase money, together with any other sum paid for tax or assessment which the said purchaser

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may have paid, chargeable on such lands, tenements or real estate, and which he is hereby authorized to do, with interest thereon, at the rate of fifteen per cent. per annum in addition thereto; and the certificate of the treasurer of the town, stating the payment, and showing what lands tenements or real estate such payment is intended to redeem, shall be evidence of such redemption; a mortgagee shall have power to redeem at any time until the expiration of the six months' notice herein specified; no mortgagee whose mortgage shall have been duly recorded before sale for any tax or assessment shall be affected by such sale unless six months' notice, in writing, shall have been given to him by the purchaser or those claiming under him, either personally, or if not to be found in the said town of Bergen, then such notice shall be deposited in the post-office in, or nearest to said town, directed to him at his last known place of residence (or at the post-office nearest thereto); but nothing herein contained shall be so construed as to impair the lien created by such tax, assessment or sale; *and provided also*, that the said term of time for which any land, tenement or real estate so sold as aforesaid shall not commence, nor shall said purchaser, or those claiming under him, have a right of possession to said land, tenement or real estate, until the two years limited for the redemption of the same shall have expired; and the said purchaser or those claiming under him, shall, at the expiration of such a declaration of sale, quit and surrender the said lands, tenements or real estate, in as good state or condition as when he entered thereon, natural wear and accidents excepted; *provided also*, that the said sale may be adjourned or postponed from time to time, or suspended as the councilmen may direct; *and provided*, that if at any sale of lands, tenements or real estate for assessment or taxes, the whole or any part thereof shall remain unsold for the want of purchasers, then it shall be lawful for the said councilmen to adjourn the said sale not less than thirty days nor more than sixty days; twenty days' notice at least shall be given as aforesaid of the said adjourned sale; and if at the said adjourned sale there shall be no purchasers for said lands, tenements or real estate, or any part thereof, then it shall be lawful for the treasurer of the said town of Bergen, to purchase the said lands, tenements and real estate for the benefit of the town, subject to the same redemption as hereinbefore provided for; *provided also*, that all moneys paid for the redemption of said lands, tenements or real estate, as

When may be

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aforesaid, together with such taxes and assessments paid by a mortgagee or judgment creditor, shall be a lien on said lands, tenements or real estate for the amount so paid, with interest at the rate of seven per cent. per annum, and such lien shall have the preference over all other liens on said lands tenements or real estate; and on foreclosure of any mortgage by such mortgagee redeeming, shall be directed to be made out of said lands; and on sale of said lands under any such judgment, shall be paid out of the proceeds of the sale; *provided further*, that a complete record of all taxes and assessments shall be kept in the town clerk's office, which record shall contain the time when such assessments and taxes were laid, the time when they were paid, and if the property has been sold therefor, the time of said sale and to whom sold, and if redeemed, when, and by whom; it shall be the duty of the town clerk to record in a book to be called "records of sale," all declarations of sales, to give certificates of search in relation to liens, to any person or persons applying for the same, and to cancel such declarations when the property for which they were given shall be redeemed, on certificate of the town treasurer of such redemption, and to file said certificate in the said clerk's office; it shall be the duty of the treasurer to make out two certificates for all property redeemed, one for the person redeeming, and one to be filed in the said clerk's office.

Proviso.

Book of records of sale.

Assessors.

28. *And be it enacted*, That the two assessors, authorized to be elected by this act, shall have one voice in the county board of assessors.

Powers of corporation.

29. *And be it enacted*, That the said corporation shall, by their title, the town of Bergen, have power to pass, enforce, alter and repeal ordinances to take effect within the said town of Bergen, for the following purposes, to wit; to lay out, open, widen, alter, grade and regulate the grading of streets and roads, side and crosswalks; to ascertain and establish the boundaries of all streets, public alleys and roads in said town; to pave, macadamize, gravel, curb and gutter the streets and roads; to construct, build and repair sewers and drains in and from any, or in and from any parts of public streets, roads and public grounds, and such alleys and places as may have been dedicated for draining purposes; to construct and repair receiving basins; to lay sidewalks, flag, plank or other materials; to lay crosswalks of blue bridge stone; to reset the curbs and gutters in the streets and roads or any part thereof; to regulate the laying of water or gas

Streets, alleys, &c.

pipes in or under the streets and roads in said town; to declare what shall be considered nuisances in streets, roads, lots and places in said town; to prevent and remove all encroachments, encumberance and nuisances in and upon any street, road, sidewalk, lot or enclosure, place or places in said town; and to provide for the sale or other disposition of such encumbrance on the streets or roads; to secure, in every other respect, to the public and the adjoining owners the safe and convenient use of the streets, sidewalks and public places for the purposes for which they are or may be laid out or dedicated; to make and adopt an assessment map whereby to describe lands assessed for taxes or improvements; to make and adopt a general plan of sewerage and drainage for said town, or any part or parts thereof, conformably to which sewers, drains, receiving basins, and all other appurtenances of public drainage shall be constructed; to prevent horses, cattle, swine, dogs, goats and geese from running at large in the streets and roads, and to provide for the impounding and sale of the same; to prevent immoderate driving in the streets, and driving over and upon sidewalks; to prevent riots, disturbances and disorderly assemblages in any street, house or place in said town; to prevent and suppress gaming houses and to prohibit gaming, and to restrain and punish all mendicants, vagrants, street beggars and common prostitutes; to suppress vice and immorality; to license and regulate or prohibit inns or taverns, restaurants and beer saloons, and to prohibit all traffic in or sale of intoxicating drink or drinks; to license, regulate and prohibit hawkers and pedlars, hucksters, butchers, slaughter houses and markets, on such terms and under such regulations or penalties as the councilmen shall by ordinance impose; and no other license for such purpose, within said town, granted by any other authority, shall be lawful, except licenses granted by the governor to hawkers and pedlars; to prescribe the duties and compensation of all officers herein named not already fixed by statute; to manage, regulate and control the finances and property of the town, to establish, regulate and control a day and night watch and to regulate and define the manner of their appointment and removal, their duties and compensation, to establish, regulate and control a fire department, to provide lamps for, and to light the streets either by gas, camphene or oil, to provide health laws and to establish a board of health, to establish a board of education and provide for their appointment, define their powers and duties, to order and regulate

Sewerage and drainage.

Cattle, hogs, &c restrained.

Mendicants and gaming houses.

Regulating taverns, markets, &c.

Board of education.

public schools and everything appertaining thereto, in such manner as they shall deem expedient, to expend and appropriate such portion of the state school fund as shall be apportioned to the town of Bergen in the same manner as the town taxes for the support of public schools are expended, to prevent the shooting and trapping of birds within the limits of said town, to punish by fines or imprisonment in the lock up of said town all violations of any ordinance authorized by this act, and to provide all means which they may judge necessary to carry into effect the objects and powers provided for by this act; *provided*, that no ordinance or by-law shall be enacted or passed by the said councilmen, unless the same shall have been introduced at a previous regular meeting, and upon its passage shall be agreed to by at least six of said councilmen; *and provided also*, that each and every ordinance so passed as aforesaid shall be attested by the signature of the town clerk and the president of the councilmen for the time being, and shall be published for the space of twenty days in at least one daily newspaper published in the county of Hudson and circulated in said town, before the said ordinance shall go into effect.

Proviso.

Mode of opening streets.

30. *And be it enacted*, That it shall be lawful for the board of councilmen, by ordinance, to lay out, open, widen, macadamize, alter, and alter the grade of any street, road or avenue, or any part thereof in said town, build sewers, drains, and receiving basins in and upon any street, road or avenue in said town or any part thereof, on application in writing to the said board of councilmen, and all such applications shall be advertised by the board of councilmen in one of the Hudson county daily newspapers circulating in said town, and also by notices put up in five of the most public places in said town, for ten days at least before the same are adopted and the ordinances are passed to carry out the same, in which ordinance there shall be appointed three discreet, impartial and disinterested persons, residents and freeholders in said town, commissioners, who shall be duly sworn or affirmed, to examine into the whole matter impartially, and to the best of their judgment, skill and ability, who shall cause a survey and map to be made of said improvement, distinguishing each lot or parcel by numbers on said map, who shall estimate the whole costs of said improvement according to the best of their judgment, and shall assess such estimated costs upon the lands and real estate in proportion to the benefit received, and report the names of the owners of the lots or parcels, as

far as practicable, with the amount assessed to each, and shall file said report and map with the clerk of the town, within thirty days after their appointment; the clerk shall give notice of the filing of any such report and map within ten days after the same shall be filed with him, in one of the Hudson county daily newspapers circulating in said town, and by notice put up in five of the most public places in said town for ten days, and unless within thirty days after the filing of said report the owners of a majority of the lands to be assessed for such improvements shall file with the clerk of the town a remonstrance signed by them or their agents, lawfully authorized, said councilmen shall proceed to execute said improvement; but if such remonstrance shall be filed, the councilmen shall proceed no further in such improvement under that application, and all costs and expenses incurred by the council in such proceedings shall be repaid to the town by the petitioners for such improvement, and the councilmen may make such regulations, touching the receiving and proceedings upon such petition, and security for the expenses thereof, as they may deem proper; *provided*, that a general system of sewerage shall be established in the manner hereinafter mentioned, for so much of the town of Bergen as is embraced within the following boundaries, to wit: the line of the easterly summit of Bergen Hill on the east, the line of the westerly summit of Bergen Hill on the west, the centre line of Myrtle avenue on the south, and the centre line of Academy street on the north, said boundaries to be ascertained by careful survey as accurately as may be; that the councilmen shall, as soon as conveniently may be, after this act goes into effect, appoint three judicious, disinterested and impartial freeholders, residents of said town, commissioners, who shall, within a reasonable time after their appointment, report to the councilmen a general system or plan for the location and construction of sewers and drains within the territory in this proviso described; the said commissioners to be paid such compensation for their services and expenses, and for the costs of surveys and engineering, as the councilmen shall determine; and whenever the councilmen shall, by ordinance, have adopted and approved such report or reports of the said commissioners, the same shall be and remain the plan upon which sewers and drains shall be located and constructed within the territory in this proviso defined; and further, that as soon as such system of sewerage shall have been adopted and approved as aforesaid, it shall be the duty of

Clerk to give notice.

General system of sewerage.

Construction and repairs.

the councilmen to proceed forthwith with the construction of the main sewer contained in said general plan, whether application therefor be made or not; and all the costs and expenses of the construction of the said main sewer adding thereto and including therewith the compensation, expenses and costs allowed to the commissioners reporting the general plan of sewerage in this proviso mentioned, shall be assessed upon all property actually benefited by said main sewer, and shall be collected as provided by this act for the collection of moneys assessed for the construction of sewers.

Expenses paid by assessment on lands.

31. *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, re-filling, and macadamizing streets, roads, or avenues, and for building drains and sewers, when the same shall be completed, shall be assessed by said three commissioners upon, and paid by the lands and real estate benefited by the improvement so applied for, in proportion to the benefit received by said lands and real estate; and the said commissioners shall determine and report, in writing, to the board of councilmen, what proportion of such expense shall be assessed to each seperate lot or parcel of land, and shall accompany such report with a map containing each lot assessed, and the name of the owner or owners thereof, which report and map shall be filed in the office of the clerk of the town of Bergen, whereupon the said clerk shall cause to be inserted in at least one of the Hudson county daily newspapers circulated in said town, for at least twenty days, a notice of the filing of the said report, (and shall also, for the same time, put up like notices in five of the most public places in the said town); and that the councilmen shall meet at a time and place to be specified in said notice, to be at least twenty days from the date of the filing of said report, to consider said assessment, and to receive and consider all objections thereto, which may be presented in writing; and if the councilmen shall confirm said assessment, it shall constitute a lien on the property assessed for the amount of such assessment, and shall be collected under and by virtue of an ordinance or ordinances made by said councilmen for that purpose; and if the persons assessed neglect to pay to the collector of revenue upon written notice of the confirmation of the assessment, and the passage of said ordinance, the said councilmen may proceed to enforce the lien prescribed in section twenty-seven of this act, and whenever within said town any assessment on any lot or

How collected and penalties.

parcel of land shall remain unpaid for thirty days after the confirmation thereof by the councilmen, it shall be lawful for the councilmen to charge, receive and collect, in addition to the amount of said assessment, interest thereon at the rate of twelve per cent. per annum, from the time of the confirmation of such assessment until the same is paid.

When council may grade, pave, &c.

32. *And be it enacted*, That it shall be lawful for the board of councilmen, by ordinance, to grade, pave, curb, gutter, lay side and crosswalks, in any street, road or avenue, or any part thereof in said town, on application, in writing, to said board of councilmen, and all such applications shall be advertised in one of the Hudson county daily newspapers circulating in said town, and also by notices put up in five places on the line of said improvement applied for; and the board of councilmen will then, if they deem proper, proceed to execute the said improvement, and that the costs and expenses of the same will be assessed upon the lands and real estate fronting on the line of said improvement, by three commissioners appointed for that purpose, said commissioners to be residents and freeholders in said town, who shall make an assessment map and report thereon, with the names of the owners of the lots or parcels, as far as practicable, with the amount assessed to each, and shall file said report and map with the clerk of the town, within fifteen days after their appointment, whereupon the said clerk shall cause to be inserted in at least one of the Hudson county daily newspapers circulated in said town, for at least fifteen days, a notice of the filing of said report and map (and also post notices in five places on the line of said improvement, for the same number of days), and that the board of councilmen will meet at a time and place to be specified in said notice, to receive and consider all objections which may be presented in writing against the confirmation of said assessment, and if the board shall confirm said assessment, it shall constitute a lien on the property assessed, for the amount of such assessment, and shall be collected in the same manner, and shall be enforced as described in section thirty-one of this act; all such applications to be governed by the ordinance or ordinances regulating the same; *provided*, that if the application in writing, as aforesaid, for any improvement in this section above mentioned, shall be made to the councilmen by the owners of a majority of the lands fronting upon said proposed improvement, it shall then be the duty of the councilmen to cause such improvement to be made, and to cause the costs and ex-

Report and map to be filed

Proviso.

penses for the same to be assessed, and further proceedings to be had thereon as in this section already provided, in regard to any improvements by this section contemplated and authorized.

Width of streets, &c.

33. *And be it enacted*, That all streets, roads or avenues that shall hereafter be applied for, to be laid out or opened, shall not be less than sixty nor more than one hundred feet in width; and all streets widened, altered or extended, not less than fifty nor more than one hundred feet in width, the sidewalks upon either side of any street, road or avenue shall occupy one-fourth of the whole width of said street, road or avenue, and no stoop shall project more than one-twelfth, and no enclosed area shall occupy more than one-fifteenth of said street, road or avenue, and the councilmen shall have power by ordinance to regulate the planting of shade trees upon said sidewalks, and to protect the same, and they shall have power to take any lands that may be necessary for the opening, widening or alteration of any street or road, but no lands shall be taken for the laying out, opening, widening or alteration of any street or road, without allowing or paying to the owner or owners thereof the fair valuation of the lands taken, and the improvements thereon, and the damage done to any district lot or parcel of land or tenement by taking any part of it for that purpose; and the value of such lands or damages by taking the same shall be a part of the costs and expenses of the improvement requiring such lands or damages, and shall be distinctly estimated, determined, assessed and collected as prescribed in the twenty-seventh and twenty-eighth sections of this act, estimating the benefit to be done to the residue of any lot or parcel, of which part may be taken for such improvement, in the same manner as to other lands; and the commissioners provided for in the thirtieth section aforesaid shall estimate and include in their report the value of land taken for such improvement, and the erections thereon, and the damages aforesaid done by taking the same, and to whom said lands belong, and the interest and estate of the several owners in the same, as far as practicable; and in case the lands so valued or damaged by such taking shall be held by a tenant for life or years, and the fee in remainder or reversion, the commissioners shall in their report apportion such value and damages between them; and in case any lands assessed shall be held by a tenant for life or years, and such tenant shall pay such assessment, or the same be made by a sale of his interests in said lands, said

tenant or his legal representatives, shall at the termination of their estates, be repaid such principal sum by the reversioner, his heirs or assigns, and shall have a lien upon said lands for the same, and may, by bill in chancery, have said lands sold to pay such lien, and the proceedings thereon in the court of chancery, except the allegations in the bill, shall be the same as if said reversioner had given a mortgage on said lands, and said bill was filed for the foreclosure thereof; and such lien shall have priority over all other incumbrances, and upon completing the report of the commissioners assessing the value of lands taken and the damages thereby, the town treasurer shall tender and pay to the owner of said lands, if resident in the town, or upon due inquiry cannot be found therein, or is a lunatic or idiot, or if for any other lawful cause he is incapacitated to receive the same, or if such owner will not accept the same, sign a proper receipt therefor, when tendered, then the treasurer shall make affidavit of such facts and file the same with the town clerk, and the councilmen shall, after inquiry into the facts of the case, direct the amount of such assessment to be placed either in the town treasury or in some bank, for the use of the person to whom it may be due, and upon filing such receipt of the owner, or the passing of such resolution by the councilmen, the said lands shall be vested in the town, and the town officers may proceed with such improvement, and the said money so deposited shall be paid by property warrant, to the person entitled thereto, on demand without interest, except from such time as a demand may be made and payment refused.

Lien on lands.

Proceedings in certain cases.

34. *And be it enacted*, That the councilmen may, by resolution passed at any meeting, direct any repairs in the carriageways of any street, road or avenue within the said town, whenever and wherever they shall deem such repairs necessary, in case such improvement is not applied for in the manner prescribed by the thirtieth section of this act; such repairs shall be made by contract or otherwise; shall be superintended by the commissioners of streets and roads, or one of them, and shall be paid for by the councilmen upon their approval of the work, out of the moneys raised by tax for the repairs of streets; and that all repairs to sidewalks, and curb and gutter shall be made by the owner or owners of the lands in front of which said repairs are necessary, upon written notice of the commissioner of streets and roads, and if the said owners shall be non-residents, it shall be sufficient for the commissioners of streets and roads to post upon, or near the

Repairs of roads and streets.

lot or lots in front of which the sidewalk and curb and gutter may require to be repaired or relaid; and if the same shall not be repaired within fifteen days from the date of said notice, then it shall be lawful for the councilmen, by resolution, to direct the commissioner of streets and roads to cause the same to be made; the costs and expenses for repairing and relaying, as aforesaid, shall be assessed by said councilmen upon the lands directly in front of which said repairs shall be made, except the crosswalks, which shall be assessed half-way to adjoining streets, roads or avenues, and shall remain a lien thereon, and shall be collected as prescribed by this act for the collection of assessments for improvements.

Grade of streets, how established.

35. *And be it enacted*, That the councilmen are hereby authorized and empowered by ordinance passed for the purpose, to prescribe the mode of establishing the grade of any street, road or avenue in said town, and to establish the grade thereof, and to authenticate the same by maps or otherwise, and the grade of any street or road, or any part thereof, when established in accordance with said ordinance, shall be and remain the permanent grade thereof, and shall not be changed or altered, except upon an application to said councilmen by the owners of at least three-fourths of the land to be affected thereby, nor without paying to the owners of any buildings where damages are sustained by the alteration of such grade, the amount of the same, which shall be ascertained by the assessors making the assessment; and that the costs and expenses of establishing and authenticating such grade shall be assessed upon the land fronting on the street or road on which or part of which such grade shall be established and authenticated, and the same shall be and remain a lien thereon, and the payment thereof enforced in the same manner and to the same extent, as other assessments in said town of Bergen.

Sewers and drains.

36. *And be it enacted*, That when any sewer or drain heretofore constructed in said town by individuals at their own expense, shall be adopted by the said councilmen, as a continuation or receiving sewer of, or for, any sewer or drain to be constructed under their directions, then the owner or owners of the lands fronting such sewer or drain heretofore made, shall not be assessed for the same, and may be allowed such reasonable compensation as the councilmen may deem just and equitable.

37. *And be it enacted*, That the said councilmen are here-

by empowered to cause all, or any of the improvements authorized by this act to be made in any of the streets or roads, whether used as a plank road, railroad, or otherwise, except so far as they interfere with their corporate rights, and in and upon all streets, roads and avenues that have been, or shall hereafter be dedicated to the public use, whether they have been actually opened to the public travel or not, and any or all of the said improvements may be made in any part of any such street road or avenue in said town; and shall have power to regulate the position and construction of all railroads to be laid in any street, road or avenue in said town. Powers of council over streets, railroads, &c.

38. *And be it enacted*, That all contracts in which said councilmen or any one of them shall be interested as individuals, either directly or indirectly, or in which any one of them may be security for the faithful performance thereof, shall be null and void; and no member of the town council shall become security for any public officer elected or appointed in said town. Contracts how to be made.

39. *And be it enacted*, That no penalty for any offence against any ordinance passed by the councilmen, shall exceed the sum of fifty dollars, if a pecuniary penalty be imposed, nor shall any penalty of imprisonment inflicted by any ordinance for the violation thereof, exceed an imprisonment in the town prison or county jail for more than ten days; all penalties requiring the payment of a sum of money imposed for the violation of any ordinance, may be recovered with costs, in an action of debt, in any court for the trial of small causes, held in said town, by any of the justices of the peace elected in said town and residing therein, upon suit brought in the corporate name of said town; and all moneys so recovered, shall be applied in such manner for the benefit of said town as the councilmen shall deem proper; and in all cases when judgment is in such action given for the plaintiff, execution shall forthwith issue against the goods and chattels and body of the defendant or defendants; and all suits under this section may be commenced by summons, but the justice before whom such suit is brought, may, in his discretion, upon oath or affirmation made according to law, and filed with him, that any person or persons has or have been guilty of the violation of any ordinance, issue a warrant in the nature of a capias ad respondendum in commencing such suit, which warrants shall be served and returned and the like proceedings had thereunder as in cases where the like process has Penalties limited.

Suits how commenced and how conducted.

issued in other cases out of the courts for the trial of small causes in this state; and all constables of said town, and the jailor of the county of Hudson for the time being, shall severally perform the duties required of them in the execution of final process against the goods and chattels and the body of the defendant or defendants upon actions brought by virtue of this section, as they are required to do in the execution of final process against the goods and chattels and body, by the act constituting courts for the trial of small causes; and appeals from any judgment, in any action brought under this section, may be had the same as in cases where appeals may now be had from judgments in courts for the trial of small causes; and in all cases an appeal may be made to the councilmen for a remission of any penalty that may be inflicted or adjudged, and such remission, if of the entire penalty, shall be construed to be full satisfaction of the debt and costs, upon which the defendant or defendants may be liable to or held in execution, and a copy of the resolution remitting the same, certified under the hand of the town clerk, shall be sufficient to entitle such defendant or defendants to be discharged from such execution.

Privileges of firemen.

40. *And be it enacted*, That the firemen now or hereafter to be regularly enrolled and recognized by the constituted authorities of the town of Bergen, shall be exempt during the term of their service, and after having served five years consecutively, shall forever thereafter be exempted from service on any jury, and also from serving in the militia, except in cases of invasion or insurrection, and that certificates of the time that such persons have served as firemen in said town, signed by the president and clerk of the town council, shall be evidence thereof; *provided*, that no fireman of said town shall be exempted from jury duty, unless he actually performs all the duties of a fireman in his company; and to entitle him to such exemption, he shall present to the town council a certificate of the foreman or other chief officer of his company that he is a faithful and acting member thereof.

Proviso.

Repealer.

41. *And be it enacted*, That the act entitled "An act to incorporate the town of Bergen, in the county of Hudson," approved on the twenty-fourth day of March, one thousand eight hundred and fifty-five, and all other acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed; *provided*, that this repeal shall not affect any proceedings had or commenced under the same when this act takes effect, nor any rights or dues which the

Proviso.

said town of Bergen, or the said township of Bergen, or any person or persons, is or are entitled to by virtue thereof.

42. *And be it enacted*, That the legislature may, at any time hereafter, amend or repeal this act, and this act shall be a public act and shall take effect immediately. Act may be amended, &c.

Approved March 24, 1864.

CHAPTER CCLXV.

An Act relative to the exchange of books published under the authority of the state of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the treasurer of this state, immediately after the passage of this act, to deliver to the state librarian a number of copies of the last edition of Nixon's Digest of the laws of New Jersey, sufficient to furnish one copy thereof to the executive of each state and territory within the United States; and it shall thereupon be the duty of the librarian, upon the receipt of the same, to distribute and forward one copy thereof to the executive of each state and territory in the United States. To be furnished to other states.

2. *And be it enacted*, That it shall be the duty of the treasurer of this state hereafter, upon the receipt of any judicial reports, statutes, digests, laws or public documents, published by or under the authority of this state or the legislature thereof, or of which the state has become a purchaser, to deliver to the state librarian as many copies of each of said publications as shall be necessary to furnish one copy thereof to the executive of each state and territory within the United States; and it shall thereupon be the duty of the state librarian, upon the receipt of the same, to distribute and forward to the executive of each state and territory within the United States, one copy of each report, annual law, digest, statute or other public document published as aforesaid. Librarian to distribute laws, documents, &c.

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. Repealer.

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

Approved March 24, 1864.

CHAPTER CCLXVI.

An Act to authorize the inhabitants of the township of Plainfield in the county of Union, to raise money.

Preamble

WHEREAS, The inhabitants of the township of Plainfield, in the county of Union, at a special town meeting held on the fifteenth day of September, in the year one thousand eight hundred and sixty-three, did authorize the township committee of said township, to raise a sum of money sufficient to pay to each volunteer for the army the sum of three hundred dollars, the number of the quota of said township having been fixed at thirty; and whereas the said township committee acting in accordance with the authority so given to them, did borrow for the purpose aforesaid, the sum of nine thousand and one hundred dollars, which sum was expended by them for the purpose above named, and whereas the board of chosen freeholders of said county of Union, have assumed the payment of a portion of the aforesaid indebtedness, to wit: the sum of two hundred and fifty dollars for each volunteer, amounting in the aggregate to the sum of seven thousand and five hundred dollars, leaving a balance of one thousand and six hundred dollars to be provided for by said township of Plainfield; and whereas, since the aforesaid action of the inhabitants of the township of Plainfield, another call has been made for volunteers, and the number of the quota of said township under said last call being the same as under the aforesaid former call, and whereas provision has been made for the payment by the said board of chosen freeholders of said county, to each volunteer under the said last call, of the said sum of two hundred and fifty dollars, and the inhabitants of said township being desirous that the full number of the quota of this township under said last call shall be made up by offering bounties to each volunteer over and above the money ordered by the board of chosen freeholders to be paid as aforesaid, and for that purpose it is necessary to raise the further sum of twenty-seven hundred dollars; therefore,

Taxation regulated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of said township of Plainfield be, and they are hereby authorized and

required to raise by an assessment of a poll tax of four dollars on each married male taxable inhabitant, and of eight dollars on each single male taxable inhabitant of said township, and the balance if any by an assessment and tax on the taxable property in said township, said sum of one thousand and six hundred dollars, and also the further sum of twenty-seven hundred dollars, together with the interest which may accrue thereon, and the legal expenses of assessing and collecting the same.

2. *And be it enacted*, That the said assessment be made, levied and collected the present year, and at the same time, by the same persons, in the same manner, and under the like fees and penalties as the other taxes are assessed, levied and collected in said township. When assessed and collected.

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

Approved March 24, 1864.

CHAPTER CCLXVII.

An Act to change the name of the Paradise Sabbath School Association.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of the religious society or corporation existing in the county of Camden, and known as the "Paradise Sabbath School Association," be changed to "The Paradise Sunday School Association of the Methodist Episcopal Church." Name changed.

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

Approved March 24, 1864.

CHAPTER CCLXVIII.

An Act to change the name of Robert Pizzala to Robert Harris.

Preamble. WHEREAS, Robert Pizzala, of the county of Monmouth, is desirous of having his name changed to Robert Harris, and no reason appearing to the contrary—therefore,

Name changed. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of Robert Pizzala, of the county of Monmouth, be and the same is hereby changed to Robert Harris, 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 Robert Pizzala.

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

Approved March 24, 1864.

CHAPTER CCLXIX.

Supplement to an act entitled "An act relative to Bridges in the counties of Somerset, Burlington, Salem and Cumberland," approved April tenth, eighteen hundred and forty-six.

Act extended. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act entitled "An act relative to bridges in the counties of Somerset, Burlington, Salem and Cumberland," approved April tenth, eighteen hundred and forty-six, be and hereby are extended to the counties of Cape May and Atlantic.

2. *And be it enacted*, That this act shall be taken and held as a public act.

Approved March 24, 1864.

CHAPTER CCLXX.

An Act to incorporate 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 all such persons as shall become subscribers to the capital stock hereinafter mentioned, their successors and assigns, shall be and are hereby ordained, constituted, and made a body corporate and politic, in fact and in law, by the name of "The Pleasantville and Atlantic Turnpike or Plank Road Company;" and that Daniel Waters, William Bartlett, David Lake, Pardon Ryon, Jesse S. Lake, William Adams, Lemuel Eldridge, or a majority of them are hereby appointed commissioners to open the subscription books and receive subscriptions to the capital stock, at such times and places as they, or a majority of them, may direct, giving notice thereof at least ten days prior to the opening of said books, by publishing the same in at least one of the newspapers published in the county of Atlantic, if none are published in said county then in some paper published in any of the adjoining counties. Commissioners to open books.

2. *And be it enacted*, That the capital stock of said company shall be twenty thousand dollars, with the privilege of increasing it to any sum not exceeding sixty thousand dollars, and shall be divided into shares of twenty-five dollars each; and that at the time of subscribing to said stock, fifty cents shall be paid upon each share subscribed for, to the said commissioners or any of them, which money shall be paid over to the treasurer of the company as soon as one shall be appointed; and that the residue of said stock shall be paid in such installments, and at such times and places, and to such person or persons, as the board of directors of said company shall from time to time direct, and give public notice thereof, in manner aforesaid; and upon failure of the payment thereof, as so directed, the said board shall have power to forfeit the shares of each and every person so failing to pay the said installments or any of them, to and for the use of said company; *provided*, that if the number of shares subscribed for shall exceed the number of shares authorized by this act, the said commissioners or a majority of them, shall apportion the said stock among such subscribers in proportion to the amount or Capital stock. Payment of installments. Proviso.

number of shares by them subscribed for as aforesaid; but no subscription for less than six shares of said stock shall be reduced by such apportionment.

Election of directors.

3. *And be it enacted*, That the affairs of said company shall be managed by a board of seven directors, a majority of whom shall be a quorum for the transaction of business, but any less number may adjourn from time to time; and that when two hundred shares of said stock shall be subscribed for, the said commissioners, or a majority of them, shall call a meeting of the stockholders, giving at least ten 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, a treasurer and seven directors, for the term of one year, of which election the said commissioners, or a majority of them, shall be judges; and that at the expiration of said term, and annually thereafter, upon like notice to be given by the board of directors for the time being, the stockholders shall elect by ballot, a treasurer and seven directors, and at every such election, and in all other cases in which the stockholders shall be entitled to vote, the judges of such election shall be appointed by said board, a vote may be given for each share, by the holder or holders thereof, in person or by proxy; and that if two hundred shares of said stock shall not be subscribed for within five years, this act shall be null and void; and the said commissioners, after deducting thereout the expenses incurred, shall return to the respective subscribers or their representatives the residue of the money paid by them in proportion to the sums paid.

President and officers.

4. *And be it enacted*, That so soon as conveniently may be after the first and subsequent annual election of directors, they shall elect from their number a president of said company, for the term of one year and until another shall be elected; and the president and treasurer shall receive such compensation for their services as the board of directors may direct; the president shall preside at all meetings of said board, and in case of his absence the said board shall appoint some other from their number, who, for the time being, shall possess the same power and authority and perform the like duties, and the board of directors may fill any vacancy that may occur therein until the next annual election, and may exact from the president, treasurer and other officers and agents of said company, such security for the due perform-

ance of their respective trusts as they may think expedient; and special meetings of the stockholders may be called by the said board or by the stockholders owning one-fourth of the whole stock of the company, by giving notice of the time and place of holding the same, and the object for which such meeting is called, by giving ten days' notice as provided in section first.

Annual report

5. *And be it enacted*, That at the annual meeting of the stockholders, the board of directors for the preceding year shall exhibit to them a full and complete statement of the affairs of the company during their said term.

Turnpike road to be constructed.

6. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike or plank road one hundred feet wide across the salt marsh or meadow, lying between the village of Pleasantville and Atlantic City, in the said county of Atlantic, the said turnpike or plank road to commence at the main shore road leading from Somers' Point to Leed's Point, and from thence as near straight as is convenient to Atlantic City, the said turnpike or plank road shall be at least thirty feet in width, and shall be sufficiently arched and drained to make and keep the same dry; and at least sixteen feet thereof shall be sufficiently bedded and faced with stone, gravel or other material to make a solid, firm and even road, at all seasons of the year; and it shall be so graded that in its progress no part of said road shall rise above an angle of six degrees with the plane of the horizon; and the said company shall keep in repair, maintain and make good and sufficient drawbridge or drawbridges and other bridge or bridges along the line of said road, not less than eighteen feet in width, and whenever the said road in passing over low ground shall be raised so much at the margin or side as to render carriages passing thereon liable to overset, the said company shall cause good and sufficient railings to be erected and maintained on the side so as to prevent horses and carriages from running off; and the said company may, by their officers, agents, or other persons in their employ, enter, from time to time and at all times, upon all lands to search for stone, gravel, sand, clay, mud or other material for constructing said turnpike or plank road as aforesaid, doing no unnecessary damage to said land; *provided*, that before the said company shall construct the said turnpike or plank road aforesaid, they shall pay to the respective owner of the lands over which the said turnpike or plank road shall pass, all damages which the said owners will sus-

Proviso.

tain by reason of the construction of said turnpike or plank road, and in case the said company and any of said owners cannot agree upon the amount of said damages, then the said damage shall be ascertained and determined as nearly as may be in the manner hereinafter provided for ascertaining and determining the damage which any land owner or owners may sustain by the taking of stone, gravel or other materials from his or her lands for the constructing or maintaining of said turnpike or plank road.

Proceedings when company and owners cannot agree.

7. *And be it enacted*, That it shall be lawful for the said company, their officers, superintendents, engineers, workmen, laborers, and other person or persons by them employed, with carts, wagons and other carriages, and with their beasts of burden and draft and all necessary materials, tools and implements, to enter upon all lands contiguous or near to the said turnpike or plank road, doing as little damage thereto as possible, repairing any breach they make in the inclosure thereof; and to make all such ditches and underdrains across and through such lands as may be necessary for properly draining said turnpike or plank road, and to take and carry away any stone, gravel, clay, sand, earth mud or other materials there being most conveniently situated, and being most suitable for improving said turnpike or plank road as aforesaid the said owners or occupants of such lands being entitled to a fair compensation or remuneration for their materials taken and damage done, if claimed within one year from the time of such damage sustained or materials taken away; and in case of a disagreement as to the amount of such damage sustained, or the value of such materials taken away, then it shall be lawful for either party to apply to one of the justices of the supreme court or to one of the judges of the court of common pleas of the county whence such materials were taken, not being a stockholder or in any way interested, whose duty it shall be upon such application, to appoint three disinterested and judicious freeholders of the state as appraisers; and thereupon the said appraisers, having given at least fifteen days' notice in writing of the time and place of their meeting, to each party, to meet at such time and place, and having taken an oath or affirmation, fairly and impartially, to inquire into and report the value of the said materials and the amount of the said damages, which may be submitted to their judgment, shall proceed to view and examine the premises, and make a valuation and appraisement, under their hands and seals, or the hands and seals of any two of

them, and deliver the same to the clerk of said county whence such materials were taken, to be by him filed in his office, and remain of record therein; which said valuation and appraisement shall be conclusive evidence of the value of the said material, and the amount of damages sustained by such owner or owners of such lands, in any suit to be brought therefor, and every such owner or owners of the said lands, having first made demand of the said company for the amount so valued or appraised, may sue for and recover the same by action of debt with costs of suit.

8. *And be it enacted*, That as soon as the said company shall have constructed one mile of the said turnpike or plank road, according to the directions of this act, and the true intent and meaning thereof, it shall and may be lawful for the said company to erect gates or turnpikes across the same, and to demand and receive toll for travelling each mile, and all fractions over half a mile of the said turnpike or plank road, not exceeding the following rates, to wit:

Rates of toll.

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

And it shall and may be lawful for the toll-gatherer to stop persons riding, leading or driving any horses, cattle, mules, calves, sheep or hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpikes, until they shall have paid the toll as above specified; *provided*, that nothing in this act shall be construed so as to entitle the said company to demand or receive toll from any person passing to or from a funeral, or any militiamen passing to and from any training on a muster day appointed by law, or any other military officer or soldier passing or repassing, when called to do duty by the laws of this state or of the United States.

Proviso.

9. *And be it enacted*, That before the said company shall receive toll for travelling on said turnpike or plank road, they shall cause mile stones or posts to be erected and maintained one for each and every mile on the same, and on each stone or post shall be fairly and legibly marked the distance the said stone or post is from Pleasantville; and shall cause to be fixed and always kept up at the gates or turnpikes aforesaid, in some conspicuous place, a printed list of the rates of toll which may be lawfully demanded, and also a board, on

Mile stones to be erected.

which shall be printed in large letters, "keep to the right as the law directs."

Penalty for injuring works.

10. *And be it enacted*, That if any person shall wilfully break, throw down, or deface any of the mile stones or posts so erected on the said turnpike, or plank road for the information of the people travelling the same, or wilfully tear down or deface any of the printed rates of toll or directions, or shall cut, break down or destroy, or otherwise injure any of the gates, turnpikes or bridges that shall be erected pursuant to this act, or shall forcibly pass the same without having paid the legal toll at such gates or turnpikes, such persons shall forfeit and pay the sum of twenty dollars, besides being subject to an action of 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 carriage, team or horse, turn out of the said turnpike or plank road to pass a gate or gates, on private ground adjacent thereto, and again enter thereon, so as to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gates to be recovered by the said company for the use thereof, in an action of debt, with costs of suit.

Travellers protected.

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

Travellers to keep to the right.

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

Road and bridges to be kept in repair.

13. *And be it enacted*, That if the said company shall not keep the said road and bridges in repair, and complaint there-

of shall be made by three respectable freeholders to one of the judges of the court of common pleas of the county of Atlantic, not interested, the said judge shall immediately appoint, by writing, under his hand and seal, three of the township committee of the township wherein the cause of complaint arose, or if it be on the line of any two townships, of either of said townships, which three persons, not interested in the 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 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 state as the law requires it to be kept; and if the report be unfavorable to the said road, the said judge shall immediately, in writing under his hand and seal, order the keeper of the said gate or turnpike to keep open the same until otherwise ordered; and if the said keeper shall, notwithstanding the order of the said judge to open the said gate or turnpike, exact toll of travellers, he shall, for each offence forfeit and pay twenty dollars, to be sued for by any person who will prosecute for the same, in an action of debt, with cost of suit; and the judge shall be allowed for his services, fifty cents, and the persons appointed, one dollar each, to be paid by the company; and it shall be the duty of the persons so appointed, or a majority of them, on application 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 said persons, or any two of them, by license, under his hand and seal, directed to the toll-gatherer, permit the gates or turnpikes to be shut, and the toll to be collected as before; and the said fees shall be allowed and paid as before directed; but if on the first view as before mentioned, the report of the persons appointed shall be in favor of the company, the same fees shall be allowed as before prescribed, and paid by the person making the complaint; and in case three of the township committee aforesaid are not disinterested, then the said judge shall appoint, in the same manner above prescribed, one or more respectable freeholders in the township or townships, who may be disinterested, to serve in the place and stead of any member or members of the township committee so disqualified.

Proceedings when road is out of repair

14. *And be it enacted*, That as soon as the said turnpike

Statement of expenses to be filed.

or plank road is finished, 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 turnpike or plank road, including all expenses on said road, in the clerk's office of the county of Atlantic, and annually thereafter the president and treasurer of said company shall, under oath or affirmation, make a statement to the board of chosen freeholders of the said county of Atlantic, the amount of dividends of said road: and when the dividends of said road shall amount to six per centum upon its cost, the said company shall be taxed for said road the same as other property is taxed; *provided*, the said company shall not be taxed until the dividends of said road shall amount to six per centum.

Proviso.

Dividends.

15. *And be it enacted*, That the said company may from time to time make and declare such dividends from the tolls as they may think proper.

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

Approved March 24, 1864.

CHAPTER CCLXXI.

A Further Supplement to an act entitled "An act for the instruction of indigent deaf and dumb persons, inhabitants of this state," approved April tenth, eighteen hundred and forty-six.

Expenses $200 per year.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the annual expenses for each deaf mute instructed at the charge of the fund provided by the act to which this is a supplement, shall not exceed the sum of two hundred dollars, unless the governor or person administering the government shall be satisfied that the means of such deaf mute or those of his or her parents or guardians are insufficient to keep such deaf mute supplied with suitable clothing during his or her term of instruction, in which case clothing may be supplied at the charge of said fund at an expense not exceeding twenty-five dollars in any one year for any one pupil so supplied.

2. *And be it enacted*, That the annual appropriation of six

thousand dollars now authorized by law, be and the same is hereby increased to eight thousand dollars, subject to the provisions of the act to which this is a supplement. Appropriation increased.

3. *And be it enacted*, That all acts and parts of acts, in conflict with or contrary to the provisions and requirements of this act, shall be and the same are hereby repealed. Repealer.

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

Approved March 24, 1864.

CHAPTER CCLXXII.

An Act to confirm the acknowledgments and proofs of deeds and other instruments in writing, taken by Nathan Moore.

WHEREAS, it appears to the legislature that Nathan Moore 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 Washington township, county of Burlington, and state of New Jersey, and was commissioned and sworn into office by virtue of said commission; and whereas, it appears that said Nathan Moore thereafter removed his residence out of said township, and after such removal, from ignorance of the laws of this state, continued to take acknowledgments and proofs, by reason of which defective acknowledgments and proofs innocent persons may be subject to great loss—therefore, Preamble.

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 Nathan Moore, as commissioner, after his removal out of said Washington township, 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 while residing in the said township for which he had been appointed. Acts legalized.

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

Approved March 24, 1864.

CHAPTER CCLXXIII.

A Further Supplement to the act entitled "An act to incorporate the Stockton and Newton Turnpike Company," approved March eighteenth, eighteen hundred and fifty-nine.

When company may erect toll-gates.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That as soon as "The Stockton and Newton Turnpike Company" shall have constructed and made their turnpike road from its westerly terminus, at or near Kaighn's Point, as far as to the Camden and Blackwoodtown turnpike, with privilege to extend to the Haddonfield and Camden turnpike road, according to the directions of their said charter, it shall be lawful for said company to erect gates or turnpikes across their said turnpike road, and to demand and receive toll for travelling thereon, according to the rates specified in their said charter, and also, in the ratio of said rates, for travelling thereon any fraction of a mile not less than one-quarter of one mile.

Approved March 24, 1864.

CHAPTER CCLXXIV.

An Act to incorporate Iroquois Lodge, Number Thirty-two, of the Independent Order of Odd Fellows, of the State of New Jersey.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Augustus Brown, Robert B. Earle, James Gibson, William E. Greene, James G. Gregory, Henry A. Greene, Hamilton C. Garwood, Edmund C. Bramhall, Theodore R. Varick, James R. De Witt, Alexander H. Wallis, George W. Cassedy, Joseph G. Edge, Alexander McMullen, William Cheeks, Henry L. Russell, Edmund B. Bailey, Thomas C. Ingalls, William A. Durrie, Waldron H. Dame, William Gopsill, Manaseh Bailey, Jeremiah B. Cleveland, Benjamin F. Snow, Jacob R. Wortendyke, George Mc-

Laughlin, Edmund W. Kingsland, John W. Orr, Matthew Armstrong, Junior, John Sheville, James Van Benschoten, Rielly P. Park, John B. Haight, Charles H. Winfield, Charles H. Voorhis, Jacob Otts Seymour, Stephen Quaife, William Cox, William Clarke, Harvey Fisk, Gardner P. Lloyd, Alfredrick S. Hatch, John H. Smyth, Andrew Barricklo, William B. Stelle, Nathan R. Fowler, Garret S. Boice, Aaron Raymond, Cornelius T. Frazyer, William H. Warsner, Thomas R. Benwell, James Warner, Japhet Jardine, Samuel Clark, Simeon M. Ayres, Robert Travis, Junior, Williard Derly, John W. Pangborn, John W. Miller, Raymond Merrill, Edward McHony, James E. Rogers, Thomas M. Hefferman, Isaac B. Culver, Hosea F. Clark, Horatio N. Ege, Andrew A. Gaddis, Michael Sandford, John B. Romar, Walter I. Hadden, Leander M. Cox, Washington I. Hough and Delos E. Culver, and their associates, officers and members of "Iroquois Lodge, Number Thirty-two, 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 Iroquois Lodge, Number Thirty-two, 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 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, the net income of which shall exceed the sum of five thousand dollars.

Corporate name.

Proviso.

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

Approved March 24, 1864.

CHAPTER CCLXXV.

Supplement to an act entitled "An act respecting the Orphan's Court, and the power and authority of Surrogates," approved April sixteenth, eighteen hundred and forty-six.

Regulations when next of kin is out of the state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where it shall be made to appear upon oath, to the satisfaction of the orphan's court, that the next of kin of any orphan minor or minors under the age of fourteen years, residing in this state, do not reside in the United States of America, or if residing in the United States, are not within this state, it shall and may be lawful for the orphan's court to take such action in respect to the appointment of a guardian or guardians of said minor or minors as shall seem to said court to be for their best interest and advantage.

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

Approved March 24, 1864.

CHAPTER CCLXXVI.

A Further Supplement to the act entitled "An act concerning taxes," approved April fourteenth, eighteen hundred and forty-six.

Preamble.

WHEREAS, By an act approved February twenty-third, eighteen hundred and sixty-three, entitled "A further supplement to the act entitled 'An act concerning taxes,'" approved April fourteenth, eighteen hundred and forty-six, it is among other things provided that "the tax to be imposed upon associations or corporations whose business is that of assurance upon lives, shall be one-half of one per centum on the amount of premiums received for such assurance during the year next preceding the time appointed for the payment of such tax"; and whereas taxation should be equal, and the mode of assessment, as far as

practicable, uniform, and the act above named is alleged to be defective in these respects, and does not conform to the general tax law of the state relating to incorporated companies; and whereas, associations of the beneficial character referred to, whose contracts cover large amounts and extend over long periods of time, should, to enable them to meet their liabilities have the benefit of equal and just legislation, and the rate of taxation imposed on them should be definitely fixed—therefore,

Taxes regulated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all associations or corporations whose business is that of assurance on lives, shall be assessed and taxed for the full amount of their property and valuable assets after deducting the amount of their debts and liabilities, and that to ascertain the said amounts, a statement of the assets and debts and liabilities as they existed in the month of January preceeding such statement, shall be annually made to the assessor in the township or city where the company is located, upon the oath of the president, secretary or treasurer of said association or corporation, and no other tax or assessment shall be imposed on any such association or corporation; *provided*, that in stating the liabilities on policies, the basis of such statement shall be the then present value of such policies at the time of such statement, and not the gross amount insured thereby; *and provided*, that the amount of tax to be assessed against the Mutual Benefit Life Insurance Company, which accepted the provisions of the above recited supplement, shall not be less than five thousand dollars in any one year, nor less than the assessment on the value at the rate other property is taxed in the city of Newark, of the full amount of the mortgages held by the said company at the time of the assessment, on taxable property in said city, without any deduction therefor; *and provided also*, that the said company shall not be subjected to the foregoing provisions of this act until by an instrument duly executed under its corporate seal, filed in the office of the secretary of state of this state, it shall have signified its assent to this act.

Proviso.

Tax on Mutual Benefit Life Insurance Company.

Proviso.

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

Repealer.

Approved March 24, 1864.

CHAPTER CCLXXVII.

An Act to authorize conveyances in certain cases by married women, and to limit their liability upon their covenants.

Powers of wife when the husband is an idiot or lunatic.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any married woman whose husband may be an idiot, lunatic, or of unsound mind, or whose husband may be imprisoned in the state prison of this or any other state, upon conviction of any crime, may, at any time during the continuance of such idiocy, lunacy, unsoundness of mind or imprisonment, sell, release, transfer and convey any interest, estate or right that she may have in any property, real or personal, in the same manner and with like effect as if she were sole and unmarried, but such sale, conveyance or release shall not affect any estate or right that her husband may then have in such property.

Covenant of no force, &c.

2. *And be it enacted*, That no covenant entered into by any married woman in any deed executed by her, whether with or without her husband, shall be of any force except so far as relates to land owned by her, or in such deed stated to be owned by her in her own right, but such covenants shall estop her and all persons claiming as her heirs, or through her, in the same manner as if she were a feme sole.

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

Approved March 24, 1864.

CHAPTER CCLXXVIII.

An Act to incorporate the Hackensack Summer House Association.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Huyler, Manning M. Knapp, Garret G. Ackerson, John H. Zabriskie and John Hopper, 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 incorporated and made a body politic, in fact and in law, by the name of "The Hackensack Summer House Association," and by that name shall have power to lease or purchase and hold real estate at or near the village of Hackensack, in the county of Bergen, and to erect and maintain thereon a boarding house or hotel, and other buildings and improvements, for the accommodation of boarders and visitors, and to transact all such business as may be incident or appertaining to the erecting, furnishing, conducting or leasing said premises, or otherwise disposing of the same for the purposes aforesaid, and to mortgage or sell and convey said real estate, or any part thereof in fee simple.

Amount of capital stock.

2. *And be it enacted*, That the said corporation shall have power to raise by subscription a capital stock of fifty thousand dollars, in shares of one hundred dollars each, which shall be personal property, and 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 holder thereof to one vote, either in person or by proxy, at all meetings of the stockholders.

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 time and place in the village of Hackensack as a majority of them may appoint; and they shall convene the stockholders for the purpose of organizing said corporation; and the said stockholders when so convened may elect directors, not less than three nor more than five in number, who may appoint such officers as they shall deem necessary, and the said directors and other officers shall hold their respective offices until others are elected in their stead.

How dissolved.

4. *And be it enacted*, That the said corporation may be dissolved whenever the stockholders representing three-fourths of the amount of said capital stock shall so determine, at a meeting held for that purpose, and of which all the stockholders shall have received five days' previous notice, in writing, specifying the object of such meeting; and in such case the directors for the time being shall be trustees to sell and dispose of the property of said corporation, who shall divide the proceeds of such sale, after payment of the debts and liabilities of said corporation, pro rata, among the stockholders.

5. *And be it enacted*, That the whole amount of debts

Amount of debts.

which the said corporation shall at any one time owe shall not exceed the amount of the capital stock subscribed for, and the same or any part of said debts may, by order of the board of directors, be secured by mortgage upon said real estate.

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

Approved March 24, 1864.

CHAPTER CCLXXIX.

A Further Supplement to an act entitled "An act to incorporate the City of Hudson," approved April eleventh, eighteen hundred and fifty-five.

Boundaries of first ward.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the city of Hudson, bounded as follows: beginning at a point formed by the intersection of the centre line of Bergen Wood avenue with the centre line of Madison avenue, thence running easterly along the centre line of Madison avenue and along the line of the present main pipe of the Jersey City water commissioners to the easterly boundary line of the city of Hudson, thence southerly and westerly along the boundary line of said city to a point formed by the intersection of the southerly centre line of Bergen Wood avenue with said boundary line, thence northerly along the centre line of Bergen Wood avenue to the point of beginning, shall constitute the first ward of said city.

Boundaries of second ward.

2. *And be it enacted*, That all that part of said city, bounded as follows: beginning at a point formed by the intersection of the centre line of Bergen Wood avenue with the present main pipe of the Jersey City water commissioners, running thence westerly along the line of said main pipe to the line of the Erie railroad, thence along said railroad to Merseles lane, thence along the centre line of said lane to the westerly boundary of said city, thence along the westerly and southerly boundary line of said city to a point formed by the intersection of the southerly centre line of Bergen Wood avenue with the said boundary line, thence northerly along

the centre line of Bergen Wood avenue to the point of beginning, shall constitute the second ward of said city.

3. *And be it enacted*, That all that part of said city, bounded as follows: beginning at a point where the easterly boundary of the said city is intersected by the main pipe of the Jersey City water commissioners, thence northeasterly and northerly along said easterly boundary to the point where the same is intersected by the centre line of the Paterson plank road, thence along the centre line of said Paterson plank road to the centre of the intersection of Montgomery avenue, thence following the centre line of Montgomery avenue southwesterly to the centre line of intersection of Madison avenue, thence along the centre line of Madison avenue and the main pipe of the Jersey City water commissioners, to the place of beginning, shall constitute the third ward of said city. Boundaries of third ward.

4. *And be it enacted*, That the residue of the said city shall constitute the fourth ward thereof. Fourth ward.

5. *And be it enacted*, That the ward officers shall for each ward be as follows: two aldermen, three judges of election, as many constables as the common council shall determine by resolution passed two weeks before the election, one chosen freeholder, one assessor, a clerk who shall be clerk of election, and shall perform all other duties required by law of the clerks of the townships in this state, as far as the same are not otherwise provided for in the act to which this is a supplement, two surveyors of the highways, one poundkeeper and one commissioner of appeals; and each ward, for general purposes not provided for by this act, and the act to which this is a supplement, shall be considered a township. Ward officers.

6. *And be it enacted*, That the several ward officers, (except the aldermen, judges and clerks of election and poundkeeper,) shall be elected at the next annual charter election, and every year thereafter, except the assessors, who shall be elected, one from each of the wards of said city, at the next annual charter election, and every three years thereafter, and shall be a resident and freeholder of the ward from which he is chosen, shall hold his office for three years, and shall perform the duties in the ward from which he is chosen, which now devolve upon the two assessors for said city; said assessors shall constitute a board of assessors, and shall confer together for the purpose of regulating the valuation of property in the several wards. When to be elected.

7. *And be it enacted*, That at the next annual charter election, there shall be elected from the first ward and the third ward one alderman from each, to serve for two years Aldermen.

from the first Monday in May next, and at each succeeding charter election, there shall be elected one alderman from each of said wards, to serve for two years.

Aldermen of second ward.

8. *And be it enacted*, That at the annual charter election to be held in the year one thousand eight hundred and sixty-five, there shall be elected from the second ward two aldermen, who, at the first meeting after their election, shall decide by lot which shall hold the long term and which the short term, and the one drawing the short term shall go out of office at the expiration of the first year, and the other at the expiration of the second year, and at every charter election after the year one thousand eight hundred and sixty-five, there shall be elected one alderman from said ward to serve for two years.

Aldermen of third ward.

9. *And be it enacted*, That at the next annual charter election, there shall be elected from the fourth ward two aldermen, who at the first meeting after their election shall decide by lot which shall hold the long term, and which the short term; and the one drawing the short term shall go out of office at the expiration of the first year, and the other at the expiration of the second year; and at each succeeding charter election there shall be elected one alderman from said ward to serve for two years.

Election to be held and how conducted.

10. *And be it enacted*, That an election by ballot shall be held in each of the said wards hereby constituted, on the second Tuesday in April next, and in each year thereafter, at such places as the common council shall designate, of which the common council shall cause public notice to be given and published in the manner prescribed in the act to which this is a supplement; and the common council shall appoint three judges of election and one ward clerk in each ward hereby constituted, before the first day of April next, under whose direction the first election as aforesaid in each of said wards for the election of city and ward officers shall be conducted and the election shall be conducted in the same manner, and be subject to the same rules as are prescribed with respect to elections in the election districts of the said city as heretofore constituted; and the judges and clerks of election for the several wards shall perform the same duties in their respective wards as were required to be performed by the judges and clerks of election in the election districts; 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.

Vacancies supplied.

11. *And be it enacted*, That the present aldermen whose terms have not expired, shall hold their office as aldermen of the wards in which they respectively reside until the expiration of their terms of office, and in case of the death, resignation, removal from the ward, or other disability of any alderman, the common council shall have power to direct a special election to supply any vacancy that may occur, but the person so elected shall hold his office for the unexpired term only.

Officers to be appointed by council

12. *And be it enacted*, That the city clerk, judges and clerks of election, overseer of the poor, street commissioner, and pound keepers shall be appointed by the common council, a majority of whom shall be necessary to a choice; and the several ward officers shall be residents of the wards from which they may be elected or appointed.

Limitation of tax repealed.

13. *And be it enacted*, That so much of the thirty-fourth section of the act to which this is a supplement, as limits the common council to raise by tax not exceeding five mills on a dollar of the actual value of property assessed, be and the same is hereby repealed; and that it shall be lawful for said common council to raise by tax every year so much money as they may deem expedient for the purposes in said section indicated, and for the payment of volunteer bounty bonds; *provided*, said tax shall not exceed in any one year, ten mills on a dollar of the actual value of property assessed.

Proviso.

Commissioners of assessments.

14. *And be it enacted*, That so much of the forty-second and forty-fifth sections of the said act as required the common council, upon propositions for improvements, to appoint three commissioners to ascertain and assess the expenses of such improvements, be, and the same is hereby repealed; and it shall be the duty of said common council, in lieu of the said commissioners, as indicated in said sections, to appoint a board of commissioners for assessments, which board shall consist of three commissioners, who shall be residents and freeholders of said city, who shall take and subscribe the oath now required of commissioners of assessment by the forty-ninth section of the act, and who shall hold their offices for one year, and upon which board shall devolve the duties which were enjoined upon the commissioners in whose stead said board is hereby constituted; *provided*, that in case any one or more of the said board of commissioners shall be interested in any assessment, then the common council shall in

Proviso.

such case appoint some discreet and impartial freeholder or freeholders, residing in said city, to serve with such board on such assessment, in lieu of the commissioner or commissioners so interested.

Collector of taxes.

15. *And be it enacted*, That there shall be appointed by the common council in the same manner in which the other officers of the city are appointed a collector of revenue for said city who shall hold his office for one year, and whose duty it shall be to perform the duties of the officers of said city known as collector of taxes, collector of arrears of taxes, and collector of assessments, and such other duties as the common council may by ordinance prescribing his duties ordain; and it shall further be his duty to keep a record of all proceedings affecting the revenue of the city, and at the end of every half year from the time he enters on the duties of his office, the said proceedings shall be filed by him in the office of the city clerk, and the said collector shall pay over all moneys received by him as revenue for the city, as soon as collected, to the treasurer of said city.

Bonds to be given.

16. *And be it enacted*, That the said collector of revenue shall, before entering on the duties of his office, give bonds to the city in its corporate name, in such sums and with such security as the common council may approve, for the faithful performance of his duties; and shall also before entering upon the duties of his said office, take and subscribe an oath of office, in the manner and to the effect as in and by the eleventh section of the charter of said city is required, and file the same in the office of the city clerk, and in default thereof, or of the giving of such security as may be required of him within the time in said section limited, his said office shall thereby become vacant, and whenever any such vacancy shall occur, the common council shall appoint a suitable person to fill such vacancy.

Powers of policemen.

17. *And be it enacted*, That the officers empowered to serve process issued by the recorder shall be, besides the constables elected or appointed within the said city, the policemen of said city, and that said process shall be returned in the same manner, as far as circumstances may permit, as warrants for the arrests of persons issued out of the court for the trial of small causes are returned; and that the defendant or defendants named therein shall, if the recorder sees fit to adjourn the hearing of the charge made, and so orders, enters into recognizance as near as may be in the manner directed in the court for the trial of small causes, in the amount of the

penalty named in the process, with such surety as may be approved by the recorder, unto the mayor and common council of the city of Hudson, for his appearance on the day to which such hearing may be adjourned, and in default of such appearance, the said recognizance may be collected in the same manner as the same might have been had the said recognizance been taken in a proceeding in courts for the trial of small causes.

Fees of recorder and constables.

18. *And be it enacted*, That in all proceedings before the recorder, for the violation of any city ordinance, the officer serving the process or arresting the defendant, and the recorder, shall be entitled to receive the same fees as the constables and justices of the peace are for the like services entitled to receive, and that all such fees and charges shall be paid by the person convicted of any such violation, in addition to the penalty for the same; and in all cases of judgment rendered against the defendant for the violation of any city ordinance, if the defendant be not a resident freeholder of said city, execution for such penalty and costs shall issue against the person of such defendant, and if such penalty and costs be not forthwith paid, the recorder shall direct the constable or other officer to convey such defendant to the city prison.

Sewers, how constructed.

19. *And be it enacted*, That all proceedings for the construction of any sewer shall be commenced and carried on in the same manner, in all respects, as proceedings for the grading of streets and the paving of sidewalks are now by law commenced and carried on; and the assessment for the expenses of the same shall be made by the board of commissioners of assessments named in this act; and if the common council confirm the assessment for the construction of any such sewer, it shall constitute a lien upon the property assessed for the amount of such assessment; and all the provisions of the act to which this is a supplement, in regard to assessments, their collection and payment, shall apply to such assessment.

Streets vacated.

20. *And be it enacted*, That whenever an application shall be made to vacate any part or section of any street or avenue, and to open or widen any part or section of such street or avenue, the common council shall have power to pass an ordinance for the same; and it shall be the duty of the commissioners of assessments, in making their assessment for the expenses of such improvement, to assess as benefits to the lots of land next adjoining such part or section to be vacated,

the value of the lands to be vacated, and shall assess the expenses of the opening or widening of such part or section opened or widened in the same manner as now prescribed by law for the opening of streets, and such assessment, when confirmed, shall constitute a lien upon the property assessed, and the provisions of the act to which this is a supplement, in regard to assessments, their collection and payment, shall apply to such assessment.

Power to lay out and open streets.

21. *And be it enacted*, That the common council shall have power to pass ordinances to lay out or open streets easterly of Hudson avenue, and easterly of Palisade avenue, between Broad street and Hoboken avenue, of a less width than sixty feet; *provided*, the same be not less than thirty feet wide.

Repealer.

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

Approved March 24, 1864.

CHAPTER CCLXXX.

A Further Supplement to an act entitled "An act to incorporate the New York and Bull's Ferry Railroad."

May cross the Bergen turnpike.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That said railroad company are hereby authorized to cross the Bergen turnpike road at any point north of the southerly line of the right of way of any branch or spur of the Newark and Hoboken Railroad, that may now or hereafter be constructed from some point at or near Hoboken, to some point on the Hudson river, at or near King's Point, and to operate their road over said branch or spur, upon such terms as may be agreed upon between the company owning said branch or spur, and the New York and Fort Lee Railroad Company.

Certain privileges.

2. *And be it enacted*, That if the New York and Fort Lee Railroad Company shall purchase the road, franchises and privileges of the Hoboken and Hudson River Turnpike Company, the time for complying with the provisions of the charter and supplements thereto of said turnpike company shall be extended to the first day of December, eighteen hundred

and sixty-eight; and that the said railroad company shall have power to alter and re-locate the said turnpike road as they, the said railroad company may deem reasonable, expedient and right; *provided*, that said location shall not be established more than ten feet westwardly, at any one point of the present location of said turnpike road, nor more than ten feet eastwardly of said present location of said turnpike road, without the consent in writing of the owners of the lands over which said location may be proposed to be made; and that the combined width of said railroad and said turnpike road shall not exceed sixty feet, except where the present turnpike, as now located, shall exceed that width from Bull's Ferry to King's Point; and said road shall not be located so as to take any part of the lands of the Delaware and Hudson Canal Company, or any lands of John Meeks, west of its present location. Proviso.

3. *And be it enacted*, That all the provisions of the eleventh section of the said act entitled "An act to incorporate the Hoboken and Hudson River Turnpike Company," approved March sixteenth, eighteen hundred and fifty-seven, relative to the title or interest of the owners of any lands along the shore of the Hudson river, over or in front of which any railroad or road authorized by this act may be constructed are hereby reserved to such owner or owners as in said section set forth. Title or interest of lands reserved to owners.

4. *And be it enacted*, That from 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 capital stock of said road, 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 shall have power for that purpose at the time of the passage of such law or laws. Tax of one-half of one per cent.

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

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

Approved March 24, 1864.

CHAPTER CCLXXXI.

An Act to incorporate the Atsion and Tuckerton Railroad Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Richard C. Harris, Thomas E. French, William J. Parmentier and Theophilus T. Price, of the county of Burlington, 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 "Atsion and Tuckerton 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 three hundred thousand dollars, with liberty to increase the same to six hundred thousand dollars, which shall be divided into shares of fifty dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation shall by their by-laws direct.

Commissioners to open books.

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 and places, as they, or a majority of them may think proper, giving at least twenty days' notice of the same in three of the newspapers published in this state; and that at the time of subscribing, five per centum shall be paid upon each share subscribed for, to the commissioners, or some one of them; and when one thousand shares are subscribed to the capital stock of the said corporation, the persons holding the same shall be, and they hereby are incorporated into a company as aforesaid; and the commissioners shall give like notice for a meeting of the stockholders, to choose thirteen directors, a majority of whom 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 in-

spectors 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.

President and officers.

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.

Annual election.

5. *And be it enacted*, That annual elections for directors shall be held at such time and places as the board of directors shall hereafter direct, of which elections public notice, as above mentioned, shall be given, 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 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 possible, and public notice shall be given as before directed; and the directors for the time being shall continue to hold their offices until others shall have been chosen in their places; five directors shall be a quorum to transact all business of the said corporation, and the directors shall be authorized to call in the remaining capital stock of said company, by such installments and at such times as they may direct; *provided*, that such payments shall not exceed five dollars on each share per month; and in case of the non-payment of the said installments, or any one of them, they shall have power to forfeit such share or shares upon which such default shall arise, to and for the use of said corporation; and also to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate and effects of the said corporation, and also to appoint such officers, clerks and servants, as to them shall seem meet, and to establish and fix such salaries to them, and also to the president, as to the said directors shall appear proper.

Quorum.

Proviso.

6. *And be it enacted*, That in case the whole of the stock

May borrow money.

authorized by this act is not subscribed, then the president and directors of the said corporation shall have power to borrow the remainder from time to time for the construction of said road and for furnishing the necessary engines, cars, machinery and buildings for the uses 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, property privileges, franchises and appurtenances, of or belonging to the said corporation at an interest not exceeding seven per centum per annum; and it shall not be lawful for the said corporation to plead any statute or statutes of this state against usury, in any suit in law or equity instituted to enforce the payment of any bond or mortgage executed under this section.

Powers and duties of.

7. *And be it enacted*, That the president and directors of the said company be, and they hereby are, authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad, with a branch or branches from the main line, from some suitable point at or near Atsion, in the county of Burlington, thence through the county of Burlington, to or near the village of Tuckerton, in the same county; the said road not to exceed one hundred feet in width, with as many sets of tracks and rails as they may deem necessary; and it shall be lawful for the said president and directors, their agents, superintendents, engineers, and others in their employ, to enter at all times upon all land or water, for the purpose of exploring, surveying, levelling or laying out the route of such railroad and of locating the same, and to do and erect all necessary work buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route of such road shall have been determined upon and a survey of such route deposited in the office of the secretary of state, then it shall be lawful for said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon and take possession of, hold, have, use, occupy and excavate any such lands, and to erect embankments, bridges, piers, wharves, and all other works necessary to lay rails, and to do all other things which shall be suitable or necessary for the construction, completion or repair of the said road, subject to such

Proviso.

compensation as is hereinafter provided; *provided always*, that the payment or tender of the payment of all damages for the occupation of land through which the said railroad

may be laid out, be made; and if said owner of such land shall not see fit to receive such assessment, the amount of such assessment shall be paid into the circuit court of the county where the damages occur, before the said company or any person under their direction, or in their employ, shall enter upon or break ground in the premises, except for the purpose of surveying or laying said road, unless the consent of the owner or owners of such lands be first had and obtained.

Compensation to be made for lands.

8. *And be it enacted*, That if 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 if by the reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of the said company, in the construction of said road, shall be given in writing, under the oath or affirmation of some engineer or proper agent of the said company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said corporation to give notice thereof to the persons interested, if known and in this state, or if unknown or out of this state, to make publication thereof, as he shall direct, for any 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 service, or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested and judicious freeholders, resident in the county in which the lands or materials in controversy lie, commissioners to examine and appraise the said land or materials, and to assess the damages, upon notice, not less than ten days, to be given to the persons interested, as shall be directed by the justice making such appointment; and it shall be the duty of the said commissioners (having first taken an oath or affirmation before some person duly authorized to administer the same faithfully and impartially, to examine the matter in question, make a true report, according to the best of their skill and understanding,) to meet at the time and place appointed and proceed to view and examine the said lands or materials, and to make a just and equitable estimate or appraisement of the value of the same, and assesment of damages which shall be paid by the com-

pany for such lands and materials and damages aforesaid; the said commissioners are also directed and required to assess the damages which any individual or individuals may sustain by the said road, arising from the removal of the fencing on the line of the route of said road through any improved 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 and affirmations aforesaid, in the clerk's office of the supreme court, to remain on record therein; which report, or a copy thereof certified by the clerk of the said court, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy, the said land or materials, or of the said owner or owners to recover the amount of the said valuation, with interest and costs, in an action of debt in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall from time to time constitute a lien upon the property of the said corporation, in the nature of a mortgage; and the said justice of the said court shall on application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses to the said justice, commissioners, clerks and other persons performing any of the duties prescribed in this section of the act as he shall think equitable and right, and direct to whom the same shall be paid by the said corporation.

Parties may appeal.

9. *And be it enacted*, That in case the said corporation, or owner or owners of the said land or materials shall be dissatisfied with the report of the commissioners named in the preceding section, the party so aggrieved may appeal to the circuit court of the county wherein the lands or materials in controversy lie, at the first or second term after the filing of the said report, by proceeding in form of petition to the 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 court, to be holden in said county, upon the like notice, and in the same manner, as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the

said land or materials and damages sustained, and if they shall find a greater sum than the said commissioners have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the owner or owners, and shall find the same or a less sum than the company shall have offered, or the said commissioners awarded, then said costs shall be paid by the said applicant or applicants and either deducted out of the said sum found by the said jury or execution awarded therefor, as the said court shall direct; but such application shall not prevent the company from taking the said land or materials, upon the filing of the aforesaid report, the value or damages being first paid, or upon a refusal to receive the same upon a tender thereof, or (the owner or owners thereof being under any legal disability) the same being first paid into the court of chancery.

Construct and repair bridges.

10. *And be it enacted*, That it shall be the duty of the said corporation to construct and keep in repair good and sufficient bridges or passages over or under the said railroad, where any public or other road, now or hereafter laid, shall cross the same, so that passage of carriages, horses and cattle on the said road shall not be impeded thereby; and also, where the said road shall intersect any farm or lands of any individual, to provide and keep in repair suitable and convenient wagon ways, over or under said railroad.

May purchase and run engines, cars, &c

11. *And be it enacted*, That the president and directors of the said corporation shall have power to have constructed, or to purchase with the funds of the corporation, and to place on the said railroad, all machinery, engines, cars, wagons, carriages or vehicles for the transportation of persons or property; and they are hereby authorized to demand and receive such sum or sums of money for the transportation of persons and property thereon as they from time to time shall think reasonable and proper; *provided*, that they shall not charge more than at the rate of three cents per mile for carrying each passenger, but no charge shall be required to be less in the aggregate than ten cents; nor shall said corporation charge more than six cents per ton per mile for the transportation of any description of property, nor shall more than one-half of the above rate be charged for carrying any fertilizing material; and the said railroad, with the appendages, and the lands over which the same shall pass, and all the works and improvements, and all other property whatso-

ever belonging to the corporation, are hereby vested in the said corporation and their successors, for and during the continuance of their charter.

Dividends.

12. *And be it enacted*, That the president and directors shall declare and make such dividend of the net profits thereof, as they may deem prudent and proper from time to time.

May hold real estate.

13. *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 said road where the directors may think proper to establish a depot, not exceeding six 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 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;

Proviso.

provided, that suitable and sufficient draws shall be made over any navigable streams, so as not to obstruct the navigation thereof.

Penalty for injuring works.

14. *And be it enacted*, That if any person or persons shall wilfully or maliciously injure the said road, or any buildings, bridges, wharves, carriages, machinery, or any other works or property of said corporation, such person or persons shall forfeit or pay therefor to the said corporation three times the amount of damages sustained by means of such injury, to be recovered in the name of the said corporation with costs of suit in any court having cognizance thereof.

State may purchase road

15. *And be it enacted*, That at any time after the expiration of thirty-five years from the passage of this act, 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, and the remaining three by the said corporation, 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 corporation shall neglect or refuse to appoint the said three persons on their part, for two months after the said appointment of said chief justice, then the said three persons so appointed by him shall proceed to make the said appraisement, which shall be binding on the said corpo-

ration, 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 corporation, 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, and upon payment to the corporation 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 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, and no person who is a stockholder or stockowner in said company shall be such commissioner. Proviso.

16. *And be it enacted*, That if the said railroad shall not be commenced within three years, and completed and in use within six years, from the fourth day of July next ensuing, then, and in that case, this act shall be void. Limitation.

17. *And be it enacted*, That from 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 capital stock of said road, to be paid annually thereafter on the first Monday in January of each year, and such other tax 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. State tax to be paid.

Approved March 24, 1864.

CHAPTER CCLXXXII.

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 the same," approved the fourth day of February, one thousand eight hundred and sixty-three.

Freeholders to erect pillar.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the pillar provided for in the act to which this is a supplement, it shall be the duty of the board of chosen freeholders of each county of the state to cause to be erected an additional pillar at a point not less than one hundred feet in distance from the pillar before provided for, and upon the same meridian line, upon the summit of which shall be placed a distinctly visible needle-point, which pillar shall be guarded by the like restrictions, and protected by the same penalties, as provided for the management and protection of the pillar provided for in the act to which this is a supplement.

Hair-sight.

2. *And be it enacted*, That upon the summit of the meridian standard pillar provided for in the first section of the act to which this is a supplement, there shall be erected a hair-sight, in such a manner that a straight line passing through the centre thereof, and continued until the same shall strike the centre of the needle-point provided for in the previous section of this act, would be in and upon the line of the true meridian, running north and south.

Standard measure to be kept.

3. *And be it enacted*, That it shall be furthermore the duty of the board of chosen freeholders in each county to provide and keep a standard measure of one rod in length, by which surveyors of lands in said county may compare, test, and verify their several chains; the said standard measure to be kept under the control and in the custody of the county clerk, and to be accessible to all surveyors as aforesaid, under such restrictions and regulations as may be deemed by the said board of chosen freeholders to be compatible with the safety and proper preservation of the said standard measure.

Latitude and longitude to be marked.

4. *And be it enacted*, That it shall be furthermore the duty of the board of chosen freeholders of each county wherein the pillar provided for by the act to which this is a supplement shall have been erected, to cause to be determined the

accurate latitude and longitude of the pillar aforesaid, reckoning the latter from the meridian of Washington, and to have the said latitude and longitude marked, distinctly and legibly, in degrees, minutes, seconds and parts of seconds, on the pillar aforesaid.

Variation to be tested.

5. *And be it enacted*, That it shall be the duty of each and every surveyor engaged in surveying land within any county of this state, to test and note the actual variation of his compass from the true meridian line, at least once in every year, and to deposit a copy of the same, with the date and time of such test, and to deposit a certificate embodying the same 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; and every surveyor neglecting or refusing to comply with the provisions of this section shall be liable to the penalty of fifty dollars, to be sued for and recovered, with costs, as debts of like manner are recovered, before any justice of the peace, by the corporation of said county, or by any person, for its use and benefit, to be applied on recovery to such county uses as said corporation shall direct.

Clerk's fees.

6. *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 certificate and seal therefor, the county clerk shall be allowed the same fees as are now allowed by law for similar services in regard to other matters of record in his office, the said fees to be paid by the parties presenting the same for record, or demanding abstracts or copies, or the drawing of said certificate and the affixing of said seal.

Approved March 24, 1864.

CHAPTER CCLXXXIII.

An Act relative to reports of the town committee and the election of overseers of the highways of the township of Acquackanonk, and the township of Wayne, in the county of Passaic.

Annual reports to be made.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committees of the township of Acquackanonk, and the township of Wayne, in the county of Passaic, shall make out their annual reports and set up a copy of the same, together with a copy of the annual reports of the overseers of the poor, and an abstract of the annual reports of the superintendents of schools in said townships, in three public places in said townships, at least five days before each annual town meeting in said townships, and the said overseers and superintendents shall file their respective reports with the clerk of the township committee at least ten days before such town meetings.

Overseers of roads.

2. *And be it enacted*, That the legal voters in the several road districts in the said township of Acquackanonk, and said township of Wayne, shall elect overseers of the highways in their respective districts at two o'clock in the afternoon on the Saturday next preceding each annual town meeting in said townships.

Elections for overseers.

3. *And be it enacted*, That the overseers of the highways in each road district in said townships shall give ten days previous notice of the time and place of holding every such election, by notice set up in three public places in said district; the places of holding the first election after the passage of this act shall be fixed by the overseer of each district and at the first and every subsequent election, the place for holding the next succeeding annual election for such overseer, shall be fixed by the voters of the district present at such election.

Election, mode of voting.

4. *And be it enacted*, That when assembled at the time and place of meeting for such election, the legal voters of each road district in said township shall, by viva voce, by show of hands, or by count on a division, choose a chairman to preside at such election, and proceed in the same manner to elect the overseer of the highways of said district; and such chairman shall certify the result of such election to the

township clerk of said township, at the next succeeding annual town meeting in said township.

5. *And be it enacted*, That if any road district in said township shall neglect or refuse to elect an overseer of the highways for said district, as required by this act, or if any such overseer shall remove or die, or become unable to discharge the duties of his office, or in case of a vacancy in such office from any other cause, it shall be the duty of the township committee of said township to appoint an overseer of the highways of said district from among the legal voters thereof, to serve during the unexpired term. Vacancy, how filled.

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

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

Approved March 24, 1864.

CHAPTER CCLXXXIV.

A Supplement to the act entitled "An act to incorporate the Washington Aqueduct Company," approved January twentieth, Anno Domini, eighteen hundred and thirty-one.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That in order to enable the president and directors of the Washington Aqueduct Company to procure additional water, water courses, and necessary lands for reservoirs, and to lay down new pipes and erect such fixtures as may be necessary for the preservation and use of the water, it shall be lawful for the present stockholders of the said company to create a new stock to be divided into shares of twenty-five dollars each, and to increase the capital stock of said company to twenty thousand dollars. May create new stock.

2. *And be it enacted*, That the directors of the said company, or a majority of them, shall have power and authority to open books and receive subscriptions for the new stock so created, and dispose of the same, and to call upon the subscribers for such new stock for the payment of installments in such sums, at such times, and under such forfeitures, as a May open books.

majority of the directors may deem expedient, until the whole amount of shares subscribed for shall have been fully paid; *provided*, the said installments shall be at least fifteen days apart, and shall not be called for in larger sums at any one time than five dollars on each share of stock subscribed for, and ten days' previous notice, in writing, of the payment of each installment shall be given by putting up such notices signed by the president of said company in three of the most public places in the village of Washington.

Proviso.

New and old stock.

3. *And be it enacted*, That each share of the new stock so created and disposed of as aforesaid when the same shall have been fully paid up, shall be deemed of equal value to one share of the old stock now held by the stockholders of said company.

Proceedings in case company and owners cannot agree.

4. *And be it enacted*, That if it should become necessary in the opinion of the said directors to lay pipes through any private lands or the lands of any corporation in the county of Warren, or if any private lands shall be required for erecting reservoirs or other works thereon, and no agreement can be made with the owner or owners thereof as to the amount of compensation to be paid for the laying said pipes through the said lands, or the price of such lands, as the case may be, by reason of the unwillingness of said owners, or any of them, to accept such compensation or price as the said directors may deem reasonable, or by reason of the absence or legal disability of said owners, or any of them, and the said owners, or any of them, shall refuse to refer or submit the question of such compensation or damages to arbitration in the manner provided for in the eleventh section of the act to which this act is a supplement, it shall be the duty of either of the justices of the supreme court of this state, upon the application to him by said directors, or on their behalf, and after ten days previous notice in writing of such application to the persons or corporation interested, if known and in this state, or if unknown or out of the state, after publication thereof for any time not less than twenty days in a daily newspaper printed in the city of Trenton, to appoint three disinterested appraisers from the county of Warren, to determine the compensation to be paid for the laying said pipes through said land, or the price to be paid for said lands, as the case may be; and it shall be the duty of the said appraisers (after having taken an oath or affirmation faithfully and impartially to discharge the trusts herein reposed in them, and after having carefully viewed the premises) within

twenty days after their appointment, to deliver to said directors a written appraisement under the hands and seals of them, or a majority of them, of the award they have made, containing a full description of the lands through which the pipes are to be laid, or of the lands required for the erection of reservoirs or other works which appraisement the said directors shall cause to be recorded in the registry of deeds for the county of Warren; and upon payment or tender by the said directors to such owner or owners as aforesaid, or some one of them, of the sum awarded in such appraisement, if any, then the said directors shall have the right to lay said pipes through the lands aforesaid, or the said company shall be deemed seized in fee simple of the lands required for the erection of the said reservoirs or other works as aforesaid; and in case any owner or owners of such lands shall be a feme covert, under age, non compos mentis, or out of the state, then and in every such case it shall be sufficient for said directors to pay the amount which may have been appraised as aforesaid into the court of chancery of this state subject to the order of said court for the use of the party or parties entitled to the same; the costs of all such proceeding shall be taxed by the said justice of the supreme court, and paid by the said directors.

Parties may appeal.

5. *And be it enacted*, That in case the said directors or the owner or owners of the said land shall be dissatisfied with the award of the appraisers mentioned in the preceding section, and shall apply to the justices of the supreme court, at the next term after filing the said award, the court shall have power, on good cause shown, to set the same aside, and thereupon to direct a proper issue for the trial of the said controversy to be formed between the said parties and to order a jury to be struck, and a view of the premises to be had, and the said issue to be tried at the next circuit court to be holden in said county of Warren upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land or damages aforesaid sustained, and if they shall find a greater sum than the said appraisers shall have awarded in favor of the said owner or owners, then judgment therefor, with costs, shall be entered against 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 directors shall have offered or the said appraisers awarded, then the said costs to be paid by said

applicant or applicants, and either deducted out of the said sum found by the said jury or execution awarded therefor as the court shall direct, but such application shall not prevent the directors from taking, or laying pipes through, said lands upon the award of the appraisers, the value or damages being first paid, or, upon a refusal to receive the same upon a tender thereof, or the owner or owners thereof being under any legal disability, the same being first paid into the court of chancery.

May make contracts, lay down pipes, &c.

6. *And be it enacted*, That for the purpose of effectually supplying with water the village of Washington, its vicinity and the inhabitants thereof, it shall and may be lawful for the said company, and they are hereby empowered, to make contracts with persons and corporations for the supply, use and preservation of water, and to erect, construct and maintain all works necessary and convenient for the purposes of this act and the act to which this act is a supplement, and to lay down pipes and other conduits, and to erect and construct hydrants and fire plugs in the streets, alleys, lanes and other places in the village of Washington, and in the highways of the township of Washington, in the county of Warren, and to do all things necessary to furnish the said village of Washington and its vicinity, and the buildings, streets and other places with water; *provided*, that the public travel upon the said highways, streets, lanes and alleys shall at no time be unnecessarily obstructed or impeded in the laying, altering or repairing of pipes, or the erection and construction of fire plugs or hydrants, or other necessary or proper work, and after the completion of any work the streets, side and cross-walks shall be left in as good condition as the same were before the commencement of any such work; and no private lands shall be in any way injured or defaced without permission from the owner or owners thereof.

Penalty for injuring works.

7. *And be it enacted*, That if any person shall wilfully do or cause to be done any act or acts whatever to injure the water or any engine, machine, reservoir, pipe, fire plug, hydrant, structure or fixture whatsoever, or anything appertaining to the works of the said company, or whereby the same may be obstructed, stopped or injured, or shall wilfully and maliciously draw off or waste the water from any fire plug or hydrant, every person so offending shall be deemed guilty of a misdemeanor, and on being thereof convicted shall be punished by fine not exceeding five hundred dollars or imprisonment in the county jail for any time not exceeding six months, or both; *provided*, that such criminal prosecution

Proviso.

shall in nowise impair the right of action for damages by civil suit, and the said company are hereby authorized to bring an action and recover damages by a civil suit for any such injuries aforesaid, by and in the corporate name of the said company, in any court in this state having cognizance of the same.

8. *And be it enacted*, That the president and directors of the said company shall declare and make such dividends as they may from time to time deem prudent and proper out of the net profits of the said water works; and the said company shall cause to be kept at their office proper books of accounts, in which shall be fairly and truly entered all the transactions of the company, which books shall be at all times open, within the usual hours of business, for the inspection of the stockholders. Dividends.

Approved March 24, 1864.

CHAPTER CCLXXXV.

An Act to repeal the charter of "The Keyport Dock Company," approved February nineteenth, eighteen hundred and fifty-one, and to vest the property of said corporation in "The Keyport and Middletown Point Steamboat Company."

WHEREAS, the said "The Keyport and Middletown Point Steamboat Company," have become by purchase and are now the owners of all the property, franchises and stock of said "The Keyport Dock Company," and whereas, it is inconvenient and unnecessary that two organizations should continue—therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the charter of the said "The Keyport Dock Company," be and the same is hereby repealed. Charter repealed.

2. *And be it enacted*, That all the property, franchises and privileges of the said "The Keyport Dock Company," be and the same are hereby vested in the said "The Keyport and Middletown Point Steamboat Company," which last mentioned company is authorized to demand, take, sue for, Transfer of property, &c.

and recover reasonable wharfage, demurrage, rent or dockage, of and from any steamboat, vessel or other craft using the same, and from all persons who may use the said docks, in any way whatever, and shall also be authorized to recover for any damage that may be done to the same; *provided*, that this act shall not impair the legal rights of any other persons or authorize any hindrance to the navigation.

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

Approved March 24, 1864.

CHAPTER CCLXXXVI.

An Act authorizing the inhabitants of Fislerville School District, Number Three, in Clayton Township, Gloucester County, to raise money for school purposes.

Power to raise money.

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 legal voters of Fislerville School District, Number Three, in the township of Clayton, in the county of Gloucester, on the first Monday of April, in each and every year, when met for the election of trustees, to ascertain by a plurality of votes how much money shall be raised by taxation within the said school district for the purpose of maintaining public schools, and also for building school house or school houses;

Proviso.

provided, that such sum of money shall in no case exceed the sum of one thousand dollars annually, and it shall be the duty of the school trustees, or a majority of them, to certify to the assessor of the township of Clayton, the sum voted by the said district to be raised, and the said assessor shall assess a poll tax of not less than one dollar, nor more than six dollars, on all the taxable inhabitants of said school district sufficient to raise one half of the sum so ordered, and on all land liable to be taxed therein, in the same manner and at the same time as township taxes are assessed to constitute the other half of all moneys voted to be raised by the legal voters of said school district for the purposes aforesaid which land assessment shall be levied as hereinbefore de-

scribed, and collected in the same manner that other township taxes are collected.

Collector to pay over money.

2. *And be it enacted*, That it shall be the duty of the collector of Clayton township, to pay the tax money which he shall have received under the direction of this act to the town superintendent of said township, who shall pay the same on the order of the trustees for the benefit of the public school or schools, or for the building of school house or houses in said district.

May build school houses.

3. *And be it enacted*, That it shall and may be lawful for the trustees of said district to use the whole or any part of the public school money on hand, or that may be due them from year to year, from State or Township, for the purpose of building school house or houses, whenever the legal voters shall order it so at their annual district meeting by a two-third vote.

Fees.

4. *And be it enacted*, That the said assessor and collector of said township of Clayton, shall each be entitled to receive the sum of five cents per name upon all taxable inhabitants of said school district named in the duplicate.

Annual report

5. *And be it enacted*, That the trustees of the said district shall make a report in writing to the next meeting of the inhabitants when met to elect trustees of each successive year, of the amount of money so raised, and the manner in which the same has been disbursed.

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

Approved March 24, 1864.

CHAPTER CCLXXXVII.

An Act to incorporate the Pemberton and Hightstown Railroad Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George F. Fort, Samuel Stockton, Rescarrick M. Smith, Benjamin Reed, Nathaniel S. Rue, Gilbert S. Lawrie, Richard H. Conover, John S. Irick, Job H. Gaskill, Joseph K. Hulme, Colin B. Meirs, James S. Giberson, Richard Waln, Harrison G. Wright, and

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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 Pemberton and Hightstown 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.

Capital stock.

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 one million of dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation shall by their by-laws direct.

Commissioners to open books.

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 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 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 void 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.

Duty 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 installments and at such times as they may direct, and in case of the non-payment of said installments or any one of them, to forfeit the share or shares upon which such default shall arise; *provided*, that no such installment shall exceed five dollars per share, and that no two installments shall be required within twenty days of each other.

Proviso.

Powers and objects.

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 the borough of Pemberton, in the county of Burlington, to the borough of Hightstown, in the county of Mercer, connecting at Pemberton with the terminus of the Burlington county railroad, and at or near Hightstown, with the Camden and Amboy Railroad, and passing en route through or near the villages of Wrightstown and Cookstown, in Burlington county, the villages of New-Egypt and Hornerstown, in Ocean county, and of Fillmore and Imlaystown, in Monmouth 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 company may deem necessary.

Route of road.

Proviso.

May enter on lands, &c.

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 said route of such railroad, and of locating the same, and to make and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route of such road shall have been determined upon, and a survey of such route deposited in the office of the secretary of state, then it shall 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.

Proviso.

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 description of the land so required for the use of the said company, in the construction of said road, shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown or out of this state, to make publication thereof as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of the commissioners, hereinafter named; at which time, upon satisfac-

tory 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 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 of the land, 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;

Proviso. *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.

Parties may 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, 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 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

Proviso. 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, 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 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 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 commisioners.

Shall construct and repair bridges.

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 sailroad.

May purchase and run engines and cars

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; 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.

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 improve-

ments 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.

May make 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, merchandize, freight or passengers, and to enforce the fulfillment of such contracts.

Penalty for injuring 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.

When to commence.

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.

Statement to be filed.

17. *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 state of this state, and annually thereafter the president and treasurer of the said company shall under oath or affirmation, make a statement to the legislature of this state, of the pro-

ceeds of said road, and from 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 capital stock of said road, 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 shall have power for that purpose at the time of the passage of such law or laws.

May borrow money.

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

Proviso.

State may take road at valuation.

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 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 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 said road, upon pay-

ment 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 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.

Limitation.

20. *And be it enacted*, That if the said railroad shall not be commenced within three 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.

Who to ride free.

21. *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 travelling for the purpose of discharging the duties of their offices, and the members of both houses of the legislature of this state, during their annual or other sessions, shall pass and repass on the railroad of said company, in their cars, free of charge.

Approved March 24, 1864.

CHAPTER CCLXXXVIII.

An Act entitled an Act to incorporate the Essex County Agricultural Society.

Corporate name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Redmond, James H. Halsey, John P. Wakeman, Prosper P. Shaw, Daniel C. Otis, Stephen W. Tichenor, Edward Gardner, Aaron Raymond, James W. Field and Owen Doremus, and their associates and successors, shall be, and they are hereby constituted a body politic and corporate by the name of "The Essex County Agricultural Society."

Laws and regulations.

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 desig-

nation of the officers of said society, and the election of the same, for prescribing their respective functions, and the mode of discharging the same, and generally for the transacting, managing and directing the affairs of the said society; *provided*, 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 shall hold their exhibitions on the premises lately used and occupied by the Essex County Driving Park Association, in said county, and at no other place, and that the said corporation shall acquire the said premises by lease or purchase, and use, hold, possess and enjoy such other real and personal estate as they shall deem necessary 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*, that the real and personal estate so held by the said society at any one time shall not exceed in cost and value the sum of fifty thousand dollars. Exhibitions. Proviso.

4. *And be it enacted*, That the principal object of said society shall be to improve the condition and breed of stock, and also to encourage and improve the agricultural, horticultural, and the mechanical and manufacturing arts of the state. Object.

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

Approved March 24, 1864.

CHAPTER CCLXXXIX.

An Act to authorize the inhabitants of the township of Shrewsbury, in the county of Monmouth, to raise bounty moneys.

WHEREAS, the inhabitants of the township of Shrewsbury, in the county of Monmouth, in this state, did, at the last annual town meeting of said township, vote to raise by tax a township bounty of two hundred dollars for each volunteer, who should hereafter be placed to the credit of said township in the present quota of the township for troops for the service of the United States—therefore, Preamble.

Acts of township legalized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the acts and doings of "the inhabitants of the township of Shrewsbury, in the county of Monmouth," to raise by tax a township bounty of two hundred dollars for each volunteer mentioned in the preamble of this act, are made valid and legal in all respects and binding upon the inhabitants and taxable property in said township.

Amount certified.

2. *And be it enacted*, That the township committee of said township or a majority thereof, shall immediately after the passage of this act ascertain and certify in writing to the assessor of said township the amount of money necessary to be raised for the payment of said bounty.

May provide for payment by taxation.

3. *And be it enacted*, That the said amount of money shall be assesed and raised by a poll-tax and a tax on the real and personal property taxable in said township.

Poll tax.

4. *And be it enacted*, That the said poll-tax shall be the same as that now directed to be raised by the statutes of this state, and the remainder of said money shall be assessed in the same proportion as the ordinary town and county taxes are now assessed.

Duty of assessor defined

5. *And be it enacted*, That it shall and may be lawful for the assessor of said township and the said assessor is hereby directed and required to assess as aforesaid, at the same time that the other taxes of said township are assessed during the present year, and in addition thereto, such amount of money as shall be certified to him by the town committee of said township or a majority of them as aforesaid, which amount of money so assessed shall be levied and collected by the same persons, in the same manner, at the same time, and under like fees, fines and penalties, as the other township taxes are levied and collected.

Duty of collector.

6. *And be it enacted*, That the collector of said township shall pay said money when collected, to the township committee of said township and said township committee shall immediately apply and appropriate said moneys towards the payment of said bounties.

Regulation.

7. *And be it enacted*, That all the laws of this state in relation to taxes, not inconsistent with the provisions of this act, shall apply to the taxation of the above named bounty moneys.

Public act.

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

Approved March 24, 1864.

CHAPTER CCXC.

An Act to legalize certain acts of the township of Hamilton, relative to raising money to pay bounties to volunteers, and to provide for the payment of the same.

WHEREAS, the inhabitants of the township of Hamilton, in the county of Atlantic, did on the thirteenth day of February, Anno Domini eighteen hundred and sixty-four, vote to pay a bounty of two hundred dollars to each person volunteering to fill the quota of said township under the calls of the President of the United States; and whereas, it is doubted whether the said inhabitants have authority under the existing laws of this state to offer said bounty or borrow money for the payment of the same—therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said township of Hamilton be authorized to provide for the payment of said bounties by issuing their bonds or township orders, bearing interest at the rate of six per centum per annum, and payable at such times as the township committee of said township may determine; *provided*, that not more than three thousand dollars shall be raised for the purpose of paying said bonds or orders in any one year, including the interest thereon. Committee may issue bonds. Proviso.

2. *And be it enacted*, That the acts and doings of the township committee, and of the inhabitants of the said township of Hamilton, mentioned in the first section of this act, under and by virtue of the powers vested in them by the town meeting aforesaid, to pay bounties to volunteers as aforesaid, to fill the quota of the said township, are valid in all respects and binding upon the inhabitants and taxable property of said township. Acts legalized

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

Approved March 24, 1864.

CHAPTER CCXCI.

An Act to incorporate the Palisade Railway Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Henry James Anderson, Joseph B. Miller, Henry Day, John B. Van Woert, Joseph Coyte, John H. Hallette and John McMichael, and such other persons as may hereafter be associated with them, their successors and assigns, be and are hereby created a body corporate and politic, in fact and in law, by the name of "The Palisade Railway Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient for the objects of this incorporation; and such estates therein, whether real or personal, shall vest and continue in said incorporation during the continuance of its charter.

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, which shall be divided into shares of twenty-five dollars each, and be deemed personal property, transferable in such manner as the said corporation shall by their by-laws direct.

Commissioners to open books.

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 shall think proper, giving at least two weeks' notice of the same in any newspaper published in the county of Bergen, and in any newspaper published in the county of Hudson, and at the time of subscribing to said stock, ten per centum shall be paid, upon each share subscribed for, to the said commissioners or some one of them; and when twenty thousand dollars shall be subscribed, the commissioners or a majority of them shall call a meeting of the stockholders, upon like notice as above, to choose seven directors, or as many more as may be deemed advisable, not exceeding thirteen, a majority of whom shall be residents of this state; the election shall be held in either of the counties in which said railway may be located, 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 above named corporators or a majority of them shall be inspectors of said election of the first directors of said corporation, and shall certify under their hands the names of the directors duly elected, and deliver over to them the subscription books and the money paid in, after deducting their expenses and a reasonable compensation for their services; and that annually thereafter, upon like notice being given by the directors for the time being, the stockholders shall in the same manner elect the same number of directors, a majority of whom shall be residents of this state; and the time and place of holding the first meeting of directors shall be fixed by the persons named in the first section of this act or a majority of them; and the directors chosen at any of the elections of said corporation shall, as soon as may be after every election, choose out of their own number, a president, who shall be a resident of this state, and in the case of the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year in which they may happen, by a majority of said directors, and in the absence of the president a majority of said directors may appoint a president, pro tempore, who shall have such powers and functions as the by-laws of said company shall provide.

Election of directors.

4. *And be it enacted*, That in case it shall happen that an election of directors should not be held at the time when according to this act it should have been held, said corporation shall not for that cause be deemed dissolved, but such election may be held at any other time on notice as aforesaid, and the officers and directors for the time being shall continue in office until others shall be elected in their stead.

Not void for failure to elect

5. *And be it enacted*, That a majority of the directors of said corporation shall constitute a quorum and be competent to transact all business; and they shall have power to call in the remainder of said capital stock by installments not to exceed twenty per centum on each share, by giving two weeks' previous notice in any newspaper published in the county of Bergen, and in any newspaper published in the county of Hudson, but no two installments shall be required to be paid within two weeks of each other; and in case of the non-payment of such installments they may forfeit the shares upon which such default shall arise.

Quorum.

6. *And be it enacted*, That the said directors shall have

Powers. power to prescribe such rules and regulations touching the management of the stock, property, estate, effects and business of the said company, and to appoint such officers, agents and employees and to fix such salaries or compensation for them as they shall deem expedient.

May lay out road. 7. *And be it enacted*, That said company be and are hereby authorized to enter on, survey, lay out, construct and operate a railway to commence at some point at or near the Bull's Ferry road or highway, as the same may run, whether in the county of Hudson or Bergen, which said road or highway extends from Bull's Ferry, in Hudson county, to the English Neighborhood, in Bergen county, and running from at or near said Bull's Ferry road or highway, northerly to a point in or near the village of Coytesville, and not beyond, the limits of said railway to be bounded westwardly, by a line as nearly straight as practicable, situated within a half mile's distance of the most westwardly adjacent shore of the Hudson river; the entire route of said railway after it leaves Hudson county, being in the township of Hackensack, and county of Bergen.

May construct road. 8. *And be it enacted*, That said company be and are hereby empowered to locate and construct said railway and appurtenances, not exceeding sixty-six feet in width, unless it be necessary for constructing slopes, embankments, turn outs, way depots, way stations, or other way structures, and then not more than one hundred feet in width, with as many sets of tracks or rails as may be deemed necessary.

May enter on lands. 9. *And be it enacted*, That it shall be lawful for said company, its officers, agents and employees to enter at all times on lands and waters for the purpose of exploring, levelling, surveying and laying out the route of such railway and locating the same or altering such location, doing no unnecessary damage to private or other property; and when the route and location of said railway shall have been determined, it shall be lawful for said company, its officers, agents, and employees to enter upon, take possession of, hold, use, occupy and excavate such lands and premises, and to erect embankments, bridges, viaducts and all other necessary works and appliances thereon, and to lay rails and do all other things which may be suitable or necessary for the construction, maintenance and operation of said railway, and to carry into full effect the objects of this act; and the said company may take, use and appropriate any stone, gravel, sand, clay, earth or material on or near the route of said railway; *pro-*

vided, that payment shall first be made to the owners of and parties interested in the lands and premises or materials taken for the purposes of this act upon such terms as are hereinafter provided. Proviso.

10. *And be it enacted*, That if said company or its agent or agents, cannot agree with the owner or owners of such required lands, premises or materials, or with any party lawfully interested therein, for the use or purchase thereof, or if by reason of the legal incapacity or absence of any owner or party interested no such agreement can be made, a particular description of the lands and premises so required for the use of said company in the construction and operation of said road, shall be given in writing, under the oath or affirmation of the engineer or proper agent of said company, and also the name or names of the occupant or occupants, if any there be, and of any owner or party interested, and their residence, if the same can be ascertained, to one of the judges of the inferior court of common pleas of the county where said lands, premises or material are situated, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown or out of this state, to make publication thereof, as he shall direct for any time not less than fifteen days and to assign a particular 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, residents of this state, commissioners to examine and appraise said lands and assess any damages sustained by any owner or person interested by reason of taking the same, upon such notice, of not less than fifteen days, to be served personally or by publication as aforesaid, as shall be directed by the judge appointing such commissioners; 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 premises, and, taking into consideration all benefits to be derived from or in consequence of said railway to said owner or person interested, to make a just and equitable appraisement or estimate of the value of said lands so taken and an Proceedings in case of non-agreement with owners.

assessment of any damages incurred, to be paid by said company; said report shall be made in writing, under the hands and seals of said commissioners, or any two of them, and filed within twenty days thereafter, together with the aforesaid description of the lands and the appointments and oaths or affirmations aforesaid, in the clerk's office of the county in which such lands and premises are situated, to remain of record therein, which report, or in case of an appeal, the verdict of the jury and the judgment of the court thereon, or a copy thereof certified by the clerk of said county, damages and costs being first paid as hereinafter mentioned, shall at all times be considered as plenary evidence of the right of said company to have, hold, use and occupy, possess and enjoy said lands and premises; and either of the judges of the court of common pleas of the county in which said land, premises or material are situated, shall, on application of either party, on reasonable notice to the other party or parties, tax and allow such costs, fees and expenses, to the judges, commissioners, clerk, or other person performing any of the duties prescribed by this section, as he shall deem equitable and just, and direct by whom the same shall be paid.

Appeal, how taken.

11. *And be it enacted*, That in case said company or any owner of or person interested in said lands and premises or material shall be dissatisfied with the report made by the commissioners mentioned in the preceding section, the party so aggrieved may appeal to the circuit court of the county in which the lands, premises or materials so required are situated, by petition to the said court, to be filed with the clerk thereof within ten days after the filing of the report of the commissioners aforesaid, and notice in writing of such appeal shall be served upon the opposite party within ten days after the filing of said petition, which proceeding shall vest in said circuit court full right and power to direct a proper issue for the trial of said controversy, and to order a jury to be empannelled and sworn as in other causes, and a view of the premises to be had, if either of the parties desire it, and the issue to be tried at the next term of said court to be holden in said county, upon like notice and in the same manner as other issues in the said court are tried, and it shall be the duty of the jury to assess the value of said land, premises or material, 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 parties, owners or person

interested, then judgment thereon with costs shall be entered against said company, and execution awarded thereon, and if said appeal shall be applied for by the said owners or parties interested, and if the jury shall find the same sum that the commissioners awarded or the company offered, or a less sum than either, then the said costs shall be paid by the said applicants and be deducted out of the said sum found by the said jury, or execution may be issued therefor, as the court shall direct; and the sum awarded by the commissioners, or in case of an appeal from the award of the commissioners, then the sum assessed by the jury, and such costs as the court shall direct, shall be paid by the company to the owners of or parties interested in the land, premises or material in controversy, if they so require, or into the court of common pleas, to the clerk thereof, in the county in which such lands are situated, if any party refuse to accept the same, and any party entitled to receive the amount awarded by the commissioners may apply for and receive the same without being thereby debarred from the appeal hereby provided.

Proceedings when owner is unknown.

12. *And be it enacted*, That said company shall obtain from every owner of or party interested in any land or premises not in controversy, consent in writing, and from every owner of or party interested in any land or premises in controversy, or where legal incapacity or absence, of any unknown owner or party interested exists, authority to enter upon or acquire such lands or premises, in the mode hereinbefore pointed out, before said company, its officers or employees shall enter upon or break ground on any lands or premises, except to survey and lay out said railway, and where, by reason of their being such legal incapacity or absence, or such unknown owner or party interested, the compensation awarded in such instance by the commissioners cannot be paid to such owner or party interested, the same shall be paid into the court of common pleas, to the clerk thereof, of the county in which said land and premises or material are situated, subject to the order of the court, to be invested, as the court shall direct, during such disability, absence or unknown ownership or interest, and to be paid out to the party or parties interested, upon any proper application therefor.

May hold real estate.

13. *And be it enacted*, That in accordance with the foregoing provisions said company may also acquire, have, hold, possess and occupy such real estate or interest therein, at or near the commencement or termination of said railway, and at such other important points along the line of the same as

may be necessary for the construction, maintenance and operation of said railway, or for the convenient transaction of business, not exceeding one acre in each place, and may erect depots, warehouses and such other structures, and make such improvements thereon as they may deem expedient for the safety of property, their own or consigned to their charge, and for the necessary uses appertaining to the business and operation of said railway.

Consent of township committee to be obtained.

14. *And be it enacted*, That said railway may be constructed along any public road or highway within its route upon obtaining the consent in writing of the township committee of the township in which said route may extend, or a majority of them, and wherever said railway is located on or across any highway the said company shall, as soon as may be, restore such highway to such state or condition as not to impair its usefulness, and such railway and the rails thereof shall be constructed and maintained in such manner, and the rails thereof of such size and pattern, as to impair as little as practicable ordinary travel on such highway; and where the said railway intersects any farm or other lands, said company shall provide and keep in repair suitable and convenient passages and wagon ways over or under the same, and should the said railway intersect any other railroad, or any other railroad intersect this railroad, the company so intersecting shall cause such crossing to be made so as to do the least injury possible to each, and keep the same in repair.

Map and profile to be made and filed.

15. *And be it enacted*, That whenever said railway shall be finally located, said company shall cause a topographical map and profile of the same to be made, on a scale of not less than ten inches to the mile, showing what lands are taken, which map and profile shall be accompanied with a written abstract of the alignment of the centre line of said railway; said map shall be certified to under oath by the engineer of said company, and be filed within one year from the completion of the location of said road, and one such map, comprising the whole of said railway, shall, within like period, be filed of record in the clerk's office of Bergen county, and a like map of such portions of said railway as may run within the county of Hudson shall be filed of record, within like period, in the clerk's office of said county.

May purchase and run engines, cars, &c

16. *And be it enacted*, That said company shall have power to construct or have constructed, or to purchase with the funds of said company and place and use on said railway, or any part thereof, cars, engines, wagons, carriages or vehicles

for their own use or for the transportation of passengers, or any species of property for hire, to be operated by such motive power as they may deem expedient and proper, but no steam power shall be used except such as is known as "the steam passenger car," or "Dunning engine."

Rates of transportation.

17. *And be it enacted*, That said company be and are hereby authorized to demand and receive such sum or sums of money for the transportation of persons or property over their said railway as they, from time to time, shall think reasonable and expedient; *provided*, they shall not charge more than five cents per mile and fifteen cents per ton per mile for the transportation in the carriages of the company, of heavy merchandize and produce usually weighed by the ton, and for dry goods, packages, light articles, coin or bullion and express freight such reasonable rates as the company shall deem proper, or four cents per mile for every passenger, ten cents per mile for every ton carried on said road in the carriages of others, and four cents per mile for every empty carriage not the property of the company, and the road authorized by this act shall be and is hereby declared to be 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*, the carriages used thereon shall be of the same description in the formation of the wheels and length of axle and otherwise reasonably similar to those used by the company and propelled by like power, and shall be regulated as to time of running, starting and rates of travelling by the company in the same manner as the carriages of the company are.

Proviso.

Proviso.

May make contracts with other companies.

18. *And be it enacted*, That it shall be lawful for the said persons named in the first section of this act, their associates, successors or assigns, constituting said corporation, at any time during a continuance of its charter, to make contracts and engagements with any other corporation or corporations or with individuals for constructing, maintaining or operating said railway, for transporting or conveying passengers and any kind of freight, and to enforce the fulfilment of such contracts, and also to demand and receive for the transportation of all passengers and freight by them carried or transported over the road of any other company, the same rates of fare and tolls as they may be entitled to demand and receive by virtue of this act for transportation and passage over their own road, and that said company may on such

terms, conditions and stipulations and for such considerations as they shall deem expedient, demise for a term of years or transfer, sell and dispose of absolutely, all or any part of the franchises, powers and privileges by this act granted, and all or any part of said railway and all or any part of its land, franchises, and property to be acquired under or by virtue of this act, either by contract or due proceeding to take the same, and any part of its rolling stock, equipments and appendages to the "Hoboken and Weehawken Horse Railroad Company," or to any other railroad company owning and operating a railroad in the counties of Bergen or Hudson, and this railroad and company may be continued and connected, joined and consolidated, in fact and in law, with said "Hoboken and Weehawken Horse Railroad Company," or with such other railroad and company and with its property and organization, and the "Hoboken and Weehawken Railroad company," or such other railroad and company, may and is hereby authorized to be continued and connected, joined and consolidated, in fact and in law, with this railway and company and with its property and organization; *provided always*, that such consolidation and combination shall not be hereby authorized or allowed if the same would in anywise prevent or impair the public facilities and convenience for transportation and passage intended to be secured by this act on the line of the route of the said railway hereby authorized.

Proviso.

May borrow money and pledge road and franchises.

19. *And be it enacted*, That the said corporation be and are hereby authorized at any time during the continuance of its charter to borrow such sum or sums of money, from time to time, and for such time, as shall be necessary to build, maintain, repair or operate said railway, or to furnish the said company with all necessary rails, buildings, cars, vehicles, engines and animals, equipments, appendages and appliances for the uses and objects of said corporation, and to secure the payment thereof by bond, mortgage, pledge, trust or conditional sale on or of said road, its lands, franchises, apparatus and apparel, property and appurtenances, evidences of debt, securities and choses in action, but no such bond, mortgage, pledge, trust or conditional sale shall be made at any rate of interest exceeding seven per centum per annum, nor shall the same be made or disposed of at any rate less than ninety per centum of par value without the consent by a two-third vote of the stockholders of said company, and any negotiation or transaction thereof, at any rate

of interest, discount or deduction duly authorized and certified by such two-third vote, shall not be invalidated by the reason of the rate of interest, discount or deduction thus authorized, nor shall any person or corporation incur any penalty therefor.

Dividends.

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

Statement to be filed.

21. *And be it enacted*, That as soon as the said railroad shall be finished, the president of the company shall file under oath or affirmation, a statement of the amount of the costs of the said railroad, including all expenses, in the office of the secretary of state; and annually thereafter, he shall under oath or affirmation, make a statement to the legislature of the state, of the proceeds and expenses of said railway, and, from 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 capital stock of said road, to be paid annually 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 shall have power for that purpose, at the time of the passage of such law or laws.

Who to ride free.

22. *And be it enacted*, That the governor, the chancellor, the attorney-general, the justices of the supreme court and of the court of errors of this state and the state superintendent of schools, when travelling for the purpose of discharging the duties of their office, and members of both houses of the legislature of this state, during its annual or other sessions, may pass and repass upon said railway in the cars of the company, free of charge.

Penalty for injuring works.

23. *And be it enacted*, That if any person shall wilfully or maliciously injure said railway or any building, works, engines, machinery, animals or other property of the said corporation, such person or persons so offending shall forfeit and pay therefor to the corporation three times the amount of damage 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.

Limitation.

24. *And be it enacted*, That from and after the fourth day of July, eighteen hundred and seventy, this act shall become void as to so much of said railway as shall not be then completed and in use; and in case the said company, after the

road is completed, shall abandon the same or any part thereof, or cease to use and keep it or such part thereof, in repair, for the period of one year, then and in that case the franchises granted to said company shall be annulled, and the title to the lands and premises over which said railway is located shall revert to the person or persons who would have been legally entitled thereto if this said railway had not been located; *provided however*, that if such abandonment or failure to use or repair shall be caused by the acts of the state or general government of the United States, or by public enemies during war, invasion, riot or insurrection, such forfeiture shall not inure for the period of such interruption and one year thereafter; and in case of forfeiture the superstructures of said railway, its equipments, appliances, appendages, shall be deemed and taken to be personal property of said company or their assigns, and shall be by them removed and disposed of within six months after such forfeiture, or in default thereof, the same shall be forfeited and pass to the public authorities of the township in which said railway is situated.

Proviso.

May be appraised at end of fifty years, and taken by the State.

25. *And be it enacted*, That at any time after the expiration of fifty years from the passage of this act, the legislature of this state may cause an appraisement of said railway and appendages to be made by six persons, three of whom shall be appointed by the chief justice of the state for the time being, and the remaining three by the said company, who, or a majority of them, shall report the value thereof to the legislature within one year of their appointment, or if they cannot agree they shall choose a seventh person, who, with the aforesaid six or a majority of them, shall report as aforesaid; or in case the said company shall neglect or refuse to name said three persons on their part for two months after the appointment by the chief justice, then the three persons so appointed by him shall proceed to make such appraisement, which shall be binding upon said company, and in case the said six commissioners, appointed as aforesaid, cannot agree upon the seventh person, then, upon two weeks' notice to the said company, the said chief justice shall appoint such seventh man, who, with the aforesaid six or a majority of them, shall report as aforesaid, and thereupon the state shall have the privilege for two years of taking said railway, upon payment to the company or their assigns of the amount of said appraisal 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 said road and the appendages thereof shall be vested in the state of New Jersey, upon the payment to the said company or their assigns of the amount so reported; *provided*, that the valuation of said road and appendages shall in no case exceed the first cost thereof. Proviso.

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

Approved March 24, 1864.

CHAPTER CCXCII.

An Act concerning Chattel Mortgages.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every mortgage, or conveyance intended to operate as a mortgage, of goods and chattels hereafter made, which shall not be accompanied by an immediate delivery and followed by an actual and continued change of possession of the things mortgaged, shall be absolutely void as against the creditors of the mortgagor, and as against subsequent purchasers and mortgagees in good faith, unless the mortgage, or a true copy thereof, shall be filed as directed in the succeeding section of this act. When to be valid.

2. *And be it enacted*, That the instruments mentioned in the preceding section shall be filed in the clerk's office of the county wherein the mortgagor, if a resident of this state, shall reside at the time of the execution thereof, and if not a resident, then in the clerk's office of the county where the property so mortgaged shall be at the time of the execution of such instrument; *provided*, that in any county where the office of register of deeds exists, or may hereafter be created, such instruments shall be filed in the office of such register; and such clerks and registers are hereby required to file all such instruments presented to them respectively for that purpose, and to endorse thereon the time of receiving the same, and shall deposit the same in their respective offices, to be kept there for the inspection of all persons interested. Mortgage to be filed in clerk's office or registry of deeds. Proviso.

3. *And be it enacted*, That every mortgage filed in pursuance of this act shall cease to be valid as against the creditors of the person making the same, or against purchasers or mort- Limitation.

gagees in good faith, after the expiration of one year from the filing thereof, unless within thirty days next preceding the expiration of the said term of one year, a true copy of such mortgage, together with a statement exhibiting the interest of the mortgagee in the property therein claimed by him by virtue thereof, shall be again filed in the office of the clerk or register aforesaid, of the county where the mortgagor shall then reside, or in case of non-residence, of the county where the things mortgaged shall then be.

How far copy evidence.

4. *And be it enacted*, That a copy of any such original instrument, or of any copy thereof, so filed as aforesaid, including any statement made in pursuance of this act, certified by the clerk or register in whose office the same shall be filed, shall be received in evidence, but only of the fact that such instrument or copy and statement was received and filed according to the endorsement of the clerk or register thereon, and of no other fact; and in all cases the original indorsement by the clerk or register, made in pursuance of this act upon such instrument or copy, shall be received in evidence of the facts stated in such indorsement.

To be numbered and alphabetted.

5. *And be it enacted*, That the said clerks and registers shall, respectively, number every such instrument which shall be filed in their offices, and shall enter in books to be provided by them, alphabetically, the names of all the parties to such instruments, with the number endorsed thereon opposite to each name, which entry shall be repeated alphabetically under the name of every party thereto.

Fees.

6. *And be it enacted*, That for services under this act the clerks and registers shall be entitled to receive the following fees: for filing each instrument or copy, six cents; for entering the same in a book as aforesaid, six cents for every party to such instrument; for searching for each paper, six cents, and for certified copies of such instruments or copies, the like fees as are allowed by law to clerks of counties for copies and certificates of records kept by them.

Approved March 24, 1864.

CHAPTER CCXCIII.

An Act to authorize the inhabitants of the township of Howell, in the county of Monmouth, to raise money.

Preamble. WHEREAS, The inhabitants of the township of Howell, in the county of Monmouth, did, at a special town meeting held in said township on the twenty-third day of February, anno domini eighteen hundred and sixty-four, by a unanimous vote, resolve that the township committee of said township be authorized and empowered to borrow the sum of seven thousand dollars, or so much thereof, as should be necessary to pay a bounty of two hundred and fifty dollars to each volunteer mustered into the United States military service from said township, and that said sum should be raised by tax in said township; and whereas, the said township committee, in pursuance of said resolution, have borrowed the said sum of seven thousand dollars; and whereas, there is doubt expressed whether, according to existing laws, it would be lawful to raise the amount so borrowed by such tax and assessment without legislation for that purpose had—therefore,

To provide for payment by taxation. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the assessor for the time being of said township of Howell, under the direction of the township committee of said township of Howell, shall proceed to assess the said sum above mentioned, in the same manner and at the same times as other township and county taxes are or shall be by law assessed in said township upon the real and personal estate of the taxpayers of said township, and shall hand the duplicates of said assessment to the collector of said township, who shall proceed to collect the same at the same time and in the same manner as the said other taxes shall be by law collected; *provided always*, that the said sum of money above mentioned shall be assessed and collected within the period of four fiscal years, of such township, next hereafter, and only one-fourth thereof in each year. Proviso.

To determine how to raise money. 2. *And be it enacted*, That the inhabitants of said township of Howell, at their annual town meetings during said term, shall be empowered to direct, by a majority vote of the persons qualified to vote at such town meetings, that such part

of said sum as they may order shall be raised by poll tax upon said inhabitants.

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

Approved March 24, 1864.

CHAPTER CCXCIV.

An Act appointing Commissioners for a Sinking Fund, and defining their duties.

Two commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be nominated by the governor of this state, and appointed by him with the advice and consent of the senate, two persons, who shall be citizens of and residents in this state, to be "Commissioners of the Sinking Fund," who shall hold office for the term of three years.

How appointed and must give bond.

2. *And be it enacted*, That before any Commissioner of the Sinking Fund shall enter upon the duties of his office, he shall give bond payable to the state of New Jersey, in such sum and with such sureties as the governor, attorney general and treasurer, or a majority of them shall approve, conditioned for the faithful performance of the duties of his office, and he shall also take and subscribe an oath or affirmation in the following words, viz.: "I, , appointed a Commissioner of the Sinking Fund of New Jersey, do solemnly promise and swear, (or affirm,) that I will, to the utmost of my knowledge and ability, well, honestly and faithfully perform the duties of the office of "Commissioner of the Sinking Fund" of said state, and that I will not on any pretence or occasion apply any money or securities which shall come to my hands as belonging to the Sinking Fund of said state, to any private use or purpose, (so help me God,) or, I will;" which said bond and oath so subscribed, shall be filed in the office of the secretary of state.

What moneys to be paid over to them

3. *And be it enacted*, That all sums of money which shall hereafter be raised by virtue of any law of this state for the purpose of liquidating either the principal or interest, that is, or shall become due on the loan of this state, authorized by

the act entitled "An act authorizing a loan for the purposes of war, to repel invasion, and suppress insurrection, and appropriating the same, and providing for the payment thereof," approved May tenth, eighteen hundred and sixty-one, and the supplements thereto, shall, within ten days after the same has been received by the treasurer of the state, be paid by him to the Commissioners of the Sinking Fund, and the same shall be applied by them to constituting a sinking fund towards the payment of the principal and interest of said loan.

May invest funds.

4. *And be it enacted*, That the said commissioners shall apply all moneys and valuable securities that may come to their hands towards the extinguishment of the war debt of the state, created by virtue of said act last recited, and the supplements thereto, and they are hereby empowered and required as speedily as possible, to invest any moneys they may receive from the treasurer on good mortgage securities, and they may purchase good bonds, preferring the bonds of this state, and of the several counties, townships, boroughs and cities of the same, and may from time to time sell and assign the same for the benefit of said fund, and they shall reinvest the interest received; *provided*, that no money shall be invested by them without the written consent and approval of the governor, attorney-general and treasurer, or a majority of them, nor shall any securities be assigned or otherwise disposed of without such consent and approval endorsed thereon.

Proviso.

Account to be kept, and annual report to be made.

5. *And be it enacted*, That it shall be the duty of said Commissioners of the Sinking Fund to keep an account of all moneys received by them, and the time and manner of their investment, and annually, on or before the fifteenth day of December, to transmit to the governor for the use of the legislature a full statement of the condition of the fund on the thirtieth day of November then next preceding, and a report of all their transactions during the fiscal year, together with such recommendations and suggestions respecting said fund, as to them may seem important.

Appropriation

6. *And be it enacted*, That out of said fund the said Commissioners shall punctually pay the interest that shall from time to time accrue on the bonds of the state, issued by authority of the act and supplements thereto, hereinbefore referred to, and shall also liquidate the principal of said state bonds at maturity; and if at any time purchases of the bonds of the state are made by said Commissioners, they may in their discretion, cancel any of the said bonds that may not have

become due at the time of such purchase; *provided*, the governor, attorney-general and treasurer, or a majority of them shall give their written consent and approval.

Vacancies filled.

7. *And be it enacted*, That in case of the death, resignation or removal from the state of any Commissioner of the Sinking Fund, or in case either of said Commissioners shall become otherwise disqualified to execute the duties of his office during the recess of the legislature, it shall be the duty of the governor to appoint some fit person to execute the duties of the office, until the governor during the next session of the legislature shall nominate, and the senate shall confirm, some person to fill the vacancy, who shall hold the office for the unexpired term only.

When treasurer to pay over moneys.

8. *And be it enacted*, That the treasurer of this state shall within ten days after the Commissioners of the Sinking Fund first appointed, shall qualify and give bond according to the provisions of this act, pay over to them for the purposes aforesaid, all moneys in his hands, and assign to them any bonds in his possession belonging to said fund, and their receipt for the same shall be a sufficient voucher for the treasurer.

Salary of commissioners.

9. *And be it enacted*, That each Commissioner of the Sinking Fund shall receive an annual salary of four hundred dollars to be paid in quarterly payments out of the war fund on the warrant of the governor.

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

Approved March 25, 1864.

CHAPTER CCXCV.

An Act for the better security of titles to land sold by sheriffs or other officers.

When sheriff or auditors must make oath and form of oath.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when a sheriff, or other officer or auditors in attachment, shall make sale of any lands or real estate, in pursuance of a decree, judgment, execution or order of any court, the said sheriff, officers or auditors shall make and sign an affidavit, endorsed on or added to the con-

veyance therefor, before the chancellor, one of the justices of the supreme court, or a master in chancery, for which the said chancellor, justice or master shall be entitled to a fee of one dollar, to the effect following, viz.: I. A B, sheriff, &c., do solemnly swear (or affirm) that the land and real estate described in this deed made by me to C D, was by me sold by virtue of a good and subsisting execution (or order) as is therein recited, that the money ordered to be made has not been to my knowledge or belief paid or satisfied, that the time and place of the sale of said land and real estate was by me duly advertised as required by law, and that the same was cried off and sold to a bona fide purchaser for the best price that could be obtained.

A B, Sheriff.

Sworn (or affirmed) before me one of the &c., on this day of , A. D. , and I having examined the deed above mentioned do approve the same and order it to be recorded as a good and sufficient conveyance of the land and real estate therein described.

E F.

Which said conveyance, approved by the said chancellor, justice, or master may be recorded as if duly acknowledged and the said conveyance or the record thereof, or a certified copy of such record, shall be evidence of a good and valid sale and conveyance of said land and real estate, as if the same had been reported to and approved by the court in pursuance of whose decree, judgment, execution or order the same was made.

2. *And be it enacted*, That the conveyance of any land or real estate sold by any sheriff or other officer, or by auditors, in pursuance of a decree, judgment, execution or order of a court, heretofore or hereafter made and duly acknowledged or approved, and the record thereof, or a certified copy of such record, shall be good and sufficient prima facie evidence of the truth of the recital, in the said deed or conveyance contained. When sale valid.

3. *And be it enacted*, That when a conveyance of any land or real estate sold as aforesaid, shall hereafter be duly made and acknowledged, or approved as aforesaid, or shall have been heretofore duly made and acknowledged more than seven years before the same shall be offered in evidence, no evidence shall be received or be of any force or avail against any bona fide purchaser holding under such conveyance, or his heirs or assigns, that the execution had not been duly re- Limitation.

corded before it was delivered to the sheriff, or that the sale of said land or real estate had not been duly advertised, or that the money recovered or ordered to be made by the decree, judgment, or execution, had been paid before the sale, unless the payment or satisfaction of such decree, judgment or execution, shall have been entered of record before said sale.

Approved March 25, 1864.

CHAPTER CCXCVI.

An Act to incorporate the Elizabeth and Newark Horse Railroad Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Benjamin Williamson, Joseph P. Bradley, Richard P. Haines, Amos Clark, Jr., Joseph Cross, William J. Magie, John Chetwood, Anthony Q. Keasby, Joseph C. Young, John McGregor, Joseph Battin, and such other persons as may hereafter be associated with them shall be, and are hereby made, constituted and declared a body politic and corporate, in fact and in law, by the name of "The Elizabeth and Newark 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.

Capital stock.

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

Commissioners to open books.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books, to receive subscriptions to the capital stock of said corporation at such time or times, and place or places, in the city of Elizabeth or Newark, or both, as they or a majority of them think proper, giving at least twenty days notice of the same, in one newspaper published in each of the cities of Newark and Elizabeth respectively; and at the time of subscribing

ten per centum of the value of each share subscribed shall be paid to the commissioners, or one of them; and as soon as thirty thousand dollars of the capital stock shall be subscribed, said commissioners shall give like notice for a meeting of the stockholders, to choose seven directors, a majority of whom shall be residents of this state, and citizens thereof, and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for the purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote; and the above-named persons, or any three of them, shall be inspectors of the first election of directors of the said corporation, and shall certify under their hands, the names of the persons duly elected; and deliver over the subscription books and all moneys paid in (after deducting all expenses previously incurred), to such 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.

Mode of organization.

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 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.

Not void for failure to elect.

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 installments, and at such times as they may direct, and in case of the non-payment of such installments, or any of them, to forfeit the share or shares upon which such default shall arise, or at their option to sue for and recover the installments due and unpaid; to make such by-laws, rules and regulations as shall appear proper, concerning the business of said corporation, and to appoint

Payment of installments.

such officers, clerks and servants, and fix for them such salaries and wages as to them shall seem proper.

Route of 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 Broad street, within the boundaries of the city of Elizabeth, at or near the present depot of the New Jersey Railroad and Transportation Company, on Morris street; thence along Broad street and the Newark road to the boundary of the said city; thence through such streets and roads as are now or may hereafter be opened in the township of Clinton and city of Newark, in and to such terminus in the city of Newark as shall be selected by said corporation, not being north of Chestnut street in said city of Newark; *provided*, that the right to construct the said railroad through any of the streets or roads within the city of Elizabeth shall not vest in the said corporation until the consent of the city of Elizabeth shall be first had and obtained of the city council.

Proviso.

Track regulations. 7. *And be it enacted*, That the track laid by said corporation shall be of the same width as the wagon track now established by law, and the same shall be laid, in all streets within the limits of said cities of Newark and Elizabeth, level with the surface of said streets, and in conformity with the grades thereof, which now are or hereafter may be established by the municipal authorities of said cities 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.

May hold real estate. 8. *And be it enacted*, That the said corporation may purchase, have and hold real estate at each terminus of said road, and at such places, not exceeding two, along the line of said road, as they may desire, not however exceeding three acres at each place, or twelve acres in the aggregate, and may erect and build thereon houses, depots, warehouses, stables, machine shops, and such other buildings and improvements as may be necessary for carrying out the objects of the said corporation.

Dividends. 9. *And be it enacted*, That the president and directors of said corporation shall declare and make such dividends as they may deem prudent and proper, from time to time, out of the net profits of the said railroad.

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

said corporation shall have power to purchase, or to have constructed, with the funds of said corporation all such machinery, cars, wagons, carriages or other vehicles, for the transportation of persons or property on their railroad, as they may think fit, expedient or right, and also to purchase such horses or mules as they shall deem fit for the purpose of said corporation; *provided however*, that no steam power shall be used as a motive power upon said railroad, except that known as the dummy engines; 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 thirteen cents shall be demanded or received for conveying any person from any one point to another upon said railroad.

May purchase cars, wagons, &c.

Proviso.

Proviso.

11. *And be it enacted*, That if any person or persons shall willfully 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.

Penalty for injuring works.

12. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money, from time to time, as shall be necessary to build, construct, repair or equip said road, and to secure the payment thereof, by bond and mortgage or otherwise, on the said railroad, lands, privileges, franchises and appurtenances of the said corporation, at a rate of interest not exceeding seven per centum per annum.

May borrow money.

13. *And be it enacted*, That it shall be lawful for said corporation at any time to make contracts and engagements with any other corporation, or with individuals, for operating said railroad, for transporting or conveying any kind of goods, merchandise, freight or passengers, and to enforce the fulfillment 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 city of Newark, or in said city of Elizabeth, now incorporated, or hereafter to be incorporated, upon such terms and conditions as may be agreed upon

May make contracts.

between them, and not inconsistent with their respective charters.

Statement to be filed.

14. *And be it enacted*, That as soon as the said railroad is finished, the president of said corporation shall file, under oath or affirmation, a statement of the cost 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 the proceeds and expenses of said road; and as soon as said corporation shall declare to the stockholders dividends equal to seven per centum per annum from and after the commencement of the building of said road, and so long as said corporation pays dividends of seven per centum per annum, said corporation 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.

Subject to the provisions of the ordinances of city of Elizabeth.

15. *And be it enacted*, That said company shall, within the limits of the city of Elizabeth, in all things be subject to the provisions of the charter and ordinances of said city now or hereafter to be in force; whenever any street or road in said city, occupied by said company with their tracks or turnouts, shall be paved by order of the city council, the said company shall pay the cost and expense of paving between the rails of their tracks and turnouts, and three feet on the outer side of said rails, the said cost and expense to be assessed upon the said company as directed by the city charter for assessing the cost and expense of paving any street in said city, and the said assessment shall become a lien upon the property of said company within the said city, in the same manner that similar assessments are a lien upon real estate therein; and that whenever the said company shall occupy with their tracks or turnouts any street within said city, which before the time of such occupation had been paved, they shall pay to the said city such amount of the cost and expense of said pavement as may have been expended in paving between the rails of said tracks and turnouts, and three feet on the outer side of said rails, and shall relay said pavement, and place the same in as good repair as the same was at the time of such occupation by them; the said money shall be paid by the said city to the persons owning property along said street at the time of said payment, proportionately to the amount of the whole original cost and expenses of said

pavement actually paid by the owners of said property; and further, that said company shall keep the pavement between their rails and three feet on the outer side thereof in repair, at their own expense.

16. *And be it enacted*, That the governor, chancellor, judges of the supreme court, and members and officers of the legislature, be entitled to ride free on said road. Who to ride free.

17. *And be it enacted*, That it shall be competent for the legislature of this state to alter, amend or repeal this act or any portion thereof. May be altered or repealed

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

Approved March 25, 1864.

CHAPTER CCXCVII.

Supplement to an act entitled "An act to authorize the sale of lands limited over to infants, or in contingency, in case where such sale would be beneficial."

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That whenever it shall appear to the satisfaction of the chancellor, that the lands embraced in any proceedings now pending, or hereafter to be commenced, under the act to which this is a supplement, should be sold in parcels and at different times, the chancellor may, whenever and as often as it shall satisfactorily appear to the court that the interests of the owners require, or will be promoted by a sale of any part or parts of the said lands, order and direct a sale of such part or parts thereof to be made by the master in such way and manner and with such restrictions, limitations of price and credit for purchase money as shall be deemed expedient, and every such sale shall be reported to the chancellor, as directed in the fourth section of the act to which this is a supplement, and such proceedings may be had thereon, as are directed in said act to be taken upon a sale of lands. When chancellor may order sale of lands.

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

Approved March 25, 1864.

CHAPTER CCXCVIII.

An Act to authorize the township of Kingwood, in the county of Hunterdon, to raise money by taxation, to relieve the inhabitants of said township from the burden of a draft.

When township meeting to be called.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever it shall be necessary in the opinion of the township committee of the said township of Kingwood, to hold a special town meeting for the purpose specified in this act, it shall be the duty of the clerk of said township to give notice thereof in writing under his hand, mentioning the time, place and object of such meeting, to be set up at ten or more public places in said township, for the space of ten days before the time appointed for such meeting.

May vote to raise money.

2. *And be it enacted*, That it shall be lawful for the inhabitants of the said township to meet at the time and place specified in such notice, and to raise by assessment on the polls and taxable property in said township, such sum as a majority of those present, and voting at such town meeting, shall decide to be necessary and proper, not less than one hundred and sixty voting for the same, for the purpose of relieving the inhabitants of said township from the burden of a draft, and such sum as shall be ordered to be raised by the vote at such town meeting, shall be assessed and raised by a poll tax on all married men of fifty cents each and on all unmarried men of one dollar each, on each and every three thousand dollars so assessed on said township, and in the same proportion on all fractions of the said three thousand dollars, and the remainder of the said money shall be made by assessment on the taxable property in said township.

Amount to be raised by assessment and taxation.

3. *And be it enacted*, That it shall be the duty of the assessor of the said township, within ten days after such special town meeting shall be held, to assess the sum which said town meeting shall order to be raised, and the expense incident to the assessing, collecting and paying out of the same, upon the polls and upon the real and personal property of the tax payers of said township according to the valuation thereof at the regular assessment made next before such special town meeting, and to deliver the assessment or a duplicate thereof to the collector of the said township; and

the collector of said township shall, within ten days after he shall receive the same, demand payment of the tax or sum assessed on each individual in said township, in person or by notice left at his or her place of residence, and shall also within that time give notice by advertisements put up in at least five public places in said township, that if any of the persons against whom such assessment is made shall neglect or refuse, for the space of three weeks after the date of said notice to pay the tax assessed against him, her or them, they will be regarded as delinquents, and be proceeded against accordingly; and in case any of the persons against whom any assessment shall be made under this act, shall neglect or refuse to pay his, her or their tax, within three weeks from and after the date of the notice to be given by the collector, they shall be deemed delinquents, and the said collector shall within three days after the expiration of the time limited herein for the payment of the said taxes, make out a list of such delinquents with the amount of tax assessed against each delinquent, and remaining unpaid, and deliver the same to any justice of the peace of said township, and the justice of the peace to whom such list of delinquents is delivered, shall, within three days after the same is delivered to him, issue his warrant in the same manner and form as he is now directed and required by law for the collection of taxes due from delinquent tax payers, and shall deliver said warrant to the collector of said township who shall proceed to execute it in the same manner that he is now required by law to execute the ordinary tax warrant.

Fees of assessor and collector.

4. *And be it enacted*, That the assessor for making the assessment authorized by this act, shall receive four cents for each name on the duplicate, and the collector shall receive twelve cents for each name on the duplicate for collecting said tax and paying out the same, and the justice of the peace to whom the list of delinquents shall be delivered, shall receive the sum of three dollars for the services required of him by this act.

Appropriation.

5. *And be it enacted*, That it shall be the duty of the said collector, as soon as he shall collect the said tax, to pay out the same for the purpose of relieving the inhabitants of said township from the burden of a draft, in such manner as shall have been directed by the said town meeting.

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

Approved March 25, 1864.

CHAPTER CCXCIX.

A Supplement to an act entitled "An Act to incorporate the Passaic County Agricultural Society," approved February twenty-eighth, eighteen hundred and sixty-two.

Special constables, their duties and 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 upon and about the grounds of the Passaic county agricultural society, 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 an oath before the sheriff of the county of Passaic, 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 Passaic, 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 power 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 fairs or exhibitions or rules and regulations of said society; 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 the city of Paterson, there to be dealt with according to law.

Repealer.

2. *And be it enacted*, That the proviso contained in the third section of the act to which this is a supplement, be and the same is hereby repealed; *provided*, that the exemption mentioned in the fourth section of said act shall not apply to any property of said society, beyond and exceeding the amount thereof, in cost and value, authorized by said act.

Proviso.

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

Approved March 25, 1864.

CHAPTER CCC.

An Act to authorize the township of Delaware, in the county of Hunterdon, to raise money by taxation to relieve the inhabitants of said township from the burden of a draft.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever it shall be necessary, in the opinion of the township committee of the said township of Delaware, to hold a special town meeting for the purpose specified in this act, it shall be the duty of the clerk of said township to give notice thereof in writing under his hand, mentioning the time, place and object of such meeting, to be set up at ten or more public places in said township, for the space of ten days before the time appointed for such meeting. When township meeting to be held.

2. *And be it enacted*, That it shall be lawful for the inhabitants of the said township to meet at the time and place specified in such notice, and to raise by assessment on the polls and taxable property in said township such sum as a majority of those present and voting at such town meeting shall decide to be necessary and proper, not less than two hundred and twenty-five voting for the same, for the purpose of relieving the inhabitants of said township from the burden of a draft, and such sum as shall be ordered to be raised by the vote at such town meeting, shall be assessed and raised by a poll tax on all married men of fifty cents each and on all unmarried men of one dollar each, on each and every four thousand dollars so assessed on said township, and in the same proportion on all fractions of the said four thousand dollars, and the remainder of the said money shall be made by assessment on the taxable property in said township. May vote to raise money.

3. *And be it enacted*, That it shall be the duty of the assessor of the said township, within ten days after such special town meeting shall be held, to assess the sum which said town meeting shall order to be raised, and the expense incident to the assessing, collecting and paying out of the same, upon the polls and upon the real and personal property of the tax payers of said township, according to the valuation thereof at the regular assessment made next before such special town meeting, and to deliver the assessment or a duplicate thereof to the collector of the said township; and the collector of said township shall, within ten days after he shall Duty of assessor defined. Duty of collector.

receive the same, demand payment of the tax or sum assessed on each individual in said township, in person or by notice left at his or her place of residence, and shall also within that time give notice by advertisements put up in at least five public places in said township, that if any of the persons against whom such assessment is made shall neglect or refuse, for the space of three weeks after the date of said notice, to pay the tax assessed against him, her or them, they will be regarded as delinquents, and be proceeded against accordingly; and in case any of the persons against whom any assessment shall be made under this act shall neglect or refuse to pay his, her or their tax within three weeks from and after the date of the notice to be given by the collector, they shall be deemed delinquents, and the said collector shall, within three days after the expiration of the time limited herein for the payment of the said taxes, make out a list of such delinquents, with the amount of tax assessed against each delinquent and remaining unpaid, and deliver the same to any justice of the peace of said township, and the justice of the peace to whom such list of delinquents is delivered shall, within three days after the same is delivered to him, issue his warrant in the same manner and form as he is now directed and required by law for the collection of taxes due from delinquent taxpayers, and shall deliver said warrant to the collector of said township, who shall proceed to execute it in the same manner that he is now required by law to execute the ordinary tax warrant.

Fees.

4. *And be it enacted*, That the assessor, for making the assessment authorized by this act, shall receive four cents for each name on the duplicate, and the collector shall receive twelve cents for each name on the duplicate for collecting said tax and paying out the same, and the justice of the peace to whom the list of delinquents shall be delivered, shall receive the sum of three dollars for the services required of him by this act.

How applied.

5. *And be it enacted*, That it shall be the duty of the said collector, as soon as he shall collect the said tax, to pay out the same for the purpose of relieving the inhabitants of said township from the burden of a draft, in such manner as shall have been directed by the said town meeting.

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

Approved March 25, 1864.

CHAPTER CCCI.

An Act to incorporate the Phœnix Locomotive and Manufacturing Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph B. Stewart, Joseph C. Todd, Samuel Smith, Hypolite Uhry and Philip Rafferty, successors and assigns be and they are hereby created a body politic in fact and in name, by the name of the "Phœnix Locomotive and Manufacturing Company," for the purpose of manufacturing locomotives and stationary and steam engines, woolen, cotton, linen and silk machinery, and fabrics composed of the same, and for that purpose may purchase and hold all real estate necessary for the conducting said business.

Capital stock.

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

Who to open books.

3. *And be it enacted*, That the persons above named, or any three of them shall open books to receive subscriptions to the capital stock of said corporation, at such time or times, place or places, in the county of Passaic as they may think proper, giving notice thereof, for at least two weeks in one newspaper published in the city of Paterson, and that as soon as one hundred thousand dollars of said stock is subscribed and paid, or satisfactorily secured to be paid, the commissioners shall, by like notice, call the first meeting of the stockholders for the purpose of organizing said company.

Five directors.

4. *And be it enacted*, That the business of said corporation shall be managed by five directors, all of whom shall be stockholders, one of whom shall be president, who shall hold their office for one year, and until others are elected in their stead, and every year thereafter at such time and place in the city of Paterson, 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 either in person or by proxy for every share of stock he or she may own.

By-laws.

5. *And be it enacted*, That the directors of said corporation shall have power to make by-laws for the management and

government of said corporation, and may appoint such subordinate officers as the business of said corporation may require.

Stock personal estate.

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

Where books to be kept.

7. *And be it enacted*, That the regular books of accounts of said corporation 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 examining the same.

Restrictions.

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 the fourteenth day of February, eighteen hundred and forty-six, so far as the same are applicable.

Approved March 29, 1864.

CHAPTER CCCII.

An Act to authorize the township of Franklin, in the county of Warren, to raise money by taxation to liquidate liabilities for the payment of bounties to volunteers and drafted men.

Preamble.

WHEREAS, the township of Franklin, in the county of Warren, have incurred liabilities for the payment of bounties to volunteers under the several calls made therefor by the president of the United States, on the faith of said township, and request that their action in the premises may be sanctioned and legalized by the legislature; therefore,

Acts legalized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any debt or liability incurred, or that may be incurred, under the authority of a previous vote of the inhabitants of said township of Franklin, and any bond, note or other security or evidence of indebtedness that has been given, to secure the payment of liabilities incurred or that may be incurred for the payment of bounties to vol-

unteers in pursuance of any vote of the inhabitants of said township heretofore had, or which may hereafter be had, under the previous calls of the president for volunteers, and including liabilities for bounties to recruits in lieu of the draft ordered by the president of the United States to be made on the tenth day of March next, shall be as valid and effectual as if the contracting of such debt or liability, or the making of such bond, note, security or evidence of indebtedness, had been expressly authorized by law prior to the making of such contract or security, or the contracting of such debt or liability.

When township may pay $300.

2. *And be it enacted*, That if the said township shall fail to raise the full quota by the tenth day of March next, by volunteers, that then it shall be lawful for the township committee of said township of Franklin, in accordance with a vote of the inhabitants of said township in special town meeting duly assembled, to pay to each drafted man who shall be accepted by the government the sum of three hundred dollars, said amount so expended to be binding upon the inhabitants and property of said township, as any other bounty.

Poll tax, and balance by assessment.

3. *And be it enacted*, That it shall be lawful to raise by assessment of a poll tax of five dollars on each male inhabitant of said township over the age of twenty-one years, and the balance of said indebtedness by assessment or assessments, on the taxable property of said township, at the same time and in the same manner that other taxes are assessed and collected therein, money to pay said debts or liabilities, and the interest thereon in such proportion of said debts or liabilities, from year to year, as the township committee may direct, until said debts and liabilities shall be fully satisfied and paid.

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

Approved March 25, 1864.

CHAPTER CCCIII.

Supplement to the Act entitled "An Act to incorporate Atlantic City," approved March third, eighteen hundred and fifty-four.

Charter election, when held.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the charter election of Atlantic

City, as provided for in section four of the act entitled "An act to incorporate Atlantic City," approved March third, eighteen hundred and fifty-four, be held on the second Wednesday in March, in each year, instead of the time as now authorized by the act to which this is a supplement.

Two wards. 2. *And be it enacted*, That the said city shall hereafter constitute two wards; that portion of the city lying north of Pennsylvania avenue shall be designated "North Ward," and that portion lying south of said avenue to be designated "South Ward."

Officers. 3. *And be it enacted*, That hereafter the city shall elect the following general or city officers, viz.: one mayor, one recorder, one alderman, one treasurer, one marshal, and one school superintendent, who shall hold their offices respectively for one year.

Other officers. 4. *And be it enacted*, That there shall be elected in each of the said wards, three councilmen, one chosen freeholder, two judicious freeholders, one judge of election, one assessor, one collector, one constable, one overseer of the poor, and one school trustee; and the duties of the officers authorized to be elected in this and the preceding section shall be the same as they now are, as provided for by the act to which this is a supplement.

How long to hold office. 5. *And be it enacted*, That the officers above enumerated elected at the last election in said city, held in November last, shall hold over until the first election held under this supplement.

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

Approved March 29, 1864.

CHAPTER CCCIV.

An Act to legalize a special town meeting held in the township of Franklin, in the county of Hunterdon, on Wednesday, the ninth day of March, eighteen hundred and sixty-four, for the purpose of raising money for volunteers.

Preamble. WHEREAS, The inhabitants of the township of Franklin, in

the county of Hunterdon, did hold a special town meeting on the ninth day of March, eighteen hundred and sixty-four, to authorize the town committee to raise money for volunteers; and whereas, it is necessary that an act should be passed by the legislature to legalize the raising of said money; therefore,

Township committee may borrow money.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of the township of Franklin, in the county of Hunterdon, are hereby authorized, directed and empowered to borrow for and on account of the inhabitants of said township an amount of money not exceeding sixteen thousand one hundred and fifty dollars, for the purpose of paying bounties to persons who shall volunteer to fill any quota of said township and be accepted by the government, under the several calls of the president for volunteers.

Note or bonds binding.

2. *And be it enacted*, That any promissory note, bond, or other evidence of indebtedness given by the town committee of said township for money borrowed for the purpose aforesaid, shall bind the inhabitants of said township in their corporate capacity.

May provide for payment by taxation.

3. *And be it enacted*, That the money thus expended shall be assessed at the next annual town meeting after the same is borrowed, in the same manner that other taxes are assessed and collected; or if the said town committee should deem it expedient to issue bonds bearing lawful interest, payable at any period not exceeding five years by gradual taxation, the said town committee shall have full power and authority so to act, and when collected, to be paid to the town committee of said township, and by them applied to the payment of the money thus raised.

Committee to procure volunteers.

4. *And be it enacted*, That the town committee of said township appoint two voters, residents of said township, and the committee are hereby appointed a committee to procure volunteers to fill up the deficiency under the several calls aforesaid, and that they be instructed to procure the said volunteers upon the best terms they can, but in no case to pay more than four hundred and twenty-five dollars for an acceptable volunteer.

Compensation

5. *And be it enacted*, That the said town committee shall be paid at the same rate for services rendered by reason of the passage of this act, as they are entitled to and receive for other services as town committee-men.

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

Approved March 29, 1864.

CHAPTER CCCV.

A Supplement to an act entitled "An act to regulate fishing in Manasquan river, in the counties of Monmouth and Ocean, and also Wreck Pond, in the county of Monmouth," approved March fifteenth, one thousand eight hundred and fifty-nine.

Former act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act to which this is a supplement, be extended to all the waters, rivers, creeks, shoals or bays of the counties of Ocean and Burlington, lying along or emptying into the Atlantic ocean.

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

Approved March 29, 1864.

CHAPTER CCCVI.

A Further Supplement to the act entitled "An act to incorporate the Weequahick Lake Association," approved March twenty-third, eighteen hundred and fifty-nine.

Commissioners named.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph Batten, Henry Meeker, Joseph C. Young, James J. Mapes, John R. Pierson, William F. Day, John McGregor, Stephen H. Condit, John Teese, Joseph Cross and Isaac M. Ward be and they are hereby appointed commissioners, instead of the persons named in the first and fifth sections of the act to which this is a supplement, with all the powers conferred by the said act and the supple-

ment thereto, approved March twentieth, eighteen hundred and sixty, upon the commissioners named therein.

2. *And be it enacted*, That the said commissioners shall have power and authority to lease or purchase land to carry out the objects of the association, under the provisions of the act to which this is a supplement and the said supplement thereto, within three years from the passage of this act. Powers.

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

Approved March 29, 1864.

CHAPTER CCCVII.

An Act to change the name of Tunis Augustus McDonough Craven, to Tunis Augustus Craven.

WHEREAS, Tunis Augustus McDonough Craven, of the county of Somerset, in this state, of the United States Navy, has requested the legislature of this state that his name be changed to Tunis Augustus Craven—therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of Tunis Augustus McDonough Craven, is hereby changed to Tunis Augustus Craven, and by that name he shall be known in all courts, places and proceedings. Name changed.

2. *And be it enacted*, That this act shall take effect immediately, and shall be taken in all courts and places as a public act. Public act.

Approved March 29, 1864.

CHAPTER CCCVIII.

A Further Supplement to the act, approved March twenty-third, eighteen hundred and fifty-nine, entitled "An act to incorporate the West Hoboken and Hoboken Passenger Railway Company."

May increase capital stock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the West Hoboken and Hoboken Passenger Railway Company be and they are hereby authorized to increase the amount of their capital stock to three hundred thousand dollars, in shares of twenty-five dollars each.

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

Approved March 29, 1864.

CHAPTER CCCIX.

An Act for the relief of Asher Post.

Restored to citizenship.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Asher Post, of Burlington county, be and he is hereby restored to all his rights and privileges as a citizen of New Jersey.

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

Approved March 29, 1864.

CHAPTER CCCX.

An Act for the relief of Philip McEntee.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Philip McEntee, of Essex county, be and is hereby restored to his rights and privileges as a citizen of New Jersey. Restored to citizenship.

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

Approved March 29, 1864.

CHAPTER CCCXI.

A Supplement to an act entitled "An Act to raise bounty money for volunteers for the war, in Middletown township, in Monmouth county," approved February twenty-third, one thousand eight hundred and sixty-three.

WHEREAS, the citizens of the said township have voted at their last annual town meeting to raise six thousand four hundred dollars for the purpose of paying bounties to volunteers in order to fill the quotas for the calls made by the President of the United States in last July and October; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That such sum, not exceeding the above named amount as may be paid by the said township for bounties, may be assessed upon the inhabitants of said township with legal interest during the present year, in the same manner as directed by the act to which this is a supplement. How money to be raised.

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

Approved March 29, 1864.

CHAPTER CCCXII.

An Act to incorporate the Passaic Gas Light Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Aaron Kinter, Edward J. C. Atterbury, Charles L. Pearson, Charles H. Higginson, Israel D. Condit, and all and every person or persons who may become subscribers, according to the mode hereinafter provided, and their successors, are hereby created a body politic and corporate, in fact, by the name of the "Passaic Gas Light Company," and the said corporation are hereby invested with full power and authority to manufacture, make and sell gas, to be made of bituminous coal, or other materials, for the purpose of lighting the streets, buildings and other places in the township of Acquackanonk, and its vicinity, and to purchase, hold and convey, all real and personal estate required for the purposes of the corporation.

May lay down gas pipes, &c.

2. *And be it enacted*, That the corporation shall have full power and authority to lay down their gas pipes and to erect gas posts, burners and reflectors in the streets, avenues, highways and public grounds, alleys and lanes, in the township of Acquackanonk, and its vicinity, and to adopt all proper and necessary means to light all dwellings, stores and all other places situated therein with gas; *provided*, that the public travel shall at no time be unnecessarily impeded thereby; and the side and cross-walks, streets, avenues and highways shall be left in as good condition as before the laying of the said pipes or the erection of the said posts, and that the corporate authorities in said township and its vicinity, by whatever name the same are known, in which said pipes are laid, may prescribe the manner of laying said pipes so far as relates to the interference with public travel.

Proviso.

Capital stock.

3. *And be it enacted*, That the capital stock of the corporation shall not exceed one hundred thousand dollars, in shares of twenty-five dollars each, and the persons named in the first section of this act, are hereby appointed commissioners to receive subscriptions to the capital stock, and the said commissioners or a majority of them, shall open books for that purpose, at such time and in such place as they shall designate by advertisement previously at least three weeks in a public newspaper, printed in the county of Passaic, 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 apportion the stock subscribed for among the subscribers, and may require each subscriber to pay to them at the time of subscribing not exceeding twenty per centum 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 installments, in such sums and at such times and under such forfeitures as they may deem expedient.

Election of directors.

4. *And be it enacted*, That the management of the affairs of the said company shall be vested in five directors to be elected from the stockholders, a majority of said directors to be citizens of the state of New Jersey, and said directors shall choose by a plurality of votes, from among themselves, a president, and as soon as may be after three thousand dollars shall have been subscribed, the said commissioners, or a majority of them shall convene the said stockholders by public notice published in a newspaper in Passaic county, at such time and place as they may designate in such notice, to choose the first board of directors, who shall hold their office one year from the first Tuesday in March next ensuing, and until others are elected in their stead, and the elections for directors shall be held annually, in Passaic county, and public notice of such elections shall be given at least ten days previously by publication in a newspaper printed in Passaic county; all vacancies in the board of directors may be filled for any unexpired term by the remaining directors, and all elections for directors shall be by ballot of the stockholders or their proxies, allowing one vote for each share which they shall hold in their own name at the time of voting.

Not dissolved for 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 for that cause be dissolved, but such election shall be held in the manner prescribed by the by-laws at any time within one year.

Quorum.

6. *And be it enacted*, That the directors for the time being

shall form a board, and a majority of them shall be a quorum for transacting business.

Stock personal property.

7. *And be it enacted*, That the stock of the said corporation shall be transferred according to its by-laws and regulations, and shall be considered personal property, and the stock and transfer books shall be opened at all reasonable times to the inspection of the stockholders, and the books of account, in which shall be fairly and truly entered all the transactions of the company, shall be opened at all reasonable times to their inspection.

Penalty for injuring works.

8. *And be it enacted*, That if any person shall willfully injure any conduit, pipe, gasometer or other thing appertaining to the works of the company, or obstruct the same, the person or persons so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not exceeding three hundred dollars, or imprisonment not exceeding two years or both; *provided*, no such criminal prosecution shall impair the right of the company to an action for damages by a civil suit.

Proviso.

Limitation.

9. *And be it enacted*, That the corporation established by this act shall continue in force for twenty years, and shall possess the general powers and be subject to the restrictions and liabilities imposed by "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, so far as applicable.

Powers and privileges.

10. *And be it enacted*, That the said company shall have power to receive property suitable for its purposes at a valuation to be agreed upon, in lieu of cash subscriptions, and may borrow money to an amount not exceeding one-half its capital stock paid in, and to mortgage their works, property and franchises, and to execute all necessary assurances for securing the money so borrowed, with interest not exceeding seven per centum per annum.

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

Approved March 29, 1864.

CHAPTER CCCXIII.

A Further Supplement to an act entitled "An act to incorporate the Hackensack and New York Railroad Company.

May extend road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the Hackensack and New York Railroad Company to extend their railroad from its present southern terminus, southwardly and easterly, to the Hudson River, or to any other railroad extending or running to the Hudson river, and to connect with such other railroad, at such place and upon such terms as may be agreed upon between the respective companies; and the said Hackensack and New York Railroad Company shall and may acquire, hold and possess all lands, rights and property required for such extension of said road, in the manner provided in the act to which this is a supplement, and is hereby invested with and may exercise the same rights, powers, privileges and franchises, for and in the construction, use and enjoyment of the same, and shall be subject to the same conditions, provisions, limitations and restrictions, except as to the time of the construction thereof, as are contained in the act to which this is a supplement.

Capital increased.

2. *And be it enacted*, That for the purpose of enabling said company to extend and construct the railroad hereby authorized to be constructed, the capital stock of said company may be increased to such amount as the board of directors thereof shall deem necessary and expedient, to be subscribed, called in and collected in the manner provided in the act to which this is a supplement.

Repealer.

3. *And be it enacted*, That the fifth section of the act approved March twelfth, eighteen hundred and sixty-one, and entitled "A further supplement to an act entitled 'An act to incorporate the Hackensack and New York Railroad Company,' approved March fourteenth, eighteen hundred and fifty-six," be and the same is hereby repealed.

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

Approved March 29, 1864.

CHAPTER CCCXIV.

A Supplement to an act entitled "An act to incorporate The Congress Hall Hotel Company," approved February twelfth, eighteen hundred and fifty-two.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Edward C. Knight, Jacob F. Cake, Albert W. Markley, James H. Stevens, Edmund L. B. Wales, Thompson Newkirk, Joseph Ware and William P. McMichael be and hereby are declared to be the corporators of the said "The Congress Hall Hotel Company," in the place of the persons named in the first section of the act to which this is a supplement.

Commissioners.

2. *And be it enacted*, That the above named corporators, or a majority of them, be and they are hereby appointed commissioners under the fifth section of the original act, in the stead of the persons named in said fifth section, and invested with all the rights and powers conferred by said act on the original commissioners.

May increase capital stock.

3. *And be it enacted*, That the said corporation shall have power to increase its capital stock to three hundred thousand dollars; and that the capital stock shall be divided into shares of one hundred dollars each; and that the said corporation shall not go into operation until five hundred shares of stock are subscribed and twenty dollars on each share paid in, and that the stockholders shall be convened for the purposes named in the fifth section of the original act as soon as five hundred shares are subscribed and ten thousand dollars actually paid thereon.

Limitation.

4. *And be it enacted*, That this act and the act to which this is a supplement shall continue in force for the term of twenty years from the approval hereof, and that the legislature shall have the power to alter, amend or repeal the same whenever in their opinion, the public good requires it.

Repealer.

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

Approved March 29, 1864.

CHAPTER CCCXV.

An Act to legalize certain acts of the township of Marlboro', relative to raising money to pay bounties to volunteers, and to provide for the payment of the same.

Preamble. WHEREAS, The inhabitants of the township of Marlboro', in the county of Monmouth, did on the eighth day of March, Anno Domini eighteen hundred and sixty-four, vote to pay a bounty of one hundred and fifty dollars to each person volunteering to fill the quota of said township under the calls of the president of the United States; and whereas, it is doubted whether the said inhabitants have authority under the existing laws of this state to offer said bounty or borrow money for the payment of the same; therefore,

May issue bonds. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said township of Marlboro' be authorized to provide for the payment of said bounties by issuing their notes or bonds, not exceeding three thousand five hundred dollars, bearing interest at the rate of six per centum per annum, and payable at such times as the township committee of said township may determine.

Acts of township legalized. 2. *And be it enacted*, That the acts and doings of the township committee, and of the inhabitants of the said township of Marlboro', mentioned in the first section of this act, under and by virtue of the powers vested in them by the town meeting aforesaid to pay bounties to volunteers as aforesaid to fill the quota of said township, are valid in all respects and binding upon the inhabitants and taxable property of said township.

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

Approved March 29, 1864.

CHAPTER CCCXVI.

A Supplement to an act entitled "An act to incorporate the Camden, Moorestown, Hainesport, and Mount Holly Horse Car Railroad Company."

Time extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time limited by the fifteenth section of the act to which this is a supplement, within which the said railroad shall be completed, be and the same is hereby extended for one year from the fourth day of July next.

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

Approved March 29, 1864.

CHAPTER CCCXVII.

A Supplement to an act entitled "An act to create the town of Newton, and the townships of Andover and Hampton, out of the township of Newton, in the county of Sussex," approved March tenth, eighteen hundred and sixty-four.

Preamble.

WHEREAS, A number of veteran soldiers have re-enlisted in the field, and credited themselves to the township of Newton, before the same was divided, making the number of men credited to said township to exceed the quota assigned to fill the calls of July and October last, and sufficient to fill the quota of said township for the last call of two hundred thousand men; and whereas, by the act to which this is a supplement, the town and townships created out of the said township of Newton, are only authorized to raise and required to pay the moneys expended to pay the bounties to volunteers, to the amount of the said calls of July and October last—therefore,

Commissioners may apportion excess

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners named in the eighteenth section of the act to which this is a supplement,

or any two of them, be and they are hereby authorized and empowered to apportion the said excess volunteers over the quotas of July and October last credited to the said township of Newton, among and between the said town and townships created by the said act out of the said township of Newton, according to the number of taxable inhabitants in each, as near as they can ascertain the same by the last duplicate of assessment of said township of Newton; and that the said town and townships so created out of the said township of Newton, be and they are hereby authorized and required to raise moneys sufficient to pay the bounties to the said excess volunteers that may be apportioned to them respectively, to the amount of three hundred and fifty dollars to each volunteer, in the same manner and mode as they are authorized and required to raise the money directed by said act to be apportioned among them for the bounties to volunteers under the calls of July and October last, with the interest and expenses thereon; and the said town and townships respectively are hereby declared to be and are made liable in their several corporate capacities to any person or persons who may pay the said bounties, or any of them, to the said excess volunteers that may be assigned to them respectively, with interest, and the same may be recovered in the manner provided for the recovery of the moneys paid for bounties to volunteers under the said calls of July and October last, by the said eighteenth section of the said act.

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

Approved March 29, 1864.

CHAPTER CCCXVIII.

An Act to change the name of Henry Fricke to Henry French.

WHEREAS, Henry Fricke, of the county of Hudson, has, by petition, requested that the legislature should change his name to Henry French—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of Henry Fricke be Name changed.

and is hereby changed to Henry French, and by that name he shall be known in all courts, places and proceedings.

Public act. 2. *And be it enacted*, That this act shall take effect immediately, and shall be taken in all courts and places as a public act.

Approved March 29, 1864.

CHAPTER CCCXIX.

An Act to incorporate the Woodmancy and Barnegat Turnpike Company.

Corporators. 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 Woodmancy and Barnegat Turnpike Company shall be opened by Richard Jones, Samuel H. Shreve, William J. Parmenter, Thomas C. Van Arsdale, Archibald Russell, James Bodine, John A. Brown, Jacob Birdsall, William Cox, Lewis Holman and Henry J. Irick, 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 twenty days days prior to the opening of said books, by publishing the same in at least two of the newspapers published in this state.

Amount of capital stock. 2. *And be it enacted*, That the capital stock of said company shall be ten thousand dollars, with liberty for the said company to increase the same to twenty thousand dollars, and shall be divided into shares of twenty-five dollars each, and that when fifty 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 "Woodmancy and Barnegat 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.

Payment of installments. 3. *And be it enacted*, That at the time of subscribing for said stock, two dollars shall be paid upon each share subscribed for, to the commissioners or any of them, which money shall be paid over to the treasurer of the company as soon as

one shall be appointed, and the residue of the subscription shall be paid in installments, at such times and at 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 installments 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 installment, by work upon said road, under such regulations, at such time, and upon such notice as the directors may determine. Proviso.

4. *And be it enacted*, That if the number of shares herein-before 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 in to the respective subscribers, or their representatives, in proportion to the sums paid in by them. Limitation.

2. *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' 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 directors.

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 resident of the counties of Burlington or Ocean, President and officers.

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 some other suitable person, who, for the time being, shall possess the same powers and authority and perform all duties herein prescribed.

Vacancies supplied.

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 in the counties of Ocean or Burlington, 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.

Annual meeting.

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.

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.

Not void for 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 construct road.

11. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road from Woodmancy station, on the Raritan and Delaware Bay Railroad, in the county of Burlington, to the village of Barnegat, in the county of Ocean, which said turnpike road shall be constructed on and along the public highway leading from Woodmancy station to the village of Barnegat, 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 said owners cannot agree upon the amount of the said damages, then the said damages shall be ascertained and determined as nearly as may be in the manner hereinafter 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 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.

Proviso.

Construction and grade.

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 twelve 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 said road not less than fourteen feet in breadth; and whenever the said road, in passing over low ground, shall be raised so much at the margin or side as to render carriages passing thereon liable to overset, the said company shall cause railings to be erected and maintained on the sides, so as to prevent horses and carriages from running off.

May enter on lands.

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 said road, doing as little damage thereto as possible, repairing any breach they may make in the enclosures thereof, and to make all ditches and underdrains across and through such lands necessary for properly draining said road, and that when said company or its agents cannot agree with the owner or owners of such required land or material 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 counties of Burlington or 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 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

Proceedings when company and owners cannot agree.

therein not less than twenty days; and it shall be the duty of said commissioners, having first taken and subscribed an oath or affirmation, before some person duly authorized to administer an oath or affirmation, faithfully to examine the matter in question and make a true report according to the best of their skill and understanding, to meet at the time and place appointed and proceed to view and examine the said lands or materials, and make a just and equitable estimate or appraisement of the value of the same, and assessment of damages to be paid by the said company for such land 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 counties of Burlington or Ocean, in which the said land or materials may be, 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 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.

Rates of toll.

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 a half mile of the said road, not exceeding 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, or led horse or mule, one cent;
For every dozen of calves; sheep or hogs; two cents;
For every dozen of horses, mules or cattle, eight 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 to or from any mill to which he may usually resort for grinding of grain for his family use, or horses, carriages, sleighs or sleds carrying persons to or from a funeral, or any person passing to or from his common business on his farm.

Proviso.

Mile stones to be erected.

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

Penalty for injuring works.

16. *And be it enacted*, That if any person shall willfully break down, throw down or deface any of the mile-stones or posts so erected on the said road, or willfully tear down and 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 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.

Travellers not to be hindered

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 hindered or defrauded.

Rules for travellers.

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.

Road 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 justice of the peace of the counties of Burlington or Ocean, wherein such part of said turnpike may be out of repair, 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 said gate or turnpike, exact toll of travellers, he shall for each offence forfeit and pay twenty dollars, to be sued for by any person who will prosecute for the same in an action of debt, with costs of suit; and the justice shall be allowed for his services fifty cents, and the persons appointed, one dollar each, to be paid by the company; and it shall be the duty of the persons so appointed, or a majority of them, on application of said company, again to view the said road, and report as aforesaid their opinion to the said justice, who shall, if authorized by the report of 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 fees shall be allowed and paid as before directed, but if, on the first view, as before mentioned, the report of the persons appointed shall be in favor of the company, the same fees shall be allowed as before prescribed, and paid by the person or persons making the complaint; and in case three of the township committee aforesaid are not disinterested, then the said justice shall appoint in the same manner above prescribed, one or more respectable freeholders in the township, who may be disinterested, to serve in the place and stead of any member or members of the township committee so disqualified.

When to take tolls.

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 travelling thereon, agreeably to the foregoing rates.

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

Approved March 29, 1864.

CHAPTER CCCXX.

An Act to authorize the inhabitants of the township of Lebanon, in the county of Hunterdon, to raise money by issuing bonds to pay bounties to volunteers or drafted men.

WHEREAS, The inhabitants of the township of Lebanon, in the county of Hunterdon, being desirous that the last three calls of the government for troops to be supplied by said township, should be filled by volunteers, rather than by drafted men, and, by a vote of said township in town meeting assembled, said inhabitants voted to pay a bounty of four hundred dollars to each volunteer, to the number of sixty-five men, and did order the township committee to borrow a sufficient amount of money to pay said bounties—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 township committee of the township of Lebanon and county of Hunterdon, to provide for the payment of moneys heretofore expended, or hereafter to be expended, for the purpose of raising volunteers, or in case of a draft, to pay to each drafted man not otherwise exempted the sum of three hundred dollars, by issuing bonds in the name of the inhabitants of the township of Lebanon, in the county of Hunterdon, under the respective hands and seals of the township committee of said township or any three of them, in such sums and payable at such time or times as the said township committee shall deem proper, bearing interest at a rate not exceeding six per centum per annum, payable annually, and to pledge the property and credit of the said township for the payment of the same, which bonds it shall be lawful for said committee to sell and assign; *provided*, that no bond shall be sold for less than its par value, and that all the bonds so to be issued shall be redeemable at a period of time not to exceed six years from the date thereof. May issue bonds. Proviso.

2. *And be it enacted*, That the said township committee shall have power and authority to provide by taxation for the payment of the said bonds and the interest thereon, and the said township committee shall yearly and every year, or oftener, if said inhabitants request it, until all the bonds issued shall be redeemed and paid off, order and cause to be assessed and collected by tax, at such times and in such sums To provide for payment by taxation.

of money as the said committee shall deem necessary to pay the said bonds and the interest thereon, first a poll tax of four dollars on all white male inhabitants above the age of twenty-one years, and the balance on the taxable property of said township; *provided*, that not more than ten, nor less than five thousand dollars be raised in any one year; *provided also*, that the whole amount of bonds to be issued is not to exceed twenty-four thousand dollars, and when said taxes are collected, the township collector shall pay the same to the township committee of said township, and to be by them inviolably applied to pay the interest and principal of said bonds as the same shall become due and payable, and for no other purpose.

Proviso.

When money to be paid volunteers.

3. *And be it enacted*, That no money shall be paid by said township committee to volunteers under any subsequent call of the government for men, except upon the vote of a majority of the inhabitants of said township entitled to vote, directing them so to do, in special town meeting asssembled after due notice given by the clerk of said township, as is now provided by law.

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

Passed March 29, 1864.

CHAPTER CCCXXI.

An Act to incorporate the City of Bridgeton.

Limits of city.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the county of Cumberland known as the townships of Bridgeton and Cohansey, are hereby incorporated into a city, to be called the city of Bridgeton.

Wards.

2. *And be it enacted*, That the said city shall be divided into three wards, in the manner following, to wit: all that part of the township of Bridgeton lying north of Commerce street, running from Cohansey creek east to the township line, shall constitute the first ward of said city; and all that part of said city lying south of Commerce street, running from the said creek to the township line, shall constitute the

second ward of said city; and all that part of the said city lying west of the said creek, and comprising the township of Cohansey, shall constitute the third ward of said city.

Mayor and common council.

3. *And be it enacted*, That for the better order and government of the said city of Bridgeton, there shall be elected hereafter in said city one mayor, who shall be keeper of the city seal, and hold his office for three 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 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 Bridgeton."

Ward officers.

4. *And be it enacted*, That the ward officers shall be for each ward, two common councilmen, two chosen freeholders, two trustees of public schools, two overseers of the poor, one assessor and one collector, two surveyors of the highways, two commissioners of appeal in cases of taxation, three judges of election, and one or more poundkeepers, one constable and a clerk, who shall be clerk of election and perform all the duties required by law of clerks of townships, not inconsistent with the provisions of this act.

Annual election of officers.

5. *And be it enacted*, That the city election shall be held by ballot on the second Tuesday of April, anno domini eighteen hundred and sixty-five, and on the second Tuesday of April in every succeeding year thereafter, between the hours of eight in the morning and seven in the evening, at such place in each ward 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 circulated in the said city, and by notices either printed or written, signed by the clerks of the several wards, and set up in three of the most public places in each ward of 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, one city solicitor and one school superintendent,

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 second Tuesday of April; 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.

Common council and their powers.

6. *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.

Time and mode of election.

7. *And be it enacted*, That the poll of all elections under this act shall be opened at eight o'clock in the forenoon, and close at seven o'clock in the evening, and 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 ward 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 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; and the first election for such officers, to be held on the second Tuesday of April, anno domini eighteen hundred and sixty-five, shall be held in the first ward, by and under the direction of Alphonso Woodruff, Charles D. Burroughs and Stephen G. Porch, residents of said city, or a majority or the survivor of them; in the second ward, by and under the direction of David Potter, Martin Bowen and Robert Dubois, residents of said city, or a majority or the survivor of them; and in the third ward, by and under the direction of Richard Lott, David P. Elmer and Benjamin Keen, residents of said city, or a majority or the survivor of them; who are hereby appointed commissioners for that purpose, and who, or a majority or the survivor of whom, shall, for their respective wards, designate the place in their respective wards for holding such election, and give such notice thereof as is before prescribed in this section, said notices to be signed by said commissioners; the said commissioners in each ward are hereby authorized to appoint some proper person clerk of such election, and they and said clerk so by them appointed, shall conduct such election and certify the result in all respects as herein prescribed by the regulations of subsequent elections, so far as may be. First election boards.

8. *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. Vacancies, how supplied.

9. *And be it enacted*, That all officers elected under this 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, (who 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 common councilmen first elected under this act before any justice of the peace or judge, within six days Officers to be sworn.

after such election; such oaths or affirmations in all cases to be filed by the city clerk.

Powers of common council.

10. *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 regulating, levelling, grading, paving, flagging, gravelling, 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, (*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 gutters clean, and free from snow, ice and other impediments, for preventing persons from riding, driving or passing over and upon the same with horses, wagons, carts or carriages of any description; for ascertaining and establishing the boundaries of all streets and alleys in 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 wharf, or on any lot or lots or inclosure, or other place in said city; 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 maintenance of fire engines and hose companies, and for the prevention or suppression of fires; for compelling the cleaning of chimneys; for appointing watchmen, constables, and additional police, and prescribing their powers and duties; for regulating the vending of meats, fish and vegetables; for regulating butchers, hawkers, pedlers and petty chapmen within said city; for restraining vagrants, mendicants and street beggars; for erecting and maintaining a city hall, a school house or houses, with such other public buildings as may be necessary in said city; for regulating the public docks and wharves

Proviso.

therein, and the rates of wharfage; 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 thereof, 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. Proviso.

11. *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 two-thirds of the estimated tax to be levied and assessed in any one year, nor be made payable at any period later than thirty days after the time fixed by law for the collection of said taxes; 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 same manner as they are now taxed for township purposes, nor shall the owners and occupants thereof be required May levy taxes.

to curb and pave in front thereof, unless the same shall consist of a lot or lots lying between other lots used for building purposes.

Powers of mayor.

12. *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.

Assessor to assess taxes and make returns.

13. *And be it enacted*, That the assessor of said ward shall assess upon the persons and property of residents, and upon the property of non-residents therein, 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 June and the twentieth day of August, make the assessment required of him, and return his duplicate to the ward collector not later than the twentieth of September following.

Officers to give bonds.

14. *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 respective offices, or be qualified to serve, shall repair to the common council and enter into bonds with such freehold security 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.

Powers of marshal.

15. *And be it enacted*, That the marshal of the said city is hereby empowered to arrest and take into custody, without warrant, any offender against the laws and ordinances of said city, and 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, a justice of the peace, who is hereby empowered to take cognizance of such offences; and that the said marshal shall have all the 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.

Jailor's duties

16. *And be it enacted*, That the jailor of the county of Cumberland, 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 Cumberland.

Common council to grant licenses.

17. *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 innkeeper and retailer of spiritous 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 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 districts.

18. *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.

To receive no compensation

19. *And be it enacted*, That the mayor of the said city of Bridgeton 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 two 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 fifty cents for each meeting of councils he may attend, and six cents per folio of one hundred words each for recording the ordinances thereof.

Treasurer to make annual statement.

20. *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 hands; 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.

Commissioners of appeal.

21. *And be it enacted*, That the commissioners of appeal in cases of taxation shall convene annually on the third Monday of October, to hear and determine all appeals, and they shall sit from ten A. M. to six P. M., and longer if found necessary to dispose of all cases submitted to them for consideration.

Collector to give notices of taxes.

22. *And be it enacted*, That the collector of wards 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 ward, or left at their residence, if within the ward; and in case of nonpayment of any taxes by the Monday next preceding the first Tuesday of November, the collectors of each ward shall make out 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.

When justice to issue tax warrant.

23. *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 a constable or constables of said city a warrant or warrants, requiring him or them to levy the tax so in arrears in the manner prescribed by the laws of the state of New Jersey, relative to the collection of taxes; and the said constable or constables 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 constable 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.

Proviso.

Duties of constables.

24. *And be it enacted*, That it shall be the duty of the constable or constables elected as aforesaid in said ward to preserve and maintain at all times the peace and quiet of the city, to arrest and imprison offenders against the ordinances of said city or the laws of this state, and to perform such other duties, and under such penalties as the common council of said city shall from time to time prescribe.

City clerk.

25. *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 and fees of election officers.

26. *And be it enacted*, That the judges and clerks of election, assessors and collectors 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 or vacancies shall be supplied in the manner prescribed by law for supplying such vacancies in the several townships of this state; 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 a failure to procure such boxes or to keep the same in repair.

Being a citizen not to incapacitate from being a witness.

27. *And be it enacted*, That in the trial of any issue, or in the judicial investigation of any case, to which issue or 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 matter in evidence at the trial.

Duties and powers of chosen freeholders, &c.

28. *And be it enacted*, That the chosen freeholders, the assessors and surveyors of the highways of the said city of Bridgeton shall perform all the duties, and exercise all the powers in the county organization, which said officers of the townships of Cohansey and Bridgeton now exercise and perform therein.

Not to interfere with public schools.

29. *And be it enacted*, That nothing in this act shall be construed to conflict or interfere with the provisions of the special acts now in force for the support and regulation of the public schools in the townships of Cohansey and Bridgeton, nor with any laws of the state regulating the number of and mode of electing the justices of the peace in the several townships thereof.

When officers to qualify.

30. *And be it enacted*, That the mayor and members of common council to be elected by virtue of this act shall take the oath or affirmation prescribed on the sixth day next after election.

Public property how vested

31. *And be it enacted*, That all property now vested in the townships of Cohansey and Bridgeton shall be and is hereby vested in the corporation of the city of Bridgeton.

Repealer.

32. *And be it enacted*, That all laws of this state inconsistent with the provisions of this act are hereby repealed.

When to take effect.

33. *And be it enacted*, That this act shall take effect on the first day of March, eighteen hundred and sixty-five.

Approved March 29, 1864.

CHAPTER CCCXXII.

An Act to authorize the inhabitants of the township of Raritan, in the county of Hunterdon, to raise by taxation, the amount expended by the town committee of said township in paying bounties to volunteers.

Preamble. WHEREAS, The inhabitants of the said township of Raritan in town meeting assembled on the twenty-third day of February, eighteen hundred and sixty-four, did direct that the sum of seventeen thousand dollars be raised by tax to be levied upon the inhabitants and taxable property of said township, and expended by the town committee in paying bounties,

Duty of assessor defined. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*. That the assessor of said township of Raritan shall immediately after the passage and approval of this act, assess and levy the said sum of seventeen thousand dollars, by assessing and levying, first, a poll tax of one dollar upon every white male inhabitant of said township of the age of twenty-one years and upwards, and then by assessing and levying the balance of said sum of seventeen thousand dollars, upon and against the personal property of the taxable inhabitants of said township, and the real estate situate in said township, according to the valuation thereof at the last regular annual assessment and shall within fifteen days after the passage and approval of this act deliver such assessment, or a duplicate thereof to the collector of said township, and the collector of said township shall within five days after he shall receive such assessment or a duplicate thereof, give notice, by setting up notices in four of the most public places in said township, that if any of the persons against whom such assessment is made shall neglect or refuse to pay the tax assessed against him, her or them for the space of four weeks from and after the date of such notice they will be regarded as delinquents and be proceeded against accordingly, and the said collector shall within fifteen days after he shall receive such assessment or a duplicate thereof, give notice to each taxable inhabitant of said township of the amount of tax assessed against him, her or them, by written or printed notices served personally or by leaving the same at his, her or their usual place of abode, and in case any of the persons against whom an assessment shall be made under this act, shall neglect or refuse to

pay his, her or their tax within four weeks from and after the date of the notice to be given by the collector, they shall be deemed delinquents, and the said collector shall within three days after the expiration of the time limited herein for the payment of the said taxes, make out a list of such delinquents, with the amount of tax assessed against such delinquent and remaining unpaid, and deliver the same to any justice of the peace of said township, and the justice of the peace to whom such list of delinquents is delivered shall, within three days after the same is delivered to him, issue his warrant in the same manner and form as he is now directed and required by law for the collection of taxes due from delinquent tax payers, and shall deliver said warrant to the collector of said township, who shall proceed to execute it in the same manner that he is now required by law to execute the ordinary tax warrant.

Appropriation

2. *And be it enacted*, That all monies collected and received by the collector under such assessment and tax warrant shall be paid by him to the town committee of said township, whenever the chairman of said committee shall demand the same, and the said town committee shall appropriate the monies received from said collector under the assessment ordered by this act, to pay the sum ordered to be raised by the aforesaid vote of said inhabitants of said township for volunteers.

Fees of assessor and collector.

3. *And be it enacted*, That the assessor for making the assessment authorized by this act shall receive eight cents for each name on the duplicate, and the collector shall receive twelve cents for each name on the duplicate, for collecting said tax, and the justice of the peace to whom the list of delinquents shall be delivered shall receive the sum of three dollars for the services required of him by this act.

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

Approved March 29, 1864.

CHAPTER CCCXXIII.

An Act to incorporate the Stockton Water Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Garret S. Billis, Robert Sharp and Charles Bartles, and all other persons who may hereafter be associated with them in the manner hereinafter provided, and their successors, shall be and are hereby constituted and declared to be a body politic and corporate, by the name and style of "The Stockton Water Company," and by that name shall have continual succession, sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all manner of actions whatsoever; have a common seal, and make, change or alter the same at pleasure, and hold and enjoy such real and personal estate as may be necessary for the object of this incorporation, or may be taken in payment of debts; that the stock of the said company shall be deemed personal property and shall consist of two hundred shares of twenty dollars each; that the management of the concerns of the said corporation shall be intrusted to five directors, being stockholders of said corporation, who shall be chosen every year at the annual meeting of the stockholders, which shall be held on the first Monday in May, at such hour and place in Stockton, in the county of Hunterdon, as said directors shall from time to time appoint, a notice of which election shall be published in a newspaper published at Flemington, for three successive weeks next before such election, at least once in each week; that all such elections shall be by ballot by the stockholders, in person or by proxy, under the inspection and direction of three stockholders, neither of them being a candidate at such election, appointed by the directors, each stockholder having a vote for each share of his or her stock, and the five persons voted for at such election having the greater number of votes shall be directors of said corporation for the succeeding year and until others are elected in their stead; that if any two or more persons shall have an equal number of votes, so that five directors shall not be elected, the said stockholders shall again proceed in like manner to elect out of the persons so having an equal number of votes so many as shall complete the number of five directors, out of which number the said

Corporators.

Election of directors.

directors shall, by a plurality of their votes, elect one for their president; and in case of a vacancy in the office of any of the said directors, by death, resignation or otherwise, others shall be elected by said directors to fill such vacancy; and a majority of said directors shall form a quorum for doing business.

Commissioners to procure subscriptions.

2. *And be it enacted*, That the persons named in the preceding section of this act shall be commissioners to procure subscriptions for the stock of said corporation, and they, or a majority of them, may open books for that purpose at Stockton, in the township of Delaware, in the county of Hunterdon, at any time after the passage of this act, giving fifteen days' previous notice thereof in a newspaper published at Flemington, and three dollars on each share of stock subscribed for shall be paid at the time of subscribing therefor, and the balance to be paid by installments from time to time, and in such sums as the said commissioners or directors of said corporation shall think proper and direct, and not exceeding five dollars on each share at any one time; and whenever one hundred shares shall be subscribed, the said commissioners shall call a meeting of the stockholders within thirty days thereafter, by giving one week's notice of the time and place of such meeting, in a newspaper published in Flemington, for the purpose of electing directors and transacting other necessary or proper business; and when directors are elected, the said commissioners shall pay over to them the money they shall have received, first deducting therefrom a reasonable compensation for their own services and expenses; and all the powers of the said commissioners shall cease and be determined on the election of a board of directors; and the said directors, or a majority of them, shall have power and are authorized to call upon the said subscribers for the payment of further installments, in such sums, at such times, and under such forfeiture as they may deem expedient, until the whole amount of shares subscribed shall have been fully paid; *provided*, the said installments shall be at least thirty days apart, and shall not be called for in larger sums than five dollars on each share at a time, and thirty days' notice of each installment required shall be given in a newspaper published at Flemington aforesaid.

Proviso.

Officers and agents.

3. *And be it enacted*, That the directors shall be authorized, in their discretion, to appoint a secretary, treasurer, and other officers, agents, and servants, as they shall from time to time deem necessary for carrying into effect the ob-

jects and powers of said corporation, to establish rules, regulations and by-laws for and concerning the conduct and government of the directors, their officers, agents and servants, and to determine the compensation to which they shall be entitled, and to require such security from them for the faithful discharge of their respective duties as they shall deem reasonable and proper, and for and concerning the manner of making transfer of the stock; and the conduct and government of all persons and corporations with whom they may contract for the use and preservation of water furnished by the said corporation, and to restrain the waste thereof, and to impose penalties and forfeitures for a neglect and refusal to comply therewith, not exceeding one hundred dollars, which penalties and forfeitures shall be recoverable in the name and for the use of the said corporation, before any justice of the peace of the county of Hunterdon, with costs, in an action of debt.

When may enter on private property.

4. *And be it enacted*, That if it should become necessary, in the opinion of the said directors, to lay pipes through any private lands in said county of Hunterdon, or if any private lands shall be required for erecting reservoirs or other works thereon, and no agreement can be made with the owner or owners thereof, as to the amount of compensation to be paid for the laying said pipes through said lands, or the price of such lands as the case may be, by reason of the unwillingness of said owners or any of them, to accept such compensation or price as the said directors may deem reasonable, or by reason of the absence or legal incapacity of said owners, or any of them, it shall be the duty of either of the justices of the supreme court of this state, upon application to him by said directors, or on their behalf, and after ten days previous notice in writing of such application to the persons interested, if known and in this state, or if unknown or out of this state, after publication thereof for any term not less than twenty days in a daily newspaper printed at Trenton, to appoint three disinterested appraisers from the county of Hunterdon, to determine the compensation to be paid for the laying of said pipes through said lands, or the price to be paid for said lands as the case may be; and it shall be the duty of the said appraisers (after having taken an oath or affirmation faithfully and impartially to discharge the trusts herein reposed in them, and after having carefully viewed the premises) within thirty days after the appointment, to deliver to said directors a written appraisement, under the hands and

seals of them, or a majority of them, of the award they have made, containing a full description of the lands through which the pipes are to be laid, or of the lands required for the erection of reservoirs or other works, as aforesaid, which appraisement the said directors shall cause to be recorded in the registry of deeds for the county of Hunterdon; and upon payment or tender by the said directors to such owner or owners as aforesaid, or some one of them, of the sum awarded in such appraisement, if any, then the said directors shall have the right to lay said pipes through the lands aforesaid, or the said corporation shall be deemed seized in fee simple of the lands required for the erection of the said reservoirs, or other works as aforesaid; and in case any owner or owners of such lands shall be feme covert, under age, non compos mentis, or out of the state, then and in that case it shall be sufficient for said directors to pay the amount which may have been appraised as aforesaid into the court of chancery of this state, subject to the order of said court, for the use of the party or parties entitled to the same; the costs of all which proceedings shall be taxed by the said justice of the supreme court, and paid by the said directors.

Appeal, how taken.

5. *And be it enacted*, That in case the said directors or the owner or owners of the said land shall be dissatisfied with the award of the appraisers named in the preceding section, and shall apply to the justices of the supreme court at the next term after filing of the said award, the court shall have power, upon good cause shown, to set the same aside, and thereupon to direct a proper issue for the trial of the said controversy to be formed between the said parties, and to order a jury to be struck, and a view of the premises to be had, and the said issue to be tried at the next circuit court to be holden in said county, upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land or damages aforesaid sustained, and if they shall find a greater sum than the said appraisers shall have awarded in favor of the said owner or owners, then judgment therefor, with costs, shall be entered against said corporation, and execution awarded thereof; but if the said jury shall be applied for by the said owner or owners and shall find the same or a less sum than the directors shall have offered, or the said appraisers awarded, then the said costs to be paid by said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the

court shall direct; but such application shall not prevent the directors from taking or laying pipes through said lands upon the award of the appraisers, the value or damages being first paid, or upon a refusal to receive the same upon a tender thereof, or the owner or owners thereof being under any legal disability, the same being first paid into the court of chancery.

May enter on lands to make repairs.

6. *And be it enacted*, That whenever it shall become necessary to make any repairs or alterations in any pipes which may have been laid through any private lands, either by virtue of the preceding section or by agreement with the owner or owners thereof, it shall be lawful for the said directors, with their workmen and agents, and with necessary vehicles, tools and implements, to enter upon said lands and make the necessary repairs and alterations, doing no unnecessary damage; *provided always*, that nothing in this section contained shall be so construed as to protect the said directors, or their workmen or agents, from any action that may be brought against them individually by the owner or owners of said lands, for any damage which they may have willfully or unnecessarily done.

Proviso.

May contract for supply of water.

7. *And be it enacted*, That for the purpose of effectually supplying with water the village of Stockton, its vicinity, and the inhabitants thereof it shall and may be lawful for the corporation created by this act, and they are hereby empowered to make contracts with persons and corporations for the supply, use, and preservation of water, and to erect, construct, and maintain all works necessary or convenient to the purposes of this act, and to lay down pipes and other conduits, and to erect and construct hydrants and fire-plugs in the streets, alleys, lanes and other places in the village of Stockton, and in the highways of the township of Delaware, in the county of Hunterdon, and to do all things necessary to furnish the said village of Stockton, and its vicinity, and the buildings, streets, and other places situate therein with water; *provided*, that the public travel upon the said highways, streets, lanes, and alleys shall at no time be unnecessarily affected or impeded in the laying or repairing of pipes, or the erection and construction of fire-plugs or hydrants, or other necessary or proper work, and after the completion of any work, the streets, side and cross walks shall be left in as good condition as before the commencement of any such work; and no private lands shall be in any way injured or defaced without permission first obtained from the owner or owners thereof.

Proviso.

Penalty for injuring works.

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

Proviso.

Dividends.

9. *And be it enacted*, That the president and directors of the said corporation shall declare and make such dividends as they may deem prudent and proper, from time to time, out of the net profits of the said water works; and the said corporation shall cause to be kept at their office proper books of accounts, in which shall be fairly and truly entered all the transactions of the company, which books shall be at all times open within the usual hours of business for the inspection of the stockholders.

May procure additional supply.

10. *And be it enacted*, That if the water now contemplated to be used by the said corporation for the purposes of this act of incorporation, should, by reason of the increased demand therefor, be insufficient to supply the demand, it shall be lawful for the said corporation, and they are hereby empowered to procure an additional supply of water from other sources, and to erect and construct the necessary works therefor, and, if necessary for such purposes, they are hereby authorized and empowered to increase their capital stock from time to time, not exceeding in the whole additional amount, the sum of ten thousand dollars, to be divided into shares of twenty dollars each, to be paid by installments in the manner and upon like notice above mentioned; and whenever a subscription to said additional stock is authorized by the board of directors, the stockholders for the time being shall be first entitled to subscribe for said stock in a ratable proportion of stock held by them; and whenever a dividend is declared,

the said directors shall declare and make dividends upon all the stock subscribed and paid for.

Not void for failure to elect

11. *And be it enacted*, That if at any time it shall so happen that an election for directors shall not take place on the day herein appointed for that purpose, this corporation shall not be deemed dissolved; but the directors for the time being shall appoint a future day to hold such election for directors giving the same notice of such election as is herinbefore required for that purpose.

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

Approved March 29, 1864.

CHAPTER CCCXXIV.

A Further Supplement to the act entitled "An act to incorporate the Jersey City Gas Light Company," approved March first, eighteen hundred and forty-nine.

To furnish all persons or companies with gas.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said company shall provide and furnish to any person or persons, corporations or companies body politic residing or situated in Jersey City, the gas by them manufactured, who are willing to comply with the by-laws of the said company, at all hours during the day and night, and that said company shall not refuse to furnish such gas to any person, corporation or company, as aforesaid, desirous of consuming the same either during the day or night.

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

Approved March 29, 1864.

CHAPTER CCCXXV.

Supplement to an act entitled "An act to incorporate the Shiffler Hose Company, No. 1, of Camden," approved March twenty-third, eighteen hundred and fifty-three.

Preamble. WHEREAS, the Shiffler Hose Company, No. 1, of Camden, is desirous of changing its corporate name and to become a Steam Fire Engine Company, with an addition to its capital stock—therefore,

Names of corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jacob Daubmann, Armstrong Sapp, John Hart, George Thompson, John Hutchinson, Samuel Brown, George L. Suiler, William Vanhorn, William H. Jones, and all persons, not exceeding two hundred, as now are or hereafter shall become associates of the Shiffler Hose Steam Fire Engine Company, No. 1, of Camden, 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 Shiffler Hose Steam Fire Engine Company, No. 1, of Camden."

Capital stock. 2. *And be it enacted*, That the capital stock of said company shall not exceed the sum of fifteen thousand dollars, which shall be solely and exclusively applied to procuring, maintaining and repairing such hose, reservoirs of water, ladders, buckets, fire hooks, hose houses, and other implements and machines, and to such other incidental expenses as shall to said company appear best calculated to secure the property of their fellow citizens from injury or destruction by fire; and that part of the said sum may be used to purchase a steam fire engine.

President and officers. 3. *And be it enacted*, That the said company shall have power to elect annually, or oftener if necessary, a president out of their own body, and such other officers or 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 the said company.

Limitation. 4. *And be it enacted*, That this act shall continue in force thirty years; and it shall and may be lawful for the senate

and general assembly of this state, at any time hereafter, to amend or modify, or repeal this act, as they shall think proper.

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

Approved March 29, 1864.

CHAPTER CCCXXVI.

An Act to incorporate the Union Club of Orange, in the county of Essex.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Ellwood Byerly, Edward M. Cowdrey, Charles J. Harrison, William H. Vermilye, Waldo B. Tichenor, and such other persons as now are, or may hereafter be associated with them, are hereby constituted a body corporate by the name of "The Union Club of Orange, in the county of Essex," for the purpose of establishing and maintaining a reading room, a suitable place for engaging in proper and lawful games of exercise and amusement, and of promoting social intercourse among its members. Names of corporators.

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. Powers.

3. *And be it enacted*, That 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. By-laws.

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

Approved March 29, 1864.

CHAPTER CCCXXVII.

A Further Supplement to an act entitled "An act to incorporate the Paterson and New York Plank Road Company," approved March fourteenth, eighteen hundred and fifty one.

Preamble. WHEREAS, certain small portions of the road of said company have been constructed outside of the route thereof, as filed in the office of the secretary of this state, or as covered by conveyances given to said company—therefore,

To re-locate road. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for said company to re-locate the route of their said road so as to conform to the line thereof as now constructed and used, wherever the said road varies from the route filed in the office of the secretary of this state, or as described in the conveyances to said company, and to acquire the right to use and hold the lands included in such re-location, in the manner provided in the act to which this is a supplement, subject to the provisions, conditions, liabilities, limitations and restrictions thereof.

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

Approved March 29, 1864.

CHAPTER CCCXXVIII.

A Further Supplement to the act entitled "An act to better regulate and discipline the Morris Brigade," approved March fourteenth, eighteen hundred and sixty-one.

Repealer. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to better regulate and discipline the Morris Brigade," approved March fourteenth, eighteen hundred and sixty-one, and also the supplement thereto, approved March twenty-eighth, eighteen hundred and sixty-two, be and the same are hereby repealed.

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

Approved March 29, 1864.

CHAPTER CCCXXIX.

A Supplement to the act entitled "An Act regulating proceedings and trials in criminal cases," approved April sixteenth, eighteen hundred and forty-six.

When persons jointly indicted may have separate trial.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when two or more persons are, or shall be jointly indicted for the same offence, except for conspiracy, and such indictment before the trial thereof, hath been, or shall be removed into the supreme court of this state, by certiorari, or otherwise, any one of the said persons, on application to said supreme court, upon affidavit that some one or more of said persons, so jointly indicted with him, whom he shall name, is, or are, as he is advised by his counsel, whom he shall also name, and verily believes, a material witness or witnesses for him on the trial of said indictment, and without whose testimony he cannot safely proceed to trial, shall, by order of said supreme court, be allowed a trial separate from the person or persons whom he shall so name as such material witness or witnesses.

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

Approved March 29, 1864.

CHAPTER CCCXXX.

An Act to incorporate the town of Union, in the township of Union, in the county of Hudson.

Boundaries of town.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township

of Union, in the county of Hudson, lying within the following boundaries, to wit: beginning at the Hackensack plank road on the southwest corner of Union township, nearly opposite Cox's tavern, running northerly along the North Bergen township line to the property of Mr. Danielson, called five and a quarter acre lot, thence running easterly across the Bergen line road to the property of Mr. Cosset, thence running to the southwest corner of said Mr. Cosset's property, thence running easterly along the line of said property to the Bull's Ferry road, from thence running southerly along the westerly line of Weehawken township to the Hackensack plank road, thence running west on the northerly line of the Hackensack plank road to the place of beginning, be and the same is hereby formed into a town corporate to be designated and known as the town of Union, and all the citizens of this state who are now or hereafter may be inhabitants within said limits, shall be and they are hereby constituted a body politic and corporate in law by the name of the town of Union.

Officers of town.

2. *And be it enacted*, That the officers of said town shall consist of six councilmen, a town clerk, who shall also be the clerk of elections, one assessor, a collector of taxes, one superintendent of schools, one overseer of the streets and highways, one treasurer, one judge of elections, one or more constables, one justice of the peace, one overseer of the poor, one pound keeper, one freeholder, commonly called a chosen freeholder, three commissioners of appeals in cases of taxation, all of which officers shall hold their offices for one year, except councilmen, who shall serve two years, but on the first election three councilmen shall be elected for two and three for the term of one year, and on the following annual town meetings thereafter, there shall be elected three councilmen to serve in their office for the term of two years each; the councilmen shall receive no salary for their services, but shall render their services to the town without pay; the town clerk shall receive fifty dollars per annum, the assessor one hundred dollars per annum, the collector of taxes fifty dollars per annum, the collector of arrears of taxes shall receive ten per centum on real and fifteen per centum on personal property upon all taxes collected by him; the constable elected shall always serve as collector of arrears; the superintendent of schools shall receive fifty dollars per annum; the overseer of the streets and highways shall receive fifty dollars per annum; the treasurer shall receive fifty dollars per annum; all other

officers shall be entitled to the same fees as the officers in townships now receive; all said officers, except councilmen, shall be elected annually by ballot on the second Tuesday in April, in the same manner as township officers are now elected, the election to be held and conducted by the judge of election and the clerk of election, at the same hours, in the same manner and under the same regulations, in all things, as prescribed by law for the election of members of the legislature, and the return of all elections of town officers shall be stated and signed by the judge thereof and attested by the clerk, and, within forty-eight hours after the closing of the polls, filed in the office of the town clerk, who shall, within five days thereafter, also file a true copy of said return in the office of the clerk of the county of Hudson.

Who may vote.

3. *And be it enacted*, That every person who would by the laws of this state be entitled to vote in said town at an election for members of the legislature if held on that day, shall be entitled to vote at the town elections above designated, and the person or persons receiving the greatest number of votes of those given in the town for any town officer to be elected at such election, shall be deemed elected for the office designated by such votes, and the judges shall in the said return designate who are elected to the several offices to be filled at such election.

Vacancies supplied.

4. *And be it enacted*, That all future elections to be held for county and state officers within said town shall be held by the judge, assessor, collector and clerk of said town, provided for by this act, or in the absence, disqualification or inability of any of them, the vacancy shall be supplied in the manner now prescribed by the laws of this state in such cases.

Places of election.

5. *And be it enacted*, That the places at which all elections shall be held shall be designated by the councilmen herein provided for, excepting the first election under this act, which shall be held in the "fire engine house," in said "town of Union," and shall be published or advertised by the town clerk in five of the most public places in the town, at least ten days prior to any such election.

Corporate powers.

6. *And be it enacted*, That the said corporation shall and may have power by the title of "The Town of Union," in the county of Hudson, to sue and be sued, answer and defend, plead and be impleaded unto, in any of the courts of this state, and may have a common seal alterable at pleasure.

Powers of council.

7. *And be it enacted*, That the legislative power of said corporation shall be vested in the councilmen, who shall also

for the purposes of this act do and perform the duties of and be invested with the power and authority of the township committees in the townships of this state, in all cases wherein the exercise of such powers and duties shall be required in said town, and said councilmen shall annually elect one of their number to be chairman, and in his absence a chairman for the time being, appoint their times and places of meeting, determine the rules of their own proceedings, be the sole judges of the qualifications of their own members, keep a journal of their proceedings, and shall have power and authority to pass ordinances and resolutions pertaining to the purposes and objects of said corporation and necessary and proper for the carrying out of the provisions of this act, and shall have power and authority to fill any vacancy that may occur in their number, either from removal, death or resignation, or until others shall be elected in their place.

Officers to give bonds and be sworn.

8. *And be it enacted*, That the councilmen may, in addition to the official bonds now required from officers elected at township meetings, require such other bonds for the faithful performance of the trusts and duties of any officers elected by virtue of this act as said councilmen shall deem expedient, and no officer elected under this act shall enter upon the discharge of his duties unless, within ten days after his election, he take and subscribe before the town clerk an oath or affirmation faithfully and impartially to execute the trust imposed in him, which oath the said clerk is hereby authorized and empowered to administer, and shall keep all such oaths and affirmations on file in his office, and the clerk himself shall make a like oath or affirmation before some justice of the peace in said county, which shall by the councilmen be filed in the office of the clerk of the county of Hudson.

Treasurer, his duties.

9. *And be it enacted*, That the treasurer shall receive all moneys collected by said corporation from the persons who shall collect the same, and shall pay out the same only upon warrants from the councilmen, signed by their chairman and countersigned by the town clerk, except for the payment of bonds of the town and certificates of indebtedness for improvements, given by the said corporation, and interest on the same, and money paid into the treasury for the redemption of property sold for taxes and assessments, and no warrants on the treasurer shall be so drawn, except in pursuance of an order of the councilmen, passed at a stated meeting and entered on their minutes; all such warrants shall be made and numbered, payable to the order of the person or persons

to receive the same, and shall specify for what purpose the amount therein mentioned is directed to be paid.

Clerk, his duties.

10. *And be it enacted*, That the town clerk shall, in addition to the duties required of him by this act or any other act of this state, have charge of all the records, books and documents of the town, except when the councilmen shall otherwise direct, he shall keep a record of the proceedings of the councilmen, he shall engross all the ordinances of the councilmen in a book to be provided for that purpose, with proper indices, which book shall be deemed a public record of such ordinances, and each ordinance shall be signed in said book by the chairman or acting chairman of the councilmen and said clerk; copies of all papers duly filed in his office, and transcripts thereof, and of the records and proceedings of the councilmen, and copies of the laws or ordinances of said town, certified by him under the corporate seal, shall be evidence in all courts and places.

Police powers of councilmen

11. *And be it enacted*, That every councilman shall have the power, and it shall be his duty, without warrant, to arrest or cause to be arrested any person engaged in his presence in disturbing the public peace or violating any law of the state or ordinance of the town, for the preservation of the peace, or of good order or morality, and to bring or cause such persons to be brought before a justice of the peace to be dealt with according to law.

Terms of office

12. *And be it enacted*, That the official term of the several persons who shall be elected in pursuance of this act, shall commence on the last Monday of April next after their election, and shall continue in office until the end of one year from that date, (except councilmen, their term of office shall be two years,) but on the first election there shall be elected three councilmen for the full term of two years, and three for the term of one year, and at every election hereafter there shall be elected at each election of town officers, three councilmen for the term of two years, said councilmen must be freeholders of the town of Union.

Justice of the peace.

13. *And be it enacted*, That the election of a justice of the peace in said town shall be held and conducted as heretofore, as if this act had not been passed.

Inhabitants not incompetent as witnesses, &c.

14. *And be it enacted*, That upon the trial of any issue, or upon the judicial investigation of any question, to which issue or investigation "The Town of Union" is a party, or in which it is interested, no person shall be deemed an incom-

petent judge, witness or juror, by reason of his being an inhabitant, freeholder or freeman of said town.

Annual statements.

15. *And be it enacted*, That the councilmen shall, at least once a year, not more than twenty nor less than fifteen days before the annual town election, publish a full statement of all the receipts and expenditures of every description for the fiscal year preceding such statement, including all the moneys which have passed through the hands of the treasurer for any purpose whatever, together with the different sources of revenue and the amount received under each, with all such other information as may be necessary for a full understanding of the financial concerns of the town.

Present taxes.

16. *And be it enacted*, That all taxes and assessments made and due before this act takes effect in the township of Union, and the town of Union, as hereby constituted, may be collected in the name of such of the two corporations as may be entitled to collect the same, and the property liable to be sold therefor shall be sold as if this act had not been passed, and any duty in such collection and sale imposed upon any officer in such present corporation shall be performed by the corresponding officers of the town of Union, under this act, and such officers shall be so liable to the debts, claims and rights in action which the like officers in townships are liable to, and all ordinances and resolutions heretofore passed by the town committee of the township of Union, that may be in force when this act goes into effect so far as the same are not inconsistent with this act shall remain in force until altered or repealed by the councilmen of the town of Union hereby provided for.

Taxes, how assessed.

17. *And be it enacted*, That all taxes for the purposes of the town shall be assessed by the assessor, who shall be elected in pursuance of this act, upon all the property, both personal and real, situated in the corporate limits of said town, in the manner and within the time directed by the laws of this state for assessing township, county and state taxes; and all taxes so assessed for town purposes, shall be collected by the collector in the same manner as he is by law directed to collect township, county and state taxes, and shall be paid over by him to the town treasurer as soon as collected and before the thirtieth day of December in each year, and no property whatever, situated within the bounds of said town shall be exempt from taxation, excepting only such property as may be held or owned by the said town of Union in its corporate capacity, and such property as may belong to any fire department of

said town, and all churches and school houses and church and school house property in said town.

List of delinquents.

18. *And be it enacted*, That the collector of the said town, in case of the non-payment of taxes on or before the twentieth day of December in each year, shall make out a list of the names of the delinquents, with the sums due from them respectively thereunto annexed, and deliver the same to the clerk of the town, on or before the thirtieth day of December in each year, except when the said day shall be Sunday, and then the next day following and it shall be the duty of said clerk to lay the same before the councilmen at the meeting thereof, held next after the same shall be delivered to him and thereupon the said councilmen shall deliver the same to the justice of the peace, residing in said town, who shall proceed and issue a tax warrant thereon, as provided by law in case of taxes in townships, which shall be directed and delivered to the collector of arrears of taxes who shall have power to collect the same in like manner in all things as the constables in the townships are directed by law; *provided*, that such collector shall before he delivers such list to said clerk, take and subscribe an oath or affirmation before the justice of the peace in said town, that the moneys in said list mentioned have been duly demanded or due notice thereof given at the usual place of residence of each delinquent who could be found or may then reside in the said town.

Proviso.

Interest of twelve per centum per annum.

19. *And be it enacted*, That whenever within the town any tax shall remain unpaid after the twentieth day of December in every year, it shall be lawful for the collector of arrears of taxes to charge, receive, and collect in addition to the amount of said tax, interest thereon, to be computed at the rate of twelve per centum per annum, from the said twentieth day of December until the same is paid, and such interest shall be paid over by the said collector of arrears of taxes to the treasurer of said town, in like manner and at the same time as he may be required to pay over to said treasurer all the taxes by him collected.

Taxes to be a lien on real estate.

20. *And be it enacted*, That all taxes and all assessments, which shall hereafter be levied, assessed, or made upon any lands, tenement or real estate situate in the said town of Union, shall be and remain a lien thereon until paid, notwithstanding any devise, descent, alienation, mortgage or other incumbrance thereof; and that if the full amount of any such tax or assessment shall not be paid and satisfied within the time limited and appointed by the councilmen for the payment

thereof, it shall and may be lawful for the councilmen to cause such lands, tenements or real estate to be sold at public auction for the shortest term for which any person will agree to take the same and pay such tax or assessment or the balance thereof remaining unpaid with the interest thereon, and all costs, charges and expenses, and to execute under the common seal of said town a declaration of such sale to be signed by the chairman of the councilmen and the town clerk, and to deliver the same to the purchaser; and such purchaser, his executors, administrator or assigns, shall by virtue thereof lawfully hold and enjoy the said lands, tenements or real estate, for his and their own proper use, against the owner or owners thereof, and all persons claiming under him or them until said term shall be completed and ended; *provided*, the said councilmen shall first have caused said sale to be advertised for at least sixty days, in at least one public newspaper generally circulated in said town, and also by advertisement put up in at least five public places in the said town, which advertisement shall describe the said lands, tenements, or real estate, and specify the amount of assessment or tax, and the recitals in such declaration of sale shall be evidence of the assessment, advertising and sale; *and provided also*, that the lands, tenements or real estate so sold may be redeemed by the owner, mortgagee, occupant or persons interested therein, or by any other persons for or in behalf of the owner, mortgagee or claimant of such lands, tenements or real estate, at any time within two years after the sale for either taxes or assessments, or for both, by paying to the treasurer of the town, for the use of said purchaser the purchase money, together with any other sum paid for tax or assessment, which the said purchaser may have paid, chargeable on such lands, tenements or real estate, and which he is hereby authorized to do, with interest thereon, at the rate of fifteen per centum per annum, in addition thereto; and the certificate of the treasurer of the town, stating the payments, and showing what lands, tenements or real estate such payment is intended to redeem, shall be evidence of such redemption, any mortgagee shall have power to redeem at any time until the expiration of the six months' notice herein specified; no mortgagee whose mortgage shall have been duly recorded before sale for any tax or assessment shall be affected by such sale, unless six months notice in writing shall have been given to him by the purchaser or those claiming under him either personally, or if not to be found in the said town of Union, then

Proviso.

Proviso.

such notice shall be deposited in the post office nearest to said town, directed to him at his last known place of residence, (or at the post office nearest thereto) but nothing therein contained shall be so construed as to impair the lien created by such tax, assessment or sale; *and provided*, the said term of time for which any lands, tenements or real estate so sold as aforesaid shall not commence nor shall said purchaser or those claiming under him have a right of possession to said lands, tenements or real estate, until the two years limited for the redemption of the same shall have expired; and the said purchaser, or those claiming under him, shall, at the expiration of the time limited in such declaration of the sale, quit and surrender the said lands, tenements or real estate in as good state and condition as when he entered thereon, natural wears and accidents excepted; *provided also*, that the said sale may be adjourned or postponed from time to time or suspended as the councilmen may direct; *and provided*, that if at any sale of lands, tenements or real estate, for assessments or taxes, the whole or any part thereof shall remain unsold for the want of purchasers, then it shall be lawful for the said councilmen to adjourn the said sale not less than thirty days, nor more than sixty days; twenty days' notice at least shall be given as aforesaid of the said adjourned sale; and if at said adjourned sale there shall be no purchasers for said lands, tenements or real estate, or for any part thereof, then it shall be lawful for the treasurer of the said town to purchase the said lands, tenements or real estate for the benefit of the town, subject to the same redemption as hereinbefore provided for; *provided also*, that all moneys paid for the redemption of said lands, tenements or real estate as aforesaid, together with such taxes and assessments paid by any mortgagee or judgment creditor, shall be a lien upon said lands, tenements or real estate for the amount so paid, with interest at the rate of seven per centum per annum, and such lien shall have the precedence over all other liens on said lands, tenements, or real estate; and on foreclosure of any mortgage by such mortgagee redeeming shall be directed to be made out of the said lands, and on sale of said lands under any such foreclosure, judgment shall be paid out of the proceeds of the sale; *provided further*, that a complete record of all taxes and assessments shall be kept in the town clerk's office, which record shall contain the time when such assessment and taxes were laid, the time when they were paid, (and if the property has been sold therefor) the

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time of said sale and to whom sold, and if redeemed, when and by whom; it shall be the duty of the town clerk to record in a book to be called "record of sales," all declarations of sale, and to give certificates of search in relation to liens to any person or persons applying for the same, and to cancel such declarations when the property for which they were given shall be redeemed, on certificate of the town treasurer of such redemption, and to file such certificate in the said clerk's office; it shall be the duty of the treasurer to make out two certificates for all property redeemed, one for the person redeeming and one to be filed in the said clerk's office.

State and county taxes, how assessed and paid.

21. *And be it enacted*, That all state and county taxes shall be assessed and collected by the assessor and collector of said town in like manner as township taxes are assessed and collected, and the same shall be paid over by the town collector to the county collector in like manner and under like penalties as township collectors are directed by law.

Assessors to have vote.

22. *And be it enacted*, That the assessor authorized to be elected by this act shall have the like vote which the assessors of townships may have by the laws of this state in the county board of assessors.

Powers of corporation.

23. *And be it enacted*, That the said corporation may by their title of "The Town of Union," have power to pass, enforce, alter and repeal ordinances to take effect within said town of Union, for the following purposes, to wit: to ascertain and establish the boundaries of all streets, roads and avenues in said town, and to prevent and remove all encroachments and nuisances in and upon any street, or any part thereof, lot or enclosure, place or places in said town, and in every other respect to secure to the public and adjoining owners the safe and convenient use of the streets and sidewalks for the purpose for which they are or may be laid out and dedicated; to prevent and prohibit all quadrupeds from running at large in said town; to make and adopt an assessment map, whereby to describe lands assessed for taxes or improvements; to prevent immoderate driving in the streets, and driving over and upon sidewalks; to prevent riots, routs, disturbances or disorderly assemblages in any street, house or place in said town; to prevent and suppress gaming houses and to prohibit gaming, and to restrain and punish all mendicants, vagrants, street beggars and common prostitutes; to suppress vice and immorality; to license, regulate and to prohibit inns or taverns, and to prohibit all traffic in or sale of intoxicating drink or drinks, and to license, regulate and to

prohibit hawkers and pedlers, upon such terms and under such regulations and penalties as the councilmen shall by ordinance impose; and no other license for such purposes within said town, granted by any other authority, shall be lawful, except licenses granted by the governor to hawkers and pedlers; and to prescribe the duties and compensation of all officers not defined by this act or the statutes of this state; *provided*, that no ordinance or by-law shall be enacted or passed by the said councilmen unless the same shall have been first introduced at a previous stated meeting and agreed to by at least four of said councilmen upon the passage thereof; all penalties for violation of any ordinance of said town shall be sued for and recovered before the justice of the peace of said town, in an action of debt, and execution may be issued against the goods, chattels and body of the defendant; *provided*, no penalty for violation of any ordinance shall exceed five dollars or imprisonment more than five days. Proviso. Proviso.

24. *And be it enacted*, That it shall be lawful for the board of councilmen, by ordinance, to lay out, open, widen, alter, grade, pave, macadamize, gravel, curb and gutter any street, road or avenue in said town, or any part thereof in said town; lay side and cross walks thereon, build open sewers, drains and receiving basins in and upon any street, road or avenue in said town, or any part thereof, on the application in writing to the said board of councilmen by some of the owners of the lands over which such improvements shall pass; and all such applications shall be advertised by the board of councilmen in one of the Hudson county newspapers circulating in said town, and also by notices put up in five of the most public places in said town for ten days at least before the same are adopted and the ordinances are passed to carry out the same; in which ordinance there shall be appointed three discreet, impartial and disinterested persons, residents and freeholders in said town, commissioners (who shall first be duly sworn or affirmed,) to examine into the whole matter impartially and to the best of their judgment, skill and ability, and who shall cause a survey and map to be made of said improvement, distinguishing each lot or parcel by numbers on said map, and they shall estimate the whole costs of said improvement, according to the best of their judgment, and shall assess such estimated cost upon the said lands fronting upon said improvements, and report the names of the owners of the lots or parcels as far as practicable, with the amount assessed to each, and shall file said report and map with the clerk of the town To regulate streets and open the same

within thirty days after their appointment; the clerk shall give notice of the filing of any such report and map within ten days after the same shall be filed with him, in one of the Hudson county newspapers circulating in said town, and by notice put up in five of the most public places in said town for ten days; and unless within thirty days after the filing of such report the owners of two-thirds of the lands to be assessed for such improvements shall file with the clerk of the town a remonstrance signed by them or their agent lawfully authorized, said councilmen shall proceed to execute said improvement; but if such remonstrance shall be filed the councilmen shall proceed no further in such improvement under that application; and all costs and expenses incurred by the council in such proceedings shall be repaid to the town by the petitioners of such improvements, and the councilmen may make such regulations touching the receiving and proceedings upon such petition, and security for the expenses thereof, as they may deem proper.

Expenses of opening the streets, &c., how defrayed.

25. *And be it enacted*, That all expenses and costs of proceedings for improvements in laying out, opening, altering, widening, filling up, grading, altering the grade of, refilling, guttering, curbing, bridging, planking and paving streets, roads and avenues, and repairing the same, for flagging or planking sidewalks, and for repairing, filling and refilling sidewalks, and for repairing and relaying, flagging or planking in or on the sidewalks, and for repairing and resetting curb and gutters and bridge stone, and bridging, and for building open drains and sewers, when the same shall be completed shall be assessed by the said three commissioners upon the lands and paid by the owners of the lands and real estate fronting upon the improvement so applied for, in proportion to the benefit received by said lands and real estate, except the main sewers or open drains, which shall be taxed and assessed to the whole town of Union; and the said commissioners shall determine and report in writing to the board of councilmen what proportion of such expenses shall be assessed to each separate lot or parcel of land, and shall accompany such report with a map containing each lot assessed and the name of the owner or owners thereof, which report and map shall be filed in the office of the clerk of the town of Union, whereupon the said clerk shall cause to be inserted in at least one of the Hudson county newspapers circulated in said town, for at least twenty days, a notice of the filing of said report, (and shall also for the same length of time put up like notices in five of the most

public places in said town,) and that the councilmen shall meet at a time and place to be specified in said notices, to be at least twenty days from the date of the filing of said report, to consider said assessments, and to receive and consider all objections thereto which may be presented in writing; and if the councilmen shall confirm said assessment it shall constitute a lien upon the property assessed for such assessment, and shall be collected under and by virtue of an ordinance or ordinances made by said councilmen for that purpose; and if the persons assessed neglect to pay to the town treasurer, upon written notice of the confirmation of the assessment and the passage of the ordinance to collect the same, the amount of their respective assessments within thirty days from the passage of said ordinance, the said councilmen may proceed to enforce the lien created in the manner prescribed in this act; and whenever within said town any assessment on any lot or parcel of land shall remain unpaid for thirty days after the confirmation thereof by the councilmen, it shall be lawful for the councilmen to charge, receive and collect, in addition to the amount of said assessment, interest thereon, to be computed at the rate of twelve per centum per annum from the time of confirmation of such assessment until the same is paid; *provided*, that nothing in this section be construed to take away the powers which townships now have to repair roads. Proviso.

26. *And be it enacted*, That all repairs in the carriage ways of any street, road or avenue in said town in any part thereof not applied for as in the twenty-fourth section of this act is required, and not made by the overseer of the highways, and said councilmen shall consider the said repairs to be necessary, then and in that case the committee of repairs (who shall be members of the board of councilmen, appointed by an ordinance as said committee,) shall cause the said repairs to be made by contract or otherwise, and the costs and expenses of such repairs shall be paid by the councilmen, upon their approval of the same, out of the road tax annually voted; that all repairs to sidewalks, crosswalks, and curb and gutter shall be made by the owners of the land in front of which such repairs are necessary, upon written notice by the committee on repairs; and if the said owner or owners shall be non-residents, it shall be sufficient for the committee on repairs to post said notice upon or near the lot or lots in front of which the sidewalks and curb and gutter may require to be repaired or relaid, and if the same shall not be repaired within fifteen days from the date of service or posting said notice as afore- Repairs of streets, sidewalks and gutters.

said, then it shall be lawful for the committee on repairs, and they are hereby authorized and empowered to cause the same to be made; and the costs and expenses of such repairing or relaying as aforesaid shall be assessed by said councilmen upon the lands directly in front of which said repairs shall be made, one-half on each side of such streets, except the cross-walks, which shall be assessed to the adjoining streets, roads or avenues to the extent of half the block on each side of said streets, and shall remain a lien thereon, and shall be collected as prescribed by this act for the collection of assessment for improvements, and any road assigned to the overseer of the highway shall be subject to such regulations and ordinances as the councilmen shall see fit to adopt.

Powers of council over streets, roads, &c.

27. *And be it enacted*, That the said councilmen are empowered to cause any or all of the improvements authorized by this act to be made in any of the streets or roads, whether used as a plank road, railroad or otherwise, except so far as they interfere with their corporate or vested rights, and in and upon all streets, roads and avenues that have been or shall hereafter be dedicated to the public use, whether they have been actually opened to the public travel or not, and any or all of the said improvements may be made in a part of any such street, road or avenue in said town; said councilmen shall also have power to regulate the position and construction of all railroads to be laid in any street, road or avenue in said town, and all contracts in which said councilmen shall be interested as individuals, either directly or indirectly, shall be null and void.

When to meet and divide funds and estate.

28. *And be it enacted*, That the councilmen of the town of Union and the township committee of Union township be and they are hereby empowered to meet on the fourth Monday of April next, at the hotel of Theobald Betz, in the town of Union, at nine o'clock in the forenoon of that day, and then and there proceed ratably to impose, divide and apportion the liabilities, funds, revenues and estate of said township hereby divided between the said town of Union and the residue of the township of Union, and should any such committee or members thereof fail to attend, then a majority may proceed to make such division and apportionment, setting forth the same in writing, for publication in the first subsequent annual report of said town and township; and such convention of committees or members thereof shall have power to adjourn from day to day, and their decision or the decision of a majority of them shall be conclusive and final, and the

passage of this act shall be sufficient notice of the time and place of such meeting.

To raise money for town purposes.

29. *And be it enacted*, That the legal voters of said town shall have power and authority at their annual charter elections in each year to raise, by plurality of votes, such sum or sums of money as they may think proper and necessary for the support and maintenance of the poor of said town, for the support and maintenance of the fire department, for the support of common schools, and for the making and repairing of roads and highways; and which said sums, when assessed and collected, shall be applied by the said councilmen to the purposes designated by the people at such charter election, and shall not nor shall any part of the same be used or applied to any other purpose whatever.

May raise money to pay salaries.

30. *And be it enacted*, That the said councilmen shall have power and authority, by general ordinance, to raise by tax, in addition to such sum or sums as may be authorized by the people at any town election held in pursuance of the provisions of this act, such sum or sums of money as they may deem necessary, not exceeding, however, the sum of one thousand dollars in any one year, and which sum shall be assessed and collected in the same manner as other town, county and state taxes are assessed and collected, and when collected shall be applied by the said councilmen to the payment of the salaries of the officers mentioned in this act, and such other incidental expenses as may be incurred from time to time in carrying into effect the provisions of this act.

Fire department.

31. *And be it enacted*, That the said board of councilmen for the time being shall be ex officio the board of trustees of the fire department of said town of Union, and the said town of Union, as hereby created, shall be a separate fire district, and all the provisions of the act entitled "An act to incorporate the Weehawken Fire Department," approved the sixth day of March, eighteen hundred and sixty-one, and the several supplements thereto, shall apply to and be in force in the said town hereby created as fully, to all intents and purposes as if the said fire department had been incorporated by the name of the fire department of the town of Union.

School district

32. *And be it enacted*, That the said town of Union, as hereby created, shall constitute a sole and separate school district, with like rights, liberties, powers and privileges, and subject to the same liabilities and obligations as other school districts in this state now have and are subject to.

33. *And be it enacted*, That the several owners of real

Owners may improve streets under direction of council.

estate in said town of Union shall have power and authority to make and otherwise improve the several streets and sidewalks opposite their respective lands and real estate in the manner as in this act is directed, at their own charges and expense; they, however, at all times complying with and observing such uniform grade of streets and sidewalks, and such width of sidewalks as may from time to time be established by the said councilmen; and in case the said streets in said town or any or either of them, or any part thereof, should not be so opened, graded and otherwise improved, either by the owners of the lands fronting on the same, or by the said board of councilmen, in the manner in this act prescribed within five years from the passage of this act, or said sidewalks should not be so graded and made as aforesaid within five years from the passage of this act, then and in either case the said board of councilmen shall have power and authority, and they are hereby authorized to at once proceed to make, open and lay out any such street or streets, or any part thereof, not so made, opened or laid out as aforesaid, and to make and construct such sidewalks or any part thereof in the manner hereinbefore prescribed; and it shall not be necessary, in order to authorize said board of councilmen to cause work to be done, to present any petition from the owners of the property along the line of such improvements, as in this act is before mentioned.

May own real estate.

34. *And be it enacted*, That it shall be lawful for the said corporation hereby created to take, purchase or lease such real and personal property as they may deem necessary and proper for the purposes of the said town, and the same or any part thereof to lease, mortgage, sell or otherwise dispose of, as to them may seem proper.

Liability to pay bonds.

35. *And be it enacted*, That the inhabitants and property of the said town of Union shall be liable for the payment of their proportion of certain bonds, amounting to eight thousand dollars, which the town committee of the township of Union are authorized to issue by virtue of the provisions of an act, entitled "An act to authorize the inhabitants of the township of Union, in the county of Hudson, to raise money by issuing bonds, and for other purposes," approved February nineteenth, eighteen hundred and sixty-four, in the same manner and to the same extent as if this act had not been passed; and the inhabitants and property of the said town shall be assessed and taxed therefor in the manner prescribed by said act.

36. *And be it enacted*, That all paupers who shall have gained a settlement in the township of Union, within the bounds of the said town of Union, shall be chargeable to and supported by the said town of Union. Charge of paupers.

37. *And be it enacted*, That the legislature may at any time alter, amend or repeal this act; and that this act shall be deemed a public act, and shall take effect immediately. Act may be repealed, &c.

Approved March 29, 1864.

CHAPTER CCCXXXI.

A Supplement to the act entitled "An Act for the punishment of crimes."

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 in the counties of Ocean, Atlantic, Camden and Burlington, for any person or persons to burn or cause or permit to be burned, any pit or bed of charcoal, nor to set fire to or burn any brush or other material, whereby the woods, trees or other property of another may be endangered, unless he or they shall keep and maintain a careful and competent watchman in charge of said pit, bed or other material while so burning; and any person who shall offend against the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding one hundred dollars, or by imprisonment not exceeding six months, or both. Burning of charcoal regulated.

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

Approved March 29, 1864.

CHAPTER CCCXXXII.

An Act to incorporate the New Jersey Lighterage Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Dudley S. Gregory, Henry F. Cox, Jacob B. Gaddis, Benjamin W. Blanchard, Edwin Bynner, Andrew A. Gaddis, and their associates, and all persons who now are or may hereafter become holders of the stock hereinafter mentioned, are constituted a body corporate, by the name of "the New Jersey Lighterage Company," with full power to sue and be sued, in all courts, both of law and equity; and to make and use a common seal, and are empowered to build, equip, fit, purchase, charter and own vessels, boats and tugs, or any share or shares, interest or interests therein, legal or equitable, to be propelled by steam or other motive power, and to be used in navigation to and from Jersey City, in this state, and the city of New York, or elsewhere, as the business of the company may require, with power to hold, build, or construct storehouses, warehouses, or other places of deposit, to charge for the storage of goods and property, and also to purchase, acquire, hold and convey such real estate, docks, wharves and piers as may be necessary to enable them conveniently to carry on their business; and they are further empowered to carry on a general freight and transportation business; to transport and carry goods, wares, merchandise and passengers.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said corporation shall be two hundred thousand dollars, with liberty to increase the same to a sum not exceeding five hundred thousand dollars; which said capital stock shall be divided into shares of one hundred dollars each, which shall be deemed personal property; the said corporation may begin operations when one hundred thousand dollars shall have been subscribed and thirty thousand dollars paid in in cash.

When may borrow money.

3. *And be it enacted*, That after one hundred thousand dollars shall have been subscribed and thirty thousand dollars paid in in cash the said company shall be empowered to borrow any sum or sums of money not to exceed at any time the amount of capital stock actually paid in, and secure the same by bond, mortgage, pledge, hypothecation, or otherwise.

4. *And be it enacted*, That the three persons first above

named shall be commissioners to receive subscriptions for such capital stock at such time and place in the city of Jersey City as they shall appoint, by giving ten days' notice thereof in one or more of the newspapers published in Jersey City, and if the whole capital stock shall not be subscribed at the times and places so appointed, other subscriptions may be received, until the whole capital stock shall be subscribed, under such regulations as the board of directors shall designate. Commissioners and duties.

5. *And be it enacted*, That as soon as one hundred thousand dollars of said capital stock shall have been subscribed the said commissioners shall call a meeting of the stockholders by giving ten days' notice thereof in one or more newspapers published at Jersey City, in this state, 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 said corporation, who shall hold their office for one year and until others shall be 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 stockholder to one vote, and the election shall be made by such of the stockholders as shall attend for that purpose either by person or 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 said corporation, the said corporation shall not for that cause be deemed dissolved, but such election may be held on any other day which shall be appointed by the directors of said corporation, in pursuance of notice to be published in one or more newspapers published in Jersey City; any three directors of said corporation shall form a quorum for the transaction of all the business of said corporation. Election of directors.

6. *And be it enacted*, That it shall be lawful for the directors of said corporation to call in and demand from the stockholders respectively, all such sums of money by them subscribed at such times and in such payments or installments as the directors shall deem proper, and the said corporation may sue for and recover all such sums of money as may from time to time or at any time be due on subscription, with interest from the time of default in the payment thereof, or if payment shall not be made by any stockholder or stockholders within sixty days after personal demand, or after notice re- Payment of installments.

quiring such payment shall have been published for the period of two months, at least once in each week, in one or more newspapers published at Jersey City, in this state, the board of directors may declare the share of stock so subscribed for by such stockholder or stockholders forfeited, and the same shall thereby be forfeited, together with all previous payments thereon.

President and officers.

7. *And be it enacted*, That said corporation shall keep an office in Jersey City, in this state; the directors of this corporation may appoint one of their members to be president, and such other officers and agents as they may deem proper for the government of the corporation and the management of their business; and make and establish all needful by-laws, rules and regulations for the conduct of their affairs; *provided*, such by-laws, rules and regulations shall not conflict with the constitution and laws of this state or of the United States.

Books to be kept.

8. *And be it enacted*, That it shall be the duty of the said corporation to cause a book to be kept containing the names of all persons who are stockholders in said corporation, showing their places of residence and the number of shares of stock held by them respectively, and also such books of accounts which shall show the transactions and business of the said company.

Limitation.

9. *And be it enacted*, That said corporation shall continue in existence for thirty years, and 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, as far as the same are applicable, and this act shall be deemed and taken as a public act, and shall take effect immediately, and shall be subject to the provisions of the act entitled "An act to increase the revenue of the state of New Jersey," approved March sixth, eighteen hundred and fifty-eight.

Approved March 29, 1864.

CHAPTER CCCXXXIII.

An Act to authorize the inhabitants of the township of East Amwell, in the county of Hunterdon, to borrow money to pay bounties to volunteers, and also to authorize the amount borrowed, with interest thereon, to be raised by taxation.

May borrow money.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the town committee of the township of East Amwell, in the county of Hunterdon, be and they are hereby authorized and empowered to borrow, for and on account of the inhabitants of said township, in their corporate capacity, any sum or sums of money which the said town committee have been directed to borrow by a majority of those legal voters of said township, in town meeting assembled, for the purpose of paying bounties to the persons who shall volunteer to fill up the quota of said township.

Note or bond binding.

2. *And be it enacted*, That any promissory note, bond, or other evidence of indebtedness given by the town committee of said township for money borrowed for the purpose aforesaid, shall bind the inhabitants of said township in their corporate capacity and all taxable property in said township.

How refunded

3. *And be it enacted*, That any sum of money borrowed by the said town committee under this act, with the interest thereon, shall be assessed at the next regular annual assessment after the same is borrowed, in the same manner that other township taxes are assessed and collected, and when collected shall be paid over to the town committee of said township, and shall be by them applied to the payment of the money borrowed under this act, with the interest thereon.

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

Approved March 29, 1864.

CHAPTER CCCXXXIV.

An Act to authorize the township of Dover, in the county of Ocean, to raise money for military purposes.

May borrow money and issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the township of Dover, in the county of Ocean, to borrow money upon the credit of said township to pay a bounty to volunteers, and for that purpose they are hereby authorized to issue bonds in the name of "The Inhabitants of the Township of Dover in the County of Ocean," under the respective hands and seals of the said township committee, for an amount of money not exceeding two hundred dollars for each volunteer heretofore furnished and paid by said committee since the first day of August, eighteen hundred and sixty-three, the same being nine in number, and in addition thereto to issue bonds, as aforesaid, for an amount of money not exceeding three hundred and fifty dollars, for each volunteer hereafter furnished in said township for its quota under the present calls of the president of the United States, the same being ninety-one, ten per centum of the whole amount of said bonds to be payable every year for the next ensuing ten years, with interest, payable semi-annually, on the same at six per cent.; and for that purpose shall pledge the property and credit of said township for the payment of the same, which bonds it shall be lawful for said township committee to sell and assign at not less than par; and the proceeds of said bonds to be deposited with the township collector and paid out by order of the said committee as may be required.

To provide for payment by taxation.

2. *And be it enacted*, That for the purpose of providing for the payment of said bonds, and interest thereon, it shall be lawful to assess a poll tax of five dollars a year, for ten years, upon every single man having no family to support, and a poll tax of two dollars per year upon every other male taxable inhabitant of said township for ten years, and the residue to be assessed upon the real and personal property of said township; said taxes to be assessed and collected in the same manner as other taxes are now assessed and collected.

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

Approved March 29, 1864.

CHAPTER CCCXXXV.

An Act to incorporate the Maurice River Bridge Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the subscription books to the capital stock of the Maurice River Bridge Company shall be opened by Francis Lee, William S. Ward, Francis Godfrey, Benjamin F. Lee, Lehman Blew, Asa Haley, John Sharp, George E. Compton, David Haley, Charles Butcher, Daniel Wells, George Fagans, Theodore Rogers, Joseph Marts and Seth Bowen, or a majority of them, who are hereby appointed to receive subscriptions to said stock, at such times and places as they or a majority of them may direct, giving notice thereof at least twenty days prior to the opening of said books, by publishing the same in at least one newspaper published in the county of Cumberland. Commissioners to open books.

2. *And be it enacted*, That the capital stock of said company shall be twenty thousand dollars, with the privilege of increasing the same to forty thousand dollars, and shall be divided into shares of fifty dollars each; and that when two hundred or more shares shall be subscribed and taken, the persons holding the same shall be and they are hereby incorporated into a company by the name and style of "The Maurice River Bridge Company," and by that name and style shall have, enjoy and exercise all the rights, powers and privileges appertaining to corporate bodies and necessary to carry the object of this act into effect. Capital stock.

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

4. *And be it enacted*, That if the number of shares herein- Limitation.

before made necessary for the incorporation of said company, be not subscribed for within five years from the time of opening said subscription books, this act and all the subscriptions under it shall be null and void, and the said commissioners, after deducting thereout the expenses incurred, shall return the residue to the respective subscribers, or their representatives, in proportion to the sum paid by them.

Election of directors.

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

President and officers.

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

Vacancies, how supplied.

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

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

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

9. *And be it enacted*, That if from any cause any election hereinbefore named shall not be had at the time specified in this act, the same may be held at any other time, on notice as aforesaid, and that until such election be had, the officers of the preceding year shall continue to hold their respective offices until others are elected in their stead. Not void for failure to elect

10. *And be it enacted*, That it shall be lawful and the duty of the said company to build a bridge over and across Maurice river, from the foot of High street, at Mauricetown, in the county of Cumberland, occupying so much of said street as may be necessary for said bridge, the said bridge to be at least sixteen feet in width, except the draw, which may be twelve feet, with good and sufficient side rails for the safety of travellers; and shall construct a convenient draw, or swing thereon, of at least forty feet opening, to be placed in the most convenient place for the navigation of said river, with sufficient wings, extending not less than fifty feet from said bridge and shall keep or cause to be kept a careful person or persons to run said draw on and off, for the free passage of vessels or steamboats, both day or night. Object of corporation.

11. *And be it enacted*, That the said company shall at all times after building said bridge, support and maintain the same, and at all times keep it in good repair, and safe for those who may have occasion to pass over said bridge with their horses and carriages, or otherwise, and may, if the said bridge should be carried away by any cause, rebuild the same; Bridge to be kept in repair.

and in case the said company should neglect or refuse to keep the said bridge in good repair, the freeholders of the county of Cumberland may, at their discretion, take possession of said bridge, and the said company shall forever thereafter be debarred from taking any tolls from any person or persons, who shall pass over said bridge.

Rates of toll.

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

For every person on foot, two cents;
For every person on horse or mule, ten cents;
For all wagons, carts, sleighs or sleds drawn by one horse, mule or ox, each, fifteen cents;
For all one-horse pleasure carriages, each, twenty cents;
For all two-horse pleasuse carriages or stages, each, twenty-five cents;
For all two-horse mule or ox wagons, carts, sleighs or sleds, twenty cents each;
For all horned cattle or horses, each, six cents;
For all hogs, calves or sheep each, two cents;
And all other articles and things not herein enumerated, to be in equitable proportion; *provided always*, that said directors may, in their discretion, reduce said rates.

Proviso.

Power of toll gatherers.

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

Proviso.

Passage of vessels regulated.

14. *And be it enacted*, That if any person or persons having the command of any vessel, shall, by their neglect, do any damage to said bridge or draw, or keep it open more than fifteen minutes, when the same is not absolutely necessary for the passage of some boat or vessel, shall forfeit and pay

the sum of twenty-five dollars, and also be liable for all damges that may be done to said bridge or draw, to be recovered before any court having competent jurisdiction, with costs of suit.

Powers and restrictions.

15. *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, anno domini eighteen hundred and forty-six, and the several supplements thereto, so far as the same are applicable.

Road at each end of bridge, and proceedings to acquire land.

16. *And be it enacted*, That it shall and may be lawful for said company to construct and keep up a road, sixty feet wide, from the end of said bridge, in Maurice River township, to the main road leading from Port Elizabeth to Dorchester, and to connect with said main road at or near the farm of Henry Rodgers, the said company first making compensation for the lands taken for the purpose of constructing said road; *provided*, that if the said company cannot agree with the owners of the lands required for the use or purchase 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 can be made for the same, it shall be the duty of any judge of the court of common pleas, or justice of the supreme court of this state, upon application of either party, and after six days' notice in writing to the opposite party, if residents of this state, and if not residents of this state, or unknown, then upon the publication of such notice in one of the newspapers published in the county of Cumberland two consecutive weeks, of said application, and upon due proof of the service of such notice, or the publication thereof, and after hearing of the parties, to appoint three impartial and judicious freeholders, residents of this state, commissioners to assess the price or value of the lands required by said company, and all damages that may be sustained by reason of the appropriation of the same to the use of said company, who shall, before entering upon the duties of their appointment, be duly sworn or affirmed faithfully and impartially to execute the duties thereof, and after six days' notice in writing to both parties, or publication thereof, at least one week previous to their meeting, in a newspaper published in the county of Cumberland, of the time and place of such meeting, shall meet, view the premises, hear the parties, and thereupon make such decision or award as to them may appear just and equitable, and transmit such

Proviso.

award and decision, in writing, under their hands and seals, or the hands and seals of a majority of them, to the clerk of the county of Cumberland, to be by him filed as a public record, and certified copies taken, if desired, by either party; and upon payment or tender of the sum so awarded by the said commissioners to the owners, or by reason of absence or legal incapacity, or want of knowledge of the residence of any of the owners of said required lands, the deposit of the sum so awarded in the hands of the clerk of the inferior court of common pleas of said county, subject to the order of said court, then the said company may by their agents or workmen enter upon, take possession of and construct thereon the said road, and have, hold, use and enjoy the said lands for the purpose of said road.

Tolls for using road.

17. *And be it enacted*, That the said road shall be taken and considered as appurtenant to said bridge, and the said company shall have the right to charge toll for passing over the same in the same manner as is hereinbefore authorized for passing over said bridge; *provided*, that the said company shall be at the whole and sole expense of constructing and keeping in repair the said road, and that the said township of Maurice River shall not be charged in any way, so long as tolls are demanded for passing over said bridge and road, for the repairing of said road.

Proviso.

May borrow money.

18. *And be it enacted*, That it shall and may be lawful for the said Maurice River Bridge Company to borrow moneys at six per centum per annum, not exceeding in amount ten thousand dollars, and to issue bonds therefor secured by mortgage upon the property of said company.

May hold land

19. *And be it enacted*, That it shall and may be lawful for said company to purchase and hold so much land as shall be necessary for securing material for constructing abutments and for construction of the road.

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

Approved March 29, 1864.

CHAPTER CCCXXXVI.

An Act for the more effectual organization of the New Jersey Rifle Corps.

Rifle companies to form one corps.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the rifle companies organized in this state under the authority of the governor, issued June twenty-ninth, eighteen hundred and sixty-three, shall form one corps; that the independent organization hereby formed shall be known as the "New Jersey Rifle Corps," and that the governor of the state shall have authority to add companies to this corps, or change the same, whenever the good of the service may so require; *provided*, that not more than forty companies shall at one time be attached to the corps.

Proviso.

Additional day for drill.

2. *And be it enacted*, That in addition to the number of days for drill now required by law, every company so designated shall meet for parade and drill four days during the year, and shall engage in military exercise, including target practice, at least five hours in each of such days; and all the said companies, once in the year, shall be required to attend an encampment at such time and place as the commander-in-chief shall appoint, which encampment shall continue at least four days, during which time the troops shall be exercised in company and battalion movements, and be carefully instructed in the whole routine of camp and field duty; and for the performance of actual duty on each day authorized in this section of the act, compensation shall be made as follows, viz: to each non-commissioned officer and private, for every day actually on duty, the sum of one dollar and fifty cents; to each commissioned officer of the line, below the rank of captain the sum of one dollar and seventy-five cents; to the commanding officer of each company, the sum of two dollars; to officers of higher rank than captain detailed for duty, such compensation as the commander-in-chief shall determine, not to exceed the usual rate of officers of corresponding rank in the United States' service; *provided*, that no officer or private shall receive any compensation unless the company to which he is attached shall number for duty on the day for which claim of compensation is made, at least thirty uniformed men exclusive of officers.

3. *And be it enacted*, That the days for parade and

Days of parade.

military exercise and the time for holding encampments shall be fixed by the commander-in-chief.

In case of invasion or riot governor may order out forces.

4. *And be it enacted*, That in case of invasion, tumult, riot, or resistance of process, or immediate danger of the same in any city or county of this state, if the mayor of such city, or the sheriff of such county, shall inform the governor of the existing facts, stating that he has exhausted the military force of the county, and that additional military force is required, it shall be the duty of the governor to order out any number of companies from among those designated as aforesaid to perform actual service in the state of New Jersey, for a period not to exceed three months; and for the performance of actual service, non-commissioned officers, musicians and privates, shall receive from the state, sixteen dollars per month, and the same rations as are allowed in the regular army; and whenever the service shall continue for the period of three months, each non-commissioned officer, musician and private shall receive one complete set of uniform; and for any less term of service a corresponding proportion of uniform; *provided*, the service shall be for at least thirty days, and his family shall also receive state bounty while in actual service.

Proviso.

Substitutes.

5. *And be it enacted*, That it may be lawful for any one called to perform actual service, to find a substitute, who, if approved by the commanding officer of the company, or passed by the mustering officer, may serve in the place of such person in the company to which he is attached.

Pensions.

6. *And be it enacted*, That the widow or minor children of any officer or soldier who may be killed after he is mustered in, and in the performance of actual service of this state, (not in the service of the United States,) or who may be disabled in the performance of such service, shall receive from the treasurer of this state, the like pensions, that persons under similar circumstances receive from the United States.

Expenses to be paid.

7. *And be it enacted*, That there shall be paid on the first Monday of April of each year, to the treasurer of each company of active militia in this state, to be expended for for the purpose of procuring a drill room and armory, and to defray other expenses incident to the existence of the company, as follows, viz: if the said company consists of at least thirty members in uniform, and does not exceed fifty, exclusive of officers, the sum of sixty dollars; if it consists of at least fifty and not exceeding seventy, the sum of eighty dol-

lars; if it consists of eighty members, the sum of one hundred dollars.

8. *And be it enacted*, That Captain Abraham B. McKeon, Captain John Danforth, Captain William S. Tipson, Captain Timothy Colvin, Captain John B. Lutz and Lieutenant David D. Buchanan, be and the same are hereby appointed a commission to prepare such general regulations as may be proper and necessary for the organization and government of the New Jersey Rifle Corps, and submit the same to this or the next legislature. Commissioners to prepare regulations.

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

Approved March 30, 1864.

CHAPTER CCCXXXVII.

An Act to complete the Geological Survey of the State.

WHEREAS, The senate and general assembly of the state, by an act passed March second, eighteen hundred and fifty-four, authorized a geological survey of the state to be made, which survey was subsequently suspended by the state; and whereas, the State Agricultural Society, under the authority granted to it by the act of February twenty-fifth, eighteen hundred and sixty-three, has shown a laudable zeal in continuing the said survey; and whereas; it appears by the report of Robert C. Bacot and Jacob Herbert, committee of the legislature,) made March eleventh, eighteen hundred and fifty-seven, that of the former appropriations made by the state, there was, at that date, an unexpended balance, amounting to eight thousand ninety-seven dollars and thirty-one cents, which balance still remains to the credit of that account; and whereas, it is the duty of the state to develop and render available to the fullest extent, the facts relative to its great natural resources, as also of its agricultural, mining, mechanical and other industrial interests—therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the duty of completing the said survey be and is hereby resumed by the state, said sur- Survey of state to be resumed.

vey to be completed within a period not to exceed four years, and at an expense not to exceed the sum of twenty thousand dollars, aside from the cost of publication, and all laws conferring on the State Agricultural Society authority to continue the survey, or transferring to it the state property used by the survey, be and the same are hereby repealed.

Appropriation

2. *And be it enacted*, That the sum of twenty thousand dollars of which the unexpended balance of former appropriations shall be part, be and is hereby appropriated to carry out the provisions of this act.

State geologist.

3. *And be it enacted*, That the appointment of George H. Cook, by the State Agricultural Society, is approved of, and that the said George H. Cook is hereby appointed state geologist, with authority to receive from the State Agricultural Society, the state property used by the survey, and employ, control and use the same; to employ such assistant or assistants as shall seem to him necessary for the proper prosecution of the survey, and it shall and may be lawful for the said George H. Cook, and the person or persons employed by him, to enter without molestation upon any lands in this state, which he or they may deem necessary to further the object of the said survey, and it shall be the duty of the state geologist, on or before the first day of January of each year, to furnish to the president of a board of managers (hereinafter to be created) a detailed statement of his expenditures with the vouchers therefor, and also a report of his operations for the preceding year.

Board of managers, and their duties.

4. *And be it enacted*, That to promote the objects which this act has in view, there shall be a board of managers of the same, to consist of eleven members, one of whom shall be the governor of the state, who also shall be president of the board, and two members from each of the five congressional districts of the state, and the state geologist shall make his annual report to the president, who shall appoint from the members of the board, a committee to examine the annual accounts of expenditure, and the president shall submit the same and all matters pertaining to the survey at the first following session of the legislature, and it shall be lawful for the president and board of managers, or a majority of them, to make yearly agreements with the state geologist as to his own and the salaries of his assistant or assistants, but such temporary assistance as may be needed, the purchase of the necessary implements and materials, the means necessary for transportation and all other incidental expenses shall be under

the control of the state geologist, and it shall be the duty of the members of the board, in addition to those already specified, to furnish from time to time, to the state geologist, any and all information which will contribute to the more full and complete development of the facts relating to the agricultural, mining, mechanical and other industrial interests of the state.

Compensation

5. *And be it enacted*, That the governor of the state is hereby authorized, by his draft in favor of the state geologist, to draw on the treasurer of the state for such sum or sums of money as may be called for by the state geologist; *provided*, the several sums so called for shall not in any one year exceed the one-fourth part of the appropriation made in section two of this act, to wit: twenty thousand dollars.

Proviso.

$500 to pay expenses.

6. *And be it enacted*, That it shall be lawful for the state geologist to take from the first yearly installment a sum not to exceed five hundred dollars, to reimburse himself for the expenses incurred in prosecuting the survey the past year.

Committee o publicat on.

7. *And be it enacted*, That the board created by this act, shall be a committee of publication, with authority to print and publish the annual and final reports of the state geologist, and also to direct the distribution of suites of the geological, mineralogical and other specimens collected in the survey, to such literary, scientific and other institutions, as will best conduce to the interests of the citizens of the state.

Managers.

8. *And be it enacted*, That the following named persons are hereby appointed and shall constitute the board of managers of the geological survey of the state, viz: President, Joel Parker: Managers, David Potter, of Cumberland, Andrew K. Hay, of Camden, in the first district; William Parry, of Burlington, John A. Roebling, of Mercer, in the second district; Isaac R. Cornell, of Somerset, Henry Aitken, of Union, in the third district; Abraham S. Hewitt, of Passaic, Andrew B. Cobb, of Morris, in the fourth district; William M. Force, of Essex, J. R. Wortendyke, of Hudson, in the fifth district; and power is hereby given to the said board, or a majority of them, to fill any vacancies which may occur.

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

Approved March 30, 1864.

CHAPTER CCCXXXVIII.

A Supplement to an act entitled "An act to incorporate the Trenton Arms Company," approved March eleventh, eighteen hundred and sixty-two.

Preamble. WHEREAS, the Trenton Arms Company was organized on the basis of one hundred and fifty thousand dollars capital, in shares of five hundred dollars each, pursuant to section two of the act incorporating said company; and whereas, pursuant to section six of said act, the limit of capital was subsequently enlarged to four hundred thousand dollars, which increased capital has not yet been subscribed; and whereas, said company has become embarrassed in its financial affairs, and it is deemed for the interest of the creditors, as well as of the stockholders, that the limit of capital be further enlarged and the size of the shares reduced—therefore,

Capital stock. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the capital stock of the company incorporated under the name of "The Trenton Arms Company" shall be one million of dollars, divided into ten thousand shares of one hundred dollars each.

Name changed. 2. *And be it enacted*, That the corporate name of said company is hereby changed, and said company shall be hereafter designated and known by the name of "The New Jersey Arms and Ordnance Company."

Rights reserved. 3. *And be it enacted*, That none of the corporate powers, rights or franchises, conferred by the act incorporating said company, or by this supplement, shall be forfeited or impaired by reason of the appointment or continuance of a receiver, or of an injunction against said company by virtue of any order or decree of the court of chancery heretofore made, but the charter of said company shall remain in full force the same as if no such order or decree had been made.

When to take effect. 4. *And be it enacted*, That the first section of this act shall not go into effect without the assent first obtained, in writing, of the owners or holders of a majority of the present capital stock of the said Trenton Arms Company; and that the remaining sections of the act shall go into effect immediately; *provided nevertheless*, that nothing in this act con-

Proviso.

tained shall in anywise affect any suit or proceeding now pending at law or in equity against said company.

Approved March 30, 1864.

CHAPTER CCCXXXIX.

Supplement to an act entitled "An Act to revise and amend the Charter of the City of New Brunswick," approved March eighteenth, A. D. one thousand eight hundred and sixty-three.

Mode of electing collectors.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter at each annual charter election of the City of New Brunswick, there shall be elected by the legal voters of said city, three collectors of taxes, being one for each of the three election districts of said city, at the same time, in the same way, and for the same term as the three assessors mentioned in the sixth section of said act; each of whom shall perform during his term of office in his own district, all the duties now enjoined upon the collector of said city, by any provision of any general law of the state of New Jersey, or the charter and ordinances of the City of New Brunswick.

Mode of application for license.

2. *And be it enacted*, That so much of the forty-fifth section of said act as requires that every application for a license to keep an inn and tavern, or victualling house in said city shall be signed by twelve respectable freeholders resident in the district in which such inn and tavern or victualling house is situated, is hereby so far modified, as, that it shall not be necessary for the twelve signers to the application to be residents of the district in which said inn and tavern, or victualling house is situated; *provided always*, that the said signers to the application are freeholders and residents within the corporate limits of the City of New Brunswick.

Proviso.

Repealer.

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

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

Approved March 30, 1864.

CHAPTER CCCXL.

A Further Supplement to the act entitled "An act to incorporate the Sussex Mine Railroad Company, approved March the ninth, eighteen hundred and forty-eight."

Preamble.

WHEREAS, by an act of the legislature of this state, approved February fourth, eighteen hundred and sixty-three, a further supplement was passed to the Sussex Mine Railroad Company; and whereas, the said company have paid into the state treasury the sum of twenty-five dollars, as directed by the act entitled "An act to increase the revenues of the state of New Jersey," which said sum by inadvertance or oversight was not so paid within the time limited by the supplement to the last named act—now, therefore,

Powers extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "A further supplement to the act entitled 'An act to incorporate the Sussex Mine Railroad Company, approved March the ninth, eighteen hundred and forty-eight,'" which was approved February fourth, eighteen hundred and sixty-three, and the several provisions thereof, except that part of the first section which authorizes said company to construct spurs or branches from their present railroad and from the branch railroad authorized to be built by that section, to any other point or place in said county, shall have the same force and effect as if the said sum of twenty-five dollars had been paid on or before the first day of July next ensuing the passage of said act.

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

Approved March 30, 1864.

CHAPTER CCCXLI.

An Act to establish a new township in the county of Burlington, to be called the township of Bass River.

Bounds of township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all those parts of the townships of Little Egg Harbor, and Washington, in the county of Burlington, contained within the following bounds, to wit: beginning opposite the mouth of Belangy's creek, in the division line of Burlington and Atlantic counties, thence running a northerly course up the said Belangy's creek, the several courses thereof to the main stage road leading from Tuckerton to Bass River, thence a northerly course to the point where the townships of Little Egg Harbor and Southampton intersect the boundary line between Burlington and Ocean counties, thence along the line of the said Southampton township to Pappoose branch, thence down the same to the east fork of Wading River, thence down the same the several courses thereof to its mouth, thence down the Mullicas river to the division line of Burlington and Atlantic counties, to the place of beginning, shall be and hereby is set off from the townships of Little Egg Harbor and Washington, in the county of Burlington, to be called and known by the name of the township of Bass river.

Corporate name.

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

First town meeting.

3. *And be it enacted*, That the inhabitants of the township of Bass River, shall hold their first town meeting at the inn now kept by Franklin Adams, in said township, on the second Tuesday of April, eighteen hundred and sixty-four, and thereafter at the time appointed by law for holding the annual town meetings in other townships in the county of Burlington, and shall also hold the first annual state election

on the first Tuesday after the first Monday in November next, and annually thereafter, according to the laws regulating the annual state elections.

Township committee to divide property.

4. *And be it enacted*, That on the fourth Monday of April, eighteen hundred and sixty-five, the township committees of the said townships of Little Egg Harbor, Washington and Bass River, shall meet at the inn kept by Franklin Adams, in the township of Bass River, at ten o'clock in the forenoon of that day, and shall then and there proceed by writing, signed by a majority of those present, to allot, divide and assign to the said township of Bass River, such proportion of all the real estate and personal property, and of all surplus moneys of the said townships of Little Egg Harbor and Washington, then on hand, due or owing, arising from taxes on dogs, road taxes, taxes for the support of the poor, and for the education of children, as the taxable property and ratables, as taxed by the assessors within their respective limits at the last assessment, and may adjourn the said meeting respectively from time to time as a majority of those present may think proper, and the said township of Bass River shall be liable to pay a like proportion of the debts of the said townships of Little Egg Harbor and Washington, if any there shall be at that time, and if any of the members of the aforesaid township committees, or either of them, shall neglect to attend at the time and place aforesaid, it shall and may be lawful for the said committees or either of them, as shall attend, to proceed to such division of property as is by the section prescribed, and a decision of a majority of those present shall be final and conclusive.

Fourth assembly district.

5. *And be it enacted*, That the said township of Bass River shall form a part of the fourth assembly district of the county of Burlington.

First election.

6. *And be it enacted*, That the first election to be held under this act shall be held at the inn of Franklin Adams, in the township of Bass River, and each election, until otherwise ordered at the annual meeting of said township, and said elections shall be conducted in all respects as elections are now conducted by the several townships of this state.

Who to receive school money.

7. *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 townships of Little Egg Harbor and Washington, within thirty days after his election, all moneys apportioned and

due to the public school districts belonging to the township of Bass River.

Justices of the peace.

8. *And be it enacted*, That the justices of the peace elected and residing in the said township of Bass River, and now in commission, shall hold their offices until their respective terms shall expire, as if this act had not been passed.

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

Approved March 30, 1864.

CHAPTER CCCXLII.

An Act to authorize and require the inhabitants of Millville township, in the county of Cumberland to raise money.

May provide for payment by taxation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants composing the township of Millville, in the county of Cumberland, are hereby authorized and required at their next annual town meeting, to raise by tax in the same manner as other moneys are raised for township purposes, and also by a poll tax of five dollars upon each and every male citizen of said township such sums as they may think necessary for the purpose of refunding any moneys that may have been advanced by the inhabitants of said township, as a township bounty fund, that has been paid to volunteers in the United States service, in the army or navy of the government, and for no other purpose.

Money to be paid over.

2. *And be it enacted*, That upon the order of the township committee, the collector shall pay over the amount of money thus raised to the party or parties by whom the said township bounty fund was advanced and paid.

Where to apply.

3. *And be it enacted*, That the provisions of this act shall embrace the township of Millville as said township existed at the time the said bounty fund was advanced and paid, and prior to the division of said township by the act incorporating the township of Landis.

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

Approved March 30, 1864.

CHAPTER CCCXLIII.

Supplement to "An act for the more effectual organization of the militia," approved March twenty-second, eighteen hundred and sixty.

State Guard.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the governor, or the person administering the government, annually, on the first Monday of March, to designate from among the companies composing the active militia of this state, any number of companies he may deem necessary, not exceeding one battery of artillery, two companies of cavalry and ten companies of infantry, in each of the military divisions, which, for one year from the first day of June next, after such designation, shall, in cases of actual or threatened invasion, riot or insurrection in this state, be the first military force called for duty, and the men attached to such companies shall be called "The State Guard."

Companies.

2. *And be it enacted*, That no company shall be so designated unless at the time of such designation it shall contain at least fifty active members in uniform, exclusive of officers.

Attachment.

3. *And be it enacted*, That when such companies are not in actual service by virtue of this act, they shall, as now, constitute part of a division, brigade and regimental organization.

Rank.

4. *And be it enacted*, That whenever more than two companies shall be ordered into actual service, and stationed at the same point, the governor shall detail from among the officers of the militia of this state one of suitable rank, who shall command the post and shall have the power to appoint his staff.

Four days' drill.

5. *And be it enacted*, That in addition to the number of days for drill now required by law, every company so designated shall meet for parade and drill four days during the year, and shall engage in military exercise, including target practice, at least five hours in each of such days; and all the said companies, once in the year, shall be required to attend an encampment at such time and place as the commander-in-chief shall appoint, which encampment shall continue at least four days, during which time the troops shall be exercised in company and battalion movements, and be carefully instructed

in the whole routine of camp and field duty; and for the performance of actual duty on each day authorized in this section of the act, compensation shall be made as follows, viz: to each non-commissioned officer and private, for every day actually on duty, the sum of one dollar and fifty cents; to each commissioned officer of the line below the rank of captain, the sum of one dollar and seventy-five cents; to the commanding officer of each company, the sum of two dollars; to officers of higher rank than captain, detailed for duty, such compensation as the commander-in-chief shall determine, not to exceed the usual rate of officers of corresponding rank in the United States service; *provided*, that no officer or private shall receive any compensation unless the company to which he is attached shall number for duty, on the day for which claim of compensation is made, at least fifty uniformed men, exclusive of officers. Proviso.

6. *And be it enacted*, That the days for parade and military exercise, and the time for holding encampments shall be fixed by the commander-in-chief. Time to be fixed.

7. *And be it enacted*, That in case of invasion, tumult, riot, or resistance of process, or immediate danger of the same, in any city or county of this state, if the mayor of such city, or the sheriff of such county, shall inform the governor of the existing facts, stating that he has exhausted the military force of the county, and that additional military force is required, it shall be the duty of the governor to order out any number of companies from among those designated as aforesaid to perform actual service in the state of New Jersey, for a period not to exceed three months; and for the performance of actual service, non-commissioned officers, musicians and privates shall receive from the state, each one, the sum of sixteen dollars per month and the same rations as are allowed in the regular army of the United States; and whenever the service shall continue for the period of three months, each non-commissioned officer, musician and private shall receive one complete suit of uniform, and for any less term of service a corresponding proportion of uniform; *provided*, the service shall be for at least thirty days, and his family shall also receive state bounty while in actual service. When and how militia called in service. Proviso.

8. *And be it enacted*, That the widow, or minor children, of any officer or soldier who may be killed after he is mustered in, and in the performance of actual service of this state, (not in the service of the United States,) or who may be disabled in the performance of such service, shall receive from the Pensions.

treasurer of this state the like pensions that persons under similar circumstances receive from the United States.

Penalty for neglect.

9. *And be it enacted*, That if any officer of any of the companies of the "State Guard" shall refuse or neglect, without reasonable cause, to obey the commander-in-chief, calling such company into actual service, he shall be liable to a fine not exceeding five hundred dollars, and be liable to be tried by a regular court martial appointed by the commander-in-chief for that purpose.

10. *And be it enacted*, That if any officer, non-commissioned officer, musician or private, attached to any company of the "State Guard," shall refuse or neglect, without reasonable cause, to obey the order calling the company into active service, he shall be liable to a fine not exceeding one hundred dollars, and for each day's refusal and neglect the further sum of five dollars.

How collected

11. *And be it enacted*, That the penalties imposed by the last two preceding sections of this act shall be prosecuted for, and in the name, and for the use of the state of New Jersey, by the prosecutor of the pleas of the county wherein the offence shall be committed, and shall be in addition to other penalties imposed.

Substitutes.

12. *And be it enacted*, That it may be lawful for any one called to perform actual service to find a substitute, but such substitute shall be a resident of this state, who, if approved by the commanding officer of the company, or passed by the mustering officer, may serve in the place of such person in the company to which he is attached.

Target practice.

13. *And be it enacted*, That upon at least two of the days upon which any company of the "State Guard" shall be required to parade, it shall be exercised in target practice.

Expenses, how paid.

14. *And be it enacted*, That there shall be paid on the first Monday of June of each year, to the treasurer of each company of active militia in this state, to be expended for the purpose of procuring a drill room and armory, and to defray other expenses incident to the existence of the company, as follows, viz: if the said company consists of at least forty members in uniform, and does not exceed sixty, exclusive of officers, the sum of sixty dollars; if it consists of at least sixty, and not exceeding eighty, the sum of eighty dollars; if it consists of eighty members, the sum of one hundred dollars.

Regulations.

15. *And be it enacted*, That the articles of war and United States regulations as from time to time revised, shall be and the same are hereby adopted for the government of

the force of "the State Guard" established by the first section of this act.

16. *And be it enacted*, That the commander-in-chief shall purchase such systems of tactics, regulations, and other military books, as may be necessary for the instruction of "the State Guard" which books shall be distributed as the property of the state, under proper regulations, through the adjutant general's office. Military books to be distributed.

17. *And be it enacted*, That the adjutant general shall cause the existing militia laws of the state to be properly digested and a proper index prepared, and the whole published in a suitable form for distribution. Laws to be digested.

18. *And be it enacted*, That all moneys authorized by this act to be expended shall be paid by the treasurer of this state out of any moneys not otherwise appropriated, except the state bounty, which shall be paid out of the war fund of this state on the warrant of the governor. Appropriation

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

Approved March 31, 1864.

CHAPTER CCCXLIV.

An Act to incorporate the Morris and State Line Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Andrew A. Smalley, Thomas Lawrence, John H. Brown, John G. Trusdell, Peter Smith, Aaron Robertson, Robert Rusling, Jedediah B. Bassinger, Isaac VanWagenen, Charles A. Lighthipe, Amzi Dodd, Robert P. Stoll, Amos Smith, John A. Bell, Anson G. P. Segur, 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 Morris and State Line 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 Corporators.

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, with liberty to the said company to increase the same to one million 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.

Commissioners to open books.

3. *And be it enacted*, That the above named persons or a majority of them, shall be commissioners to open books and procure 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 at the time of subscribing for said stock, five dollars on each share subscribed shall be paid to the said commissioners, in gold or silver coin, or legal and current bank or United States treasury notes; that whenever there shall be four thousand shares of the said stock subscribed, the said commissioners may give notice for a meeting of the stockholders, to choose eleven directors; and such election shall be made at the time and place appointed by the said commissioners, or a majority of them, by such stockholders 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 commissioners, 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 first meeting of the directors; and the said directors so chosen as aforesaid shall, at their first meeting, or annually, at the annual election of the said corporation, or as soon as may be after every such election, choose out of their own number, a president, and in case of the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who

Election of directors

shall have such power and functions as the by-laws of the said corporation shall provide.

Not void for 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.

Payment of installments.

5. *And be it enacted*, That five directors of the said corporation shall be competent to tranact all business of the said corporation, and they shall have power to call in the capital stock of said company by such installments, not to exceed five dollars on each share at any one time, and at such times as they may direct; *provided*, that such installments shall not be called for at a shorter period than thirty days from each other; and in case of the non-payment of said installments, or any of them, to forfeit the share or shares upon which such default shall arise; and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate and effects of the said corporation, and also shall have power to appoint a secretary and so many clerks and servants, as to them shall seem meet, and to establish and fix such salaries to them, and also to the president, as to the said board shall appear proper.

Proviso.

Route of road.

6. *And be it enacted*, That the president and directors of the said company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from some point on the Morris and Essex railroad, at or near Stanhope, or any point west thereof within the county of Morris, and to intersect said railroad, and extending the same into the county of Sussex, at or near the villages of Sparta, Franklin, and Hamburg, to the state line, dividing the state of New Jersey from the state of New York, said road not to exceed one hundred feet in width, with as many sets of tracks and rails as they may deem necessary; and it shall be lawful for the said president and directors, their agents, engineers, superintendents, or others in their employ, to enter at all times upon all lands or waters, for the purpose of exploring, surveying, levelling, and laying out the route or routes of such railroad, and of locating the same, and to do and erect all necessary works, buildings and appendages thereof, doing

May enter on lands.

no unnecessary injury to private or other property; and when the route or routes of such road shall have been determined upon, and a survey of such route or routes deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy, and excavate any such lands, and to erect embankments, bridges, and all other necessary works, lay rails, and to do all other things which may be suitable or necessary for the completion or repairs 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, 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; and the said company shall have power to build a branch from Stanhope, to whatever point west of Stanhope the said road may commence.

Proviso.

Proceedings when company and owners cannot agree.

7. *And be it enacted*, That if the owner of the land on which such railroad shall be made, shall not be willing to give the same for such purpose, and the said company and owner cannot agree as to the price of the same, it shall be the duty of any judge of the inferior court of common pleas of the county in which 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 or affirmed before the 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 decision and award, together with a description of the said land and the quantity taken, by whom owned and how situate and bounded, and describe in writing under their hands and seals, or under the hands and seals of any two of them, to the judge who appointed them, to be by him returned and filed in the office of the clerk of the county

wherein they were appointed, 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 corporation shall be deemed to be seized and possessed, in fee simple, of all such lands and real estate appraised as aforesaid.

Proceedings in certain cases.

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 the 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, and appraisement and witness fees.

Duties of the company.

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.

Powers.

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 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 ten cents per mile per ton for the transportation of property on the said road, or eight cents per mile for carrying each passenger on said railroad in the carriages of the company, or five cents per ton per mile for each ton of property transported, or four cents per mile for each passenger carried on the said railroad 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 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.

Proviso.

Dividends.

11. *And be it enacted*, That the president and directors shall, within one year after the said railroad shall have been completed, declare and make such dividends as they may think prudent and proper of the net proceeds thereof, and shall in like manner semi-annually thereafter, declare such dividends, and pay the same to the stockholders of the said company, in proportion to the amount of shares held by them, respectively, as they may deem prudent and proper.

Penalty for injuring works.

12. *And be it enacted*, That if any person shall willfully impair, injure, destroy or obstruct the use of the railroad constructed under the provisions of this act by the said company

or any of their necessary wharves, bridges, carriages, machines, or appendages, such person or persons so offending shall forfeit and pay to the said company the sum of fifty dollars, to be by them recovered in any court having competent jurisdiction, in an action of debt with costs, and further, shall be liable for all damages.

May hold real estate.

13. *And be it enacted*, That the said company may have and hold real estate at the commencement and termination of said road, and at their several stations on the lines of their said road, not exceeding two 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 any rivers or streams of water on the line of their railroad as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act.

Statement to be filed.

14. *And be it enacted*, That as soon as the railroad, with its appendages shall be finished so as to be used, the president and treasurer of the said company shall file under oath or affirmation, a statement of the amount of the costs of the said road, including all expenses in the office of the secretary of state; and annually thereafter the president and treasurer of the said company shall, under oath or affirmation, make a statement to the legislature of this state of the proceeds of said road; and from 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 capital stock of said road, 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.

When appraisement to be made.

15. *And be it enacted*, That any time after fifty years from the completion of the said road, the legislature of this state may cause an appraisement of the said road and the appendages thereof, to be made by six persons, three of whom shall be appointed by the chief justice of this state for the time being, the remaining three by the company; who, or a majority of them, shall report the value thereof to the legislature, within one year from the time of their 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 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 road upon the payment to the company of the amount of said report within one year after electing to take said road; which report shall be filed in the office of the secretary of state, and the whole property and interest of said road, 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 road, and of all the receipts and disbursements of the said company; *provided always*, that the aforesaid valuation shall be made without reference to the receipts and disbursements of the company or advance of the stock; and the said valuation shall in no case exceed the first costs or valuation of said road with the appendages thereof.

Proviso.

Limitation.

16. *And be it enacted*, That if the said road, or some part thereof, shall not be completed and in use at the expiration of two years from the fourth day of July next ensuing, that then and in that case this act shall be void.

May make contracts.

17. *And be it enacted*, That it shall be lawful for the said company to make contracts and engagements with any other corporation or individuals for transporting or conveying any kind of goods, produce, merchandise, freight or passengers, and to enforce the fulfillment of such contracts.

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 estate and personal property, road or roads, and all the appurtenances, franchises, powers and 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 any supplements thereto, subject, nevertheless, to all the restrictions, conditions and limitations contained therein.

Other corporations may purchase stock.

19. *And be it enacted*, That it shall and may be lawful for any corporation to subscribe for, purchase and hold the stock and bonds of the said railroad company.

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

Approved March 31, 1864.

CHAPTER CCCXLV.

A supplement to an act entitled "An act to confirm and legalize the acts of the Board of Chosen Freeholders of the county of Salem in raising money to pay volunteers, to authorize the issuing of bonds therefor, and provide for the payment of the same," approved March fourth, eighteen hundred and sixty-four.

May issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the county of Salem to provide for the payment of bounty to volunteers to fill the quota of said county under any call which has or may hereafter be made by the United States government for troops, by issuing bonds therefor in the way and manner set forth in the fourth section of the act to which this is a supplement, and to cause the same to be assessed and collected as in the second section thereof; *provided*, that the bonds issued in any one year shall not exceed the sum of seventy-five thousand dollars, and fall due within four years from their date.

Proviso.

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

Approved March 31, 1864.

CHAPTER CCCXLVI.

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

Preamble. WHEREAS, the population of the city of Trenton, in the county of Mercer, is nearly one-half of that of the entire county, and the quota of taxes levied upon the property and inhabitants of the said city is more than one-third of the amount levied upon the entire county; and whereas, the said city is now represented in the board of chosen freeholders of the said county by two members only—therefore,

Five chosen freeholders. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the city of Trenton shall have power, at their annual city elections, to elect five chosen freeholders, and no more.

Repealer. 2. *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.

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

Approved March 31, 1864.

CHAPTER CCCXLVII.

An Act in relation to the Public Printing.

How laws, &c. 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 royal octavo form, in strict conformity with the provisions of the act relative to the public printing, approved February eighteenth, eighteen hundred and sixty-two, at the following prices, to wit: for printing three thousand copies of the session laws, the sum of thirty-two dollars and fifty cents per sheet of sixteen pages; for printing one thousand copies of the journal of the senate, with the minutes of the joint meeting, and one thousand copies of the minutes of the house of assembly, the sum of twenty-five dollars per sheet of sixteen pages; for printing one hundred and thirty copies of the public bills ordered by either branch of the legislature, at the rate of four dollars per sheet of four foolscap pages on good writing paper, with pica type, each page to contain thirty-one lines; for printing the legislative documents and other papers ordered by the legislature, at the rate of seventy cents per one thousand ems for composition, and seventy-five cents 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 prices for composition shall be double the rates above stated; *and provided further*, that one dollar extra shall be paid per page for all indices and tables of contents, set in brevier type in the session laws, journals of senate and minutes of house of assembly and the treasurer's accounts.

Proviso.

Proviso.

2. *And be it enacted*, That the above prices shall include all the expenses incident to the printing and delivery to the state treasurer of all documents ordered, excepting 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 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 papers 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 for the legislative documents and current work ordered by the legislature, and for the other work at the lowest prices aforesaid at which such paper is sold in said cities during the last week in March of each and every year, and satisfactory evidence of the price of such papers, within the said periods, shall be submitted to the

To include all the expenses except paper, folding and stitching.

auditor of accounts before the allowance by him of any bill for paper on which any public printing has been executed.

3. *And be it enacted*, That when any document shall be ordered to be printed by either branch of the legislature, more than once, at periods of 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.

Copies to be delivered within thirty days after close of session.

4. *And be it enacted*, That in conformity with the act approved April sixteenth, eighteen hundred and forty-six, it shall be the duty of the clerk of the general assembly and the secretary of the senate to deliver copies completed of the journals of their respective houses to the persons appointed to print the same, within thirty days after the close of the session of the legislature; and in the event of the clerk of the general assembly and secretary of the senate failing to deliver such copies as provided for in this section, they shall forfeit to the state the sum of one hundred dollars, which sum shall be withheld by the treasurer from their salary until said copies shall be furnished.

Laws, &c., to be delivered within two months after receiving copy.

5. *And be it enacted*, That the printer or printers who are hereby or hereafter may be appointed to print the laws and proceedings of the legislature of this state shall, within two months after he or they shall have received the copy therefor, deliver to the treasurer of this state the number of copies of the laws and proceedings of the legislature for the time being, as shall be directed by law.

Journal and minutes to be printed.

6. *And be it enacted*, That the journal of the senate and the 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-two, and the auditor of accounts shall audit no bills for printing not executed in accordance with law.

Current printing.

7. *And be it enacted*, That David Naar be employed to execute the current printing of the present legislature and the legislative documents.

Laws.

8. *And be it enacted*, That E. N. Fuller, of Newark, be employed to print three thousand copies of the laws enacted at the present session of the legislature.

Minutes of assembly.

9. *And be it enacted*, That Eben Winton, of Bergen, be employed to print one thousand copies of the minutes of the general assembly for the current year.

Journal of senate.

10. *And be it enacted*, That L. C. Voght, of Morris county, be employed to print one thousand copies of the journal of

the senate for the current year, including the minutes of joint meeting.

11. *And be it enacted*, That the act hitherto passed to regulate the prices of public printing, and all acts and parts of acts conflicting with the provisions of this act be and are hereby repealed. Repealer.

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

Approved March 31, 1864.

CHAPTER CCCLXVIII.

An act to prevent horses, cattle, sheep and swine from running at large in the eastern precinct of Newton township, and the city of Camden, Camden 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 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 eastern precinct of the township of Newton, and the city of Camden, in the county of Camden. Provisions of former act extended.

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

Approved March 31, 1864.

CHAPTER CCCXLIX.

An Act to prevent the spread of Glanders in Horses.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter, if complaint be made to any justice of the peace in this state, verified by the oath When horses having glanders may be destroyed.

or affirmation of the complainant, that any person or persons, body politic or corporate, have in his, her or their possession any horses, mares, geldings, asses or mules, having in or upon them the disease known by the name of "glanders," to order an enquiry and examination to be made of the condition of such horses, mares, geldings, mules or asses under the supervision of some competent and skilful veterinary surgeon; and if by the report of the said surgeon it shall be made to appear to the satisfaction of the said justice that such horse or horses, mare or mares, gelding or geldings, mule or mules, ass or asses, as is or are mentioned in the said complaint, is or are diseased with glanders, by his warrant, directed to the owner or owners, or person or persons having the same in possession, forthwith to destroy such horse or horses, mare or mares, gelding or geldings, mule or mules, ass or asses.

Penalty for keeping such horses.

2. *And be it enacted*, That any person or persons who shall sell, expose to sale, or keep in his or their possession, or keep or suffer to be kept on his or their premises, or lead, drive, or bring into any street, road or public place any horse or horses, mare or mares, gelding or geldings, mule or mules, ass or asses, afflicted with glanders, knowing such horse or horses, mare or mares, gelding or geldings, mule or mules, ass or asses, to be so afflicted, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not less than one hundred dollars, and not exceeding five hundred dollars, or by imprisonment in the state prison not less than one month, and not exceeding one year, or both, at the discretion of the court.

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

Approved March 31, 1864.

CHAPTER CCCL.

An Act to legalize an Ordinance of the City Council of the City of Camden.

Preamble.

WHEREAS, the city council of the city of Camden did, on the twenty-fourth day of September, Anno Domini one thousand eight hundred and fifty-seven, by ordinance enact and

ordain "That all and every of the justices of the peace now elected and hereafter to be elected within the corporate limits of the city of Camden be and they are hereby authorized to impose fines, levy forfeitures, in all cases of violations of the ordinances severally directed; *provided*, that the fines and forfeitures so imposed and collected shall be paid into the treasury of the said city;" and whereas, doubts are entertained as to the authority of the said city council to enact said ordinance, and litigation has resulted therefrom, and the good order and peace of the city of Camden require such a law, or the number of aldermen to be increased so that the said the ordinances of said city may be enforced without inconvenience to the community —therefore, Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the aforesaid action of the city council of the city of Camden be and the same is hereby legalized, and declared valid and effectual in law. Ordinance legalized.

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

Approved March 31, 1864.

CHAPTER CCCLI.

An Act to incorporate the "Riverside Hotel Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John B. Horton, Lewis Shinn, George W. Cowperthwait, William I. James, Samuel H. Shreve, Amory Edwards, John T. Chambers 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 Riverside Hotel Company," and by that name shall have power to lease, purchase and hold real estate in the township of Dover, in the county of Ocean, and also to purchase, have and hold a farm in said county, not exceeding in the whole one hundred acres, and to erect and maintain a hotel, and other buildings and improvements, on any part of Corporators.

said real estate, for the accommodation of the public, and to transact all such business as may be incident or appertaining to the managing, erecting, furnishing, conducting or leasing said premises, or otherwise disposing of the same.

Capital stock.

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

Shares fifty dollars each.

3. *And be it enacted*, That the capital stock of said corporation shall be divided into shares of fifty dollars each, and shall be transferable in such manner as the by-laws of the 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.

Commissioners to receive subscriptions.

4. *And be it enacted*, That the persons named in the first section of this act are hereby appointed commissioners to receive subscriptions to said capital stock at such place or places in this state as a majority of them may appoint, and whenever the said subscriptions amount to at least ten thousand dollars, the said commissioners shall call the first meeting of the stockholders for the purpose of organizing said company.

Directors.

5. *And be it enacted*, That the directors shall be elected from among the stockholders in such manner as the by-laws of said corporation shall prescribe, and shall not be less than five in number, and shall, with all other officers of said corporation hold their offices until others are elected and duly qualified in their stead.

Annual statement.

6. *And be it enacted*, That annually, in the month of April, the directors of said corporation shall submit to the stockholders thereof a written statement of the affairs of the same, verified by the affidavit of the acting president of said corporation, and no dividends shall be paid to the stockholders, except from a clear surplus in hand over and above the full amount of the debts and liabilities of said corporation.

Amount of debts.

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

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

Approved March 31, 1864.

CHAPTER CCCLII.

An act to incorporate the New Jersey and Pacific Steamship Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Marshall O. Roberts, Moses Taylor, John J. Phelps, Daniel N. Carrington and Henry M. Alexander, and their associates, and all other persons who now are or hereafter may be holders of the stock hereinafter mentioned, are constituted a body corporate by the name of "The New Jersey and Pacific Steamship Company," with full power to sue and be sued in all courts both of law and equity, and to make and use a common seal, and are empowered to build, equip, fit, purchase, charter and own vessels, or any share or shares, interest or interests therein, legal or equitable, to be propelled by steam or other motive power, and to be used in navigating to and from Jersey City and the city of New Orleans, and in the waters of the Gulf of Mexico, in the waters of the Atlantic Ocean, and in the waters of the Pacific Ocean or elsewhere, to touch at any intermediate port or place between said cities or in said waters; and they are further empowered to carry on a general freight and transportation business, to transport and convey goods, wares, merchandise and passengers.

Capital stock

2. *And be it enacted*, That the capital stock of said corporation shall be one million, five hundred thousand dollars, with liberty to increase the same to a sum not exceeding four million dollars, and after such capital stock of one million five hundred thousand dollars shall have been subscribed, and one-half thereof paid in, said company shall be empowered to borrow any sum or sums of money, not to exceed at any one time in the aggregate one million dollars, and secure the same by bond, mortgage, pledge, hypothecation, or otherwise; said capital stock shall be divided into shares of one hundred dollars each, and shall be deemed personal property; the said corporation may commence operations when five hundred thousand dollars shall have been subscribed, and five per cent. on each share subscribed for, paid in, in cash.

Commissioners to receive subscriptions.

3. *And be it enacted*, That Daniel N. Carrington, John M. Cornelison, and Garret Van Horn shall be commissioners to receive subscriptions for such capital stock at such times and

places in the city of Jersey City, or elsewhere, as they shall appoint, by giving ten days' notice thereof, in one or more of the newspapers published at Jersey City, and if the whole capital stock shall not be subscribed at the times and places so appointed, other subscriptions may be received until the whole capital stock shall be subscribed under such regulations as the board of directors shall designate.

Election of directors.

4. *And be it enacted*, That as soon as five hundred thousand dollars of said capital stock shall have been subscribed, the said commissioners shall call a meeting of the stockholders by giving ten days' notice thereof in one or more newspapers published at Jersey City, in this state, 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 shall be 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 by person or 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 said corporation, the said corporation shall not for that cause be deemed dissolved, but such election may be held on any other day, which shall be appointed by the directors of said corporation, in pursuance of notice to be published in one or more newspapers published at Jersey City; any three directors of said corporation shall form a quorum for the transaction of all the business of said corporation.

Directors may call in stock.

5. *And be it enacted*, That it shall be lawful for the directors of said corporation to call in and demand from the stockholders respectively, all such sums of money by them subscribed, at such times and in such payments or installments, as the directors shall deem proper, and the said corporation may sue for and recover all such sums of money as may from time to time or at any time be due on subscriptions, with interest from the time of default in the 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 for the period of two months, at least once in each week, in one or more newspapers published in Jersey City in this State, the board

of directors may declare the shares of stock so subscribed for by such stockholder or stockholders forfeited, and the same shall thereby be forfeited together with all previous payments thereon.

Location.

6. *And be it enacted*, That said corporation shall keep an office in Jersey City, in this state, and are authorized to purchase, acquire, hold and convey such real estate, docks, wharves and piers as may be necessary to enable them conveniently to carry on their business.

President and officers.

7. *And be it enacted*, That the directors of said corporation may appoint one of their number to be president, and such other officers and agents, and establish such by-laws, rules and regulations as they may deem proper for the government of the corporation and the management of their business; *provided*, such by-laws, rules and regulations shall not conflict with the constitution and laws of this state, or the United States.

Certificate of increase of capital to be filed.

8. *And be it enacted*, That in case the said corporation shall determine at any time to increase their capital stock beyond the sum of one million five hundred thousand dollars, they shall file a certificate of such increase and the amount thereof in the office of the secretary of state in this state, and in the clerk's office of the county of Hudson, in this state, but such increase shall not be beyond the amount of four millions of dollars hereinbefore set forth.

Books 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 containing the names of all persons who are stockholders in said corporation, showing their places of residence, the numbers 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 their office at Jersey City.

Restrictions and liabilities.

10. *And be it enacted*, That the said corporation shall continue in existence for thirty years, and 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, as far as the same are applicable, and this act shall be deemed a public act and shall take effect immediately; but the same shall be subject to the payment of the tax provided by the act entitled "An act to increase the revenues of the state of New Jersey," approved March sixth, eighteen hundred and fifty-eight.

Approved March 31, 1864.

CHAPTER CCCLIII.

An Act to authorize the inhabitants of the township of Manalapan, in the county of Monmouth, to raise money to pay volunteers.

Township may raise money to fill quota.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the township committee (or a majority of them) of the township of Manalapan, in the county of Monmouth, to raise by note or notes, bond or bonds, an amount of money sufficient to procure volunteers to fill the quota of the last call of the president for troops, to an amount not exceeding the sum of four hundred dollars for each volunteer.

Assess and raise the same by taxation.

2. *And be it enacted*, That the said township committee be, and they are hereby authorized to raise by assessment on the taxable property in said township a sum sufficient to pay the amount so raised.

3. *And be it enacted*, That the said assessment shall be made and collected at the same time and in the same manner as other taxes are assessed and collected.

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

Approved March 31, 1864.

CHAPTER CCCLIV.

A Supplement to an act entitled "An act relative to the Lunatic Asylum," approved March thirtieth, eighteen hundred and fifty-five.

Twenty-five cents per week additional.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the sum specified in the first section of the act to which this is a supplement, there shall be paid by the state treasurer to the managers of the Asylum, the further sum of twenty-five cents per week for each county patient; such additional sum to be computed

and paid from the fifteenth day of December, A. D. eighteen hundred and sixty-three.

2. *And be it enacted*, That the sum of fifteen hundred dollars be and is hereby appropriated to pay for erecting the necessary apparatus and fixtures for making aerated bread in the Asylum; and the further sum of one hundred and fifty dollars for the repair of the billiard table used by the patients; and that the state treasurer do pay said moneys to the managers of the Asylum, upon the warrant of the governor for the purpose aforesaid. Appropriation

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

Approved March 31, 1864.

CHAPTER CCCLV.

An Act for the better preservation of the Public Peace in the township of Millville, in the county of Cumberland.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That the township committee of Millville township, in the county of Cumberland, shall meet on the first Monday of April in each year, and shall then organize themselves into a board for grading the streets and preserving good order in Millville, and shall appoint a president, and the township clerk shall be clerk of said board, and a majority of the members of said committee shall be necessary to constitute a quorum, without which no business shall be transacted except the appointment of an adjourned meeting. Powers of committee extended.

2. *And be it enacted*, That in case the said board shall fail to meet and organize on the first Monday of April in any year, it shall be lawful for them to meet and organize at any subsequent time that may be appointed, by a notice in writing signed by two members of said committee, and set up in three public places in said township, and published in the newspaper or newspapers printed in Millville, at least three days before the time so appointed; and such board when organized, may hold adjourned meetings upon their own appoint- How and when to meet.

ment, or special meetings at any time appointed, by notices signed, set up and published as aforesaid.

Powers and duties.

3. *And be it enacted*, That the said board shall have power to regulate the grade of the streets of the said town, and to authorize and require the overseer of the road in whose district any street or part of a street shall be, to alter the existing grade of any such street or part of a street, as they shall direct; and the said board shall have power, by a vote of two thirds of the members present, to require any owner of property in said town, adjoining any street thereof, to alter the grade of the sidewalk along his said property at his own expense, as they shall direct; and in case any owner shall refuse or neglect to do so one month after notice in writing of the order of said board, signed by the president and attested by the clerk, shall have been delivered to him, then the overseer of the road in whose district the same shall be may be directed by the said board to make said alteration; and the said overseer shall and may recover the expense of said alteration of the said owner, by action in any court of competent jurisdiction; *provided*, that no one owner of property shall be compelled to grade more than forty feet in length on any one side walk, in any one year.

Clerk's duties.

4. *And be it enacted*, That the clerk of said board shall have the custody of the papers and keep a record of the proceedings thereof, and the said board may allow such compensation to said clerk, and to superintendents or other persons by them employed, as they shall deem reasonable; but no compensation shall be allowed directly or indirectly to any member of said board, except such as the members of said township committee have heretofore been entitled to receive, and to the president for services in criminal cases.

Duties and powers of president.

5. *And be it enacted*, That the president of said board shall take an oath or affirmation before the clerk of the court of common pleas of the county of Cumberland, that he will faithfully, impartially and justly perform all duties of the office of president of the board for grading the streets, and preserving good order in Millville, according to the best of his abilities and understanding; and the said president shall then have power during his term of office, to see that the laws of this state are faithfully executed, to maintain peace and good order within the said township of Millville, to suppress all riots and tumultuous assemblies, and to arrest or cause to be arrested, and to commit for trial, all persons violating, or whom he has reason to believe have violated the

laws of this state, and shall possess the same powers and authority in criminal cases within said county, with which justices of the peace are invested, and may upon conviction of any person brought before him for any breach of the peace or of the laws of this state, within his authority, impose a fine not exceeding ten dollars, or imprisonment not exceeding ten days, or both, and that such person stand committed until the fine and costs of prosecution are paid.

Powers of marshal.

6. *And be it enacted*, That the said board shall have power to appoint a town marshal, who shall take and subscribe an oath or affirmation before the president of said board or some justice of the peace, that he will faithfully, justly and impartially fulfill the duties of the office of marshal of the township of Millville, according to the best of his abilities and understanding, which shall be certified to and filed by the clerk of the court of common pleas of the county of Cumberland, and thereupon the said marshal shall have all the powers and duties in civil and criminal cases within the county of Cumberland, that any of the constables therein have; he shall give an official bond similar to constables, and shall be entitled and required to execute any process directed to a constable, and shall have the same fees and be subject to all the liabilities that the constables of said county may have or be subject to; and the said board may allow and pay to the president and marshal such fees for services in criminal cases as they shall deem reasonable.

May assess tax

7. *And be it enacted*, That the said board shall have power and are hereby authorized to order such sum to be levied and raised by tax in the said township, as they shall deem necessary for the building or renting of a lock-up in said township, for the purpose of confining disorderly persons, in accordance with the act approved March thirteenth, one thousand eight hundred and sixty-one, entitled "A further supplement to the act entitled 'An act relative to the public streets in the town of Millville, in the county of Cumberland.'"

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

Approved March 31, 1864.

CHAPTER CCCLVI.

An act to repeal an act entitled "An act to facilitate judicial proceedings in the county of Camden," approved March twelfth, eighteen hundred and sixty.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to facilitate judicial proceedings in the county of Camden," approved March twelfth, eighteen hundred and sixty, be and the same is hereby repealed.

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

Approved March 31, 1864.

CHAPTER CCCLVII.

An act to incorporate the Burlington and Bristol Steamboat Ferry Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel K. Stackhouse, Timothy Stackhouse, N. D. Thompson, Charles S. Gauntt and William P. McMichael, and their associates, and all other persons who shall become subscribers and owners of the capital stock hereby created, shall be and they and their successors and assigns are hereby made and declared to be a corporation and body politic, by the name of "The Burlington and Bristol Ferry Company."

Capital stock.

2. *And be it enacted*, That the capital stock of the said company shall be twenty-five thousand dollars, with the privilege of extending it to any sum not exceeding fifty thousand dollars, and shall be divided into shares of one hundred dollars each, and shall be subscribed for and paid in at such time or times, in such manner, and in such installment or installments, and upon such notice, as the said company may, by their by-laws or otherwise, direct or appoint; and in case of a failure by any stockholder to pay his or her installment or install-

ments at the time and place mentioned and appointed for the payment thereof, or within ten days thereafter, such stockholder shall incur a forfeiture of his or her shares, and all previous payments thereon, for the use of said company.

Stock personal property.

3. *And be it enacted*, That the capital stock of said company shall be deemed and considered personal property, and shall be transferable in such way as the by-laws of said company may direct; that every share of stock shall be entitled to one vote by the holder or holders thereof, which may be given in person or by proxy.

First directors

4. *And be it enacted*, That Samuel K. Stackhouse, N. D. Thompson, Charles S. Gauntt, William P. McMichael and Timothy Stackhouse, are hereby appointed the first directors, and shall serve until the first Monday in July next, and until others are elected or chosen in their stead; and the said directors shall assemble as soon as convenient after the passing of this act, and appoint one of their number to be president of the said corporation, who shall serve until the first Monday in July next, or until a successor be appointed; should a vacancy at any time occur in the board of directors, by death or otherwise, the remaining director or directors convened at the next succeeding meeting shall have power to appoint and fill such vacancy or vacancies until the next annual election.

Annual election of directors.

5. *And be it enacted*, That there shall be an annual election of directors held at some place in the county of Burlington, on the first Monday of July next, and that all subsequent annual elections of directors shall be held at such time and place as the board of directors shall appoint and fix, of which time and place notice shall be given by publishing the same in one or more newspapers printed in the county of Burlington at least four weeks, successively, previous to the day of such election; and the directors shall appoint the judge of such elections; but if it should happen that an election of directors should not be had on the said first Monday in July next, or at the time appointed for holding of any subsequent annual election, the said company shall not for that cause be deemed to be dissolved, but such election shall be held at such other time and place as the board of directors for the time being may or shall appoint; and the directors for the time being shall continue in office until others shall be elected in their stead; and every board of directors, as soon as conveniently may be after their election, shall appoint from their number a president of said company, who shall serve until the next annual election of directors and until another shall

be appointed in his stead; the said president shall preside at all meetings of the board, except in case of his absence, when any other of the directors present may be chosen president pro tempore; all stated meetings of the directors shall be held at such times and places as the by-laws may ordain; but special meetings may be held by appointment of the board or upon call of the president.

Powers.

6. *And be it enacted*, That the company hereby created shall have power to erect a steamboat ferry from some point in the city of Burlington to such place or places in the town of Bristol, in the state of Pennsylvania, as may best serve the public convenience and interest of said corporation; and for that purpose may purchase or lease real estate, erect wharves, piers, slips, buildings, and all other necessary appendages, and may build steamboats, vessels and ferry boats, of such description and dimensions as the said company shall order and direct.

Rates of ferriage.

7. *And be it enacted*, That it shall not be lawful for the said corporation to charge more than the following rates of ferriage or toll, under the penalty of fifty dollars for each offence, to be sued for in any court of competent jurisdiction by the party aggrieved, to wit:

For each passenger, ten cents;
For marketing per barrel, to be rated equal to two bushel baskets, eight cents;
For tubs, chests, and scow baskets, to be rated according to the number of bushels they hold, for each bushel, four cents;
All articles containing marketing to return free, if empty; otherwise to pay the usual rates;
A barrel of salt, plaster, flour, sugar, liquor, &c., eight cents;
A hogshead of liquor, sugar, molasses, lime, soda, madder, &c., fifty cents;
Stoves of cast iron, six or more plates, box of dry goods, &c., twelve cents;
Salt, plaster, grain, clover and other seeds, per bushel, four cents;
Flour, beef, pork, iron, &c., per hundred weight, six cents;
Windsor chairs, per dozen, clock case, bureau, bedstead, &c., twelve cents;
Lumber, per hundred feet, twelve cents;
Live calves and fat hogs, per head, six cents;
Sheep and store hogs, per head, four cents;
Fat cattle, per head, twenty-five cents;

Cow and calf, twenty cents;
Store cattle, horses, mules, &c., eighteen cents;
Desks, secretaries, &c., fifteen cents;
Tables, stands, feather beds, mattresses, large chests of tea, coffee per bag, soap, candles, glass, &c., per box, five cents;
Crate of earthenware, &c., fifty cents;

CARRIAGES AND DRIVERS.

Every four wheel carriage, drawn by four horses, sixty cents;
Every four wheel carriage, loaded, drawn by two horses, forty cents;
Every four wheel carriage, light, drawn by two horses, forty cents;
Every four wheel carriage, drawn by one horse, thirty cents;
Every two wheel carriage, drawn by two horses, thirty-five cents;
Every two wheel carriage, drawn by one horse, twenty-five cents;
For carrying hay, straw, and other bulky articles, two horse load, fifty cents;
For carrying one-horse load hay, straw and other bulky articles, forty cents;
Each additional horse or mule, fifteen cents;
All passengers in carriages, except the driver, to pay the same as other passengers.

Proportionable rates on other articles.

8. *And be it enacted*, That the said company shall have power to charge and collect proportionable rates of ferriage or toll upon all articles not above enumerated; and that dividends of so much of the profits of the company shall be made and paid to the stockholders, at such stated periods as the board of directors shall determine; and at each annual meeting of the stockholders for the purpose of election, it shall be the duty of the president and directors of the preceding year to exhibit to the stockholders a full and complete statement of the affairs of the company during the past year, and shall produce the books, accounts and papers of the company, if required to do so by any person or persons, being stockholders.

Penalty for injuring works.

9. *And be it enacted*, That if any person or persons shall wilfully injure, impair, destroy or obstruct the wharves, slips, bridges, piers, boats, buildings, fences, gates, or any other of the works, engines or machines of said company, such person

or persons so offending shall forfeit and pay to the said company any sum not exceeding one hundred dollars, at the discretion of the court or jury, to be recovered before any justice of the peace in this state, or any alderman of the county of Burlington, and shall also be liable, in addition to the above penalty, to double the amount of damages sustained thereby, to be recovered in an action of trespass, or other proper form of action, in any court of competent jurisdiction.

Limitation.

10. *And be it enacted*, That this act shall take effect immediately after the passage thereof, and continue in force for twenty years.

Approved March 31, 1864.

CHAPTER CCCLVIII.

A supplement to an act entitled "An act for the punishment of Crimes," approved April sixteenth, one thousand eight hundred and forty-six.

Recruiting for other states forbidden.

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 whatever to establish any office for recruiting or to recruit any person or persons in this state, for any regiment, company, battalion or other military organization, called or intended to be called into the service of the United States, from any other state.

How bounty money paid.

2. *And be it enacted*, That it shall not be lawful for any person to act as agent or attorney on behalf of any other person enlisted or intending to enlist in any company, battalion, regiment, or other military organization called into the service of the United States from this state, in the reception of any bounty money or other reward, due to such person enlisted or intending to enlist, or to receive the same for him, but the same shall be paid into the hands of such person enlisted or intending to enlist, upon his own receipt.

Persons under age of eighteen years not to be enlisted.

3. *And be it enacted*, That it shall not be lawful for any person to aid, induce, persuade, or procure the enlistment of any person in any of said military organizations, or in the regular army of the United States, who shall then be under

the age of eighteen years, without the consent of the parent or legal guardian of such persons first in writing obtained.

4. *And be it enacted*, That if any person shall offend against either of the provisions and sections above contained, such person so offending, shall be held guilty of a misdemeanor and shall, on conviction, be punished by fine not exceeding one thousand dollars, or imprisonment at hard labor not to exceed one year, or both, at the discretion of the court before which such conviction shall be had. Penalty.

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

Approved March 31, 1864.

CHAPTER CCCLIX.

A Further Supplement to an act entitled "An act for the preservation of clams and oysters," approved April fourteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any person or persons to take any oysters out of the natural beds of the counties of Burlington, Atlantic and Ocean, between the first day of May, and sunrise of the first day of October of each succeeding year, and during the first ten days of October, yearly, only by daylight, under the penalty of twenty-five dollars for each and every offence. Act extended.

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

Approved March 31, 1864.

CHAPTER CCCLX.

An Act to authorize the city of Newark to guarantee and assume the payment of certain bonds of the county of Essex, and to issue bonds to an amount not exceeding twenty-five thousand dollars, for volunteer aid bonds, and three hundred thousand dollars for war bounty bonds.

City may issue aid and war bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the mayor and common council of the city of Newark to issue bonds, under their corporate seal and the signature of the mayor of the said city, to be respectively designated and styled, and for the amounts as follows, "Volunteer Aid Bonds," for an amount not exceeding twenty-five thousand dollars, and "War Bounty Bonds," for an amount not exceeding three hundred thousand dollars, bearing interest, payable semi-annually, at a rate not exceeding seven per centum per annum, with coupons attached, and payable at such time or times as may be agreed upon by the common council, not exceeding thirty years from the date thereof, pledging the credit and the whole property of said city for the payment of the same; which bonds it shall be lawful for the said the mayor and common council of the city of Newark to sell at private or public sale, as the proceeds of the same may be needed, but not for less than their par value.

How to apply the proceeds of aid bonds

2. *And be it enacted*, That it shall be the duty of the said "The Mayor and Common Council of the city of Newark" to apply the net proceeds of said "Volunteer Aid Bonds" to the support of the families of persons residing in the city of Newark who may volunteer or who may have volunteered in the military service of the United States, or who may be called into military service by the government of this state or of the United States, for the maintenance or defence of the state or federal government, and for no other purpose whatever.

How to apply the proceeds of war bonds.

3. *And be it enacted*, That it shall be the duty of the said "The Mayor and Common Council of the city of Newark" to apply the net proceeds of the said "War Bounty Bonds" to the payment of such bounties as hereafter shall be offered to be paid by the common council of the city of Newark to those who hereafter shall volunteer in the military service of

the United States, to be credited to the quota of the said city of Newark, and for no other purpose whatever.

City to guarantee bonds.

4. *And be it enacted*, That the said "The Mayor and Common Council of the City of Newark" shall guarantee and assume to pay, in such mode and by such endorsement thereon as the said common council may direct, the bonds issued by the county of Essex under and by virtue of an act of the legislature of this state entitled "An act to confirm certain debts and liabilities incurred by the board of chosen freeholders of the county of Essex in raising money for purposes incident to the war, and authorizing them to issue bonds," approved February twenty-sixth, eighteen hundred and sixty-four, to an amount not to exceed five hundred and ten thousand dollars, being the proportion of the city of Newark of the cost of procuring volunteers under the calls made by the government of the United States; said bonds shall be issued upon an adjustment as to the amount thereof by the said common council and the said board of chosen freeholders, and under the direction of the common council as to the form and contents thereof in accordance with this act; the coupons shall each attest the guaranty and assumption of the bond by the said city of Newark and shall be signed by the city treasurer; said bonds shall bear interest payable semi-annually, at a rate not exceeding seven per centum per annum, with coupons attached and payable at such time or times as may be agreed upon by the said common council, not exceeding thirty years from the date thereof, pledging the credit and the whole property of said city for the payment of the same, which said bonds it shall be lawful for the said "The Mayor and Common Council of the City of Newark" to sell at public or private sale, as the proceeds of the same may be needed, but not for less than their par value.

To provide for interest by tax

5. *And be it enacted*, That the common council shall provide by a special tax for the payment of the interest upon the bonds which shall be issued and which shall be assumed by the city of Newark, under and by virtue hereof; and also for the payment of the interest upon such bonds as have been or shall be issued by the said city, under the provisions of two certain acts of the legislature of this state, one approved May second, eighteen hundred and sixty-one, authorizing the city to borrow the sum of one hundred thousand dollars, and one approved February ninth, eighteen hundred and sixty-three, authorizing the city to borrow the sum of fifty thousand dollars; the common council shall also create a sinking fund

for the redemption and payment of the said bonds hereinbefore mentioned, and for the said purpose shall assess a special tax as will produce an amount equal to three per cent. upon the total amount of the bonds hereinbefore mentioned.

Commissioners of sinking fund.

6. *And be it enacted*, That the mayor and treasurer of the city of Newark for the time being, together with John H. Stephens, Beach Vanderpool, and Stephen H. Condict, shall constitute and be denominated "The Commissioners of the Sinking Fund of eighteen hundred and sixty-four of the City of Newark;" they shall have power to fill such vacancies as may occur from time to time in their own number, except in the case of the mayor and treasurer, who shall be members of said board ex officio; each of the commissioners shall, within thirty days after his appointment, take and subscribe the oaths of office prescribed by the twenty-fourth section of the act entitled "An act to revise and amend the charter of the city of Newark," approved March eleventh, eighteen hundred and fifty-seven.

Assessments regulated.

7. *And be it enacted*, That it shall be the duty of the assessors of the city of Newark and of the receiver of taxes, in preparing the notices of taxes required by law, to assess, specify, and keep separate and distinct from other items, the amount assessed under and by virtue of this act; which shall be severally and specifically assessed and collected and described as "Interest on Sinking Fund Debt," and "Sinking Fund Tax;" the said receiver shall keep his accounts of the same in separate and distinct columns, and shall designate the same specifically in his returns to the city treasurer; all proceedings in relation to the collection of the same, and of the arrears thereof, shall in other respects be the same as those in relation to the other city taxes; the city treasurer shall keep his account of the same separately from his other accounts, and shall hold and keep the said moneys to the credit of the said commissioners, separate and distinct from the moneys of the city, and shall pay over the same to the said commissioners of said sinking fund, whenever the same shall be demanded of him by them or a majority of them.

Powers and duties of commissioners.

8. *And be it enacted*, That except as is hereinbefore limited and otherwise directed, the said commissioners shall have the entire control and management of that portion of the city debt specified in this act; they shall pay the interest thereon as it becomes due; all the surplus moneys that shall come into their hands above the amount needed to pay the interest as aforesaid, shall be safely invested by them and applied

toward the payment of the principal of the said debts; they shall have power to make such rules and regulations from time to time respecting the management of the said fund, not inconsistent herewith, as they shall deem expedient; they shall annually make to the common council, on the first day of December, or at such other time as the said common council shall direct, a full and detailed report of the state of the said fund; in case the said common council shall desire to pay any portion of said bonds before their maturity, from other funds in their control, the same shall be done through the said commissioners, who shall receive the said moneys from the common council and redeem and cancel such of said bonds as they may direct, provided the same can be procured, and render a report thereof to the common council.

When report to be made.

9. *And be it enacted*, That in case the said commissioners find, at any time before the maturity of said bonds, that the amount of moneys in their hands will enable them to pay said bonds at their maturity, together with the interest thereon, they shall immediately thereupon report the said fact to the said common council, who shall thereupon cease to levy the tax authorized by this act, and the said commissioners shall take such measures to call in and redeem said bonds as they may deem expedient.

10. *And be it enacted*, That none of the limitations, restrictions or conditions in the thirty-fifth or sixty-eighth sections of the act entitled "An act to revise and amend the charter of the city of Newark," approved March eleventh, eighteen hundred and fifty-seven, shall be held to be applicable or in any wise to affect this act, but this act shall be and remain as effectual to all intents and purposes as if said sections had not been enacted.

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

Approved March 31, 1864.

CHAPTER CCCLXI.

An Act to incorporate the Passenger Railroad Company of the City and County of Camden.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William C. Milligan, Henry B. Wilson, Stephen B. Whiting, Joseph W. Cooper, Philander C. Brink, Henry Simons, C. B. Andress, and such other persons as may be hereafter 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 of the "Passenger Railroad Company of the City of Camden," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels necessary or proper for the objects of said corporation.

Capital stock.

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

Commissioners to receive subscriptions.

3. *And be it enacted*, That the above named persons, or a majority of them shall be commissioners to open books, to receive subscriptions to the capital stock of said corporation, at such time or times, and place or places, as they or a majority of them may think proper, giving at least ten days' notice of the same in two of the newspapers published in the county, and that at the time of subscribing, five per centum shall be paid for each share subscribed for, to the commissioners, or one of them, and as soon as twenty thousand dollars of the capital stock shall have been subscribed, such commissioners shall give notice for a meeting of the stockholders, to choose not less than five or more than thirteen directors, a majority of whom shall be residents of this state; and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote; and the said above named persons or any three of them, shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of

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

Not void for failure to elec

4. *And be it enacted*, That in case it shall happen that an election of directors shall not be made during the day, when, pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time 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.

Directors may call in capital stock.

5. *And be it enacted*, That a majority of the 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 installments and at such times as they may direct, and to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate and effects of the said corporation, and shall also have power to appoint 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.

Powers.

6. *And be it enacted*, That the said corporation shall have power to construct a railroad along such streets only, as the city council of Camden shall agree to, their consent being first had and obtained, and upon the terms prescribed by the said council, and that the said corporation shall maintain and keep in good repair the said streets from gutter to gutter, where said railroad passes, along the track of said railroad;

Proviso. *and provided*, that in crossing the railroad of the Camden and Amboy Railroad and Transportation Company, or other railroad company, the said railroad hereby authorized to be constructed, shall be made at such intersections on the level of said railroad or railroads, and the cuts in the rails thereof, and the crossings and connections shall be made in the best and most approved manner, and so as not materially to interfere with or obstruct the travel thereon.

Proceedings when company and owners cannot agree.

7. *And be it enacted*, That when the said company or its agents, cannot agree with the owner or owners of such required 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 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 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 obtained, 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 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 or publication of such notice aforesaid, he shall appoint under his hand and seal, three disinterested, impartial and judicious freeholders, residents in the county in which the land in controversy lies, or the owners reside, commissioners to examine and appraise the said land, and to assess the damages, upon such notice, to be given to the persons interested, as shall be directed by the justice making such appointment to be expressed therein, not less than twenty days; and it shall be the duty of 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 report according to the best of their skill and understanding) to meet at the time and place appointed and to proceed to view and examine the said land, said commissioners at the same time taking into consideration all the benefits to be derived from the said railroad to the said owner or owners and to make a just and equitable estimate of the value of the same,

and assessment of damages, as shall be paid by the company for such lands and damages aforesaid; which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county in which the land is situate, to remain of record therein; which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said land, or of the said owner or owners to recover the amount of said valuation with interest and costs in an action of debt, in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall from time to time constitute a lien upon the property of the company in the nature of a mortgage; and the said justice of the supreme court shall, upon application of either party, and on reasonable notice to the others, tax and allow such costs and fees, or other expenses to the justice of the supreme court, commissioners, clerks and other persons performing any of the duties prescribed in this section, as they or he shall think equitable and right, which shall be paid by the company; *provided always*, that should the said company, or the owner or owners of the said 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 of the county wherein the said lands or materials may lie. Proviso.

8. *And be it enacted*, That every appeal from the decision of commissioners appointed under the preceding section shall be made in writing and in the form of a petition to the said court, and filed with the clerk of said circuit court of the county wherein the lands appraised by the said commissioners shall be, and notice in writing of such appeal shall be given to the opposite party within ten days after the filing thereof, which proceeding shall vest in the circuit court full right and power to hear and adjudge the same, and to direct a proper issue for the trial of said controversy to be formed between the said parties, and to order a jury to be struck, and a view of the premises to be had, and the said issue to be tried at the next term of said court, to be holden in the said county, upon the like notice, and in the same manner as other issues Appeal, how taken.

in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land and damages sustained, and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company and execution awarded therefor; but if said jury shall be applied for by the owner or owners, and shall find a less sum than the said 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 improvement whatever or otherwise appropriating said lands to the use of said company until they have paid to the party or parties entitled to receive the same, the amount assessed by the commissioners, as to the value of such lands or damages, in case the report of the commissioners is not appealed from, or if the same is appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the party or parties entitled to receive the amount assessed by the commissioners, in case there shall be no appeal, or in case of 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 where the said lands lie, shall be deemed a valid and legal payment; and further, that the party or parties entitled to receive the amount assessed by the commissioners, may upon the tender thereof being made, receive the same without being barred thereby from his, her or their appeal from the report of the commissioners.

Proviso.

Duties of company.

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

repair suitable and convenient wagonways over or under the said railroad.

May hold real estate.

10. *And be it enacted*, That the said company may purchase, have and hold real estate at the commencement and several termini 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 necessary uses, and take and receive the rents profits and emoluments thereof, and shall have the privilege and authority to erect, build and maintain over such creeks or streams as the road may cross, such piers, bridges and other facilities as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act; *provided*, the said company, whenever it may become necessary to cross any navigable creek with their road, shall construct a bridge or bridges, with suitable and sufficient draws, so as not to obstruct the navigation thereof.

Proviso.

Dividends.

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

Privileges and duties.

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 said company, all such machinery, engines, cars, wagons, carriages or other vehicles, for the transportation of persons or any species of property, on railroads as they may think reasonable, expedient or right; but no steam power shall be used as a motive or propelling power on said railroad, other than the steam passenger car, or 'dummy engine,' with consent of the city council of the city of Camden, so far as the city limits of the railroad are concerned; and they are hereby authorized to demand and receive such sum or sums of money, for the transportation of persons and property, as they from time to time may think reasonable and proper.

Penalty for injuring works.

13. *And be it enacted*, That if any person shall willfully impair, injure, destroy or obstruct the use of any railroad enjoyed under the provisions of this act, or any of their necessary works, wharves, bridges, carriages or machines, such persons so offending shall forfeit and pay to the said company the sum of fifty dollars, to be by them recovered in any court

of competent jurisdiction, in an action of debt, and further shall be liable for all damages.

May borrow money and mortgage road

14. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money, from time to time, as shall be necessary to build, construct or repair said railroad, and furnish the said corporation with all the necessary engines and machinery for the uses and objects of said company, and to secure the payment thereof, by bond or mortgage or otherwise, on the said roads, lands, privileges, franchises, and appurtenances, of or belonging to said corporation, at a rate of interest not exceeding seven per cent. 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.

Limitation.

15. *And be it enacted*, That if the said railroad shall not be completed by the fourth of July, eighteen hundred and seventy, then, and in that case so much of the railroad as remains unbuilt shall not come under the provisions of this act.

Report to be made.

16. *And be it enacted*, That as soon as the said railroad in any of its parts is in suitable condition for travel, it shall be used for the purposes contemplated in this act, except for travel or traffic on the Sabbath day, and when finally completed the president of the said company shall file under oath or affirmation, a statement of the cost of said road, including all expenses, in the office of the secretary of state, and annually thereafter shall, under oath or affirmation, make a statement to the legislature of this state of the proceeds and expenses of said railroad, and whenever the net proceeds of the said railroad shall amount to seven per centum upon its cost, the said company shall pay to the treasurer of this state, a tax of one-half of one per centum on the cost of said road, to be paid annually on the second 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.

Approved March 31, 1864.

CHAPTER CCCLXII.

Supplement to the act entitled "An act to incorporate the Hoboken and West Hoboken Horse Car Railroad Company," 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 time for the completion of the said Hoboken and West Hoboken Horse Car Railroad shall be extended until January fourth, eighteen hundred and sixty-six, and that Samuel R. Syms is hereby added to the corporators of said railroad company; *provided*, that the fare on said road shall not exceed five cents for every passenger, and that no cars shall be run over said road on Sundays. Time extended. Proviso.

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

Approved March 31, 1864.

CHAPTER CCCLXIII.

A Further 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 it shall and may be lawful for the inhabitants of the borough of Fieldsborough, at the election for officers of said borough, to open the poll at ten o'clock, A. M., and close at seven o'clock, P. M., instead of closing at four o'clock, P. M., as stated in section third in the original charter. Township meetings regulated.

2. *And be it enacted*, That it shall and may be lawful for the inhabitants of said borough to hold their annual town meeting at half-past nine o'clock, A. M., instead of its being held after the closing of the polls, as stated in section four in the original charter.

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

Approved March 31, 1864.

CHAPTER CCCLXIV.

Supplement to an act entitled "An act to revise and amend the Charter of the City of Elizabeth."

City may borrow $30,000, and how appropriated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the city council of the city of Elizabeth to borrow the sum of thirty thousand dollars, in addition to the loans now authorized by the charter of the said city and supplements thereto, twenty-five thousand dollars for the purpose of building a market house, with accommodations for the city officers, and five thousand dollars for the completion and furnishing of the almshouse, and that the said city council may issue the bonds of the said city to secure the payment of said loan as is herein provided, and the said amount shall be included in the general debt of the city hereinafter mentioned; *provided*, that the interest and at least one thousand dollars of the principal of said loan shall be raised by tax in each year, until the full amount of said loan shall be raised.

Proviso.

Commissioners of sinking fund.

2. *And be it enacted*, That the mayor and treasurer of the said city, the president of the city council and chairman of the finance committee of said council for the time being, shall constitute and be denominated "The Commissioners of the Sinking Fund of the City of Elizabeth."

Appropriation to sinking fund.

3. *And be it enacted*, That all moneys received hereafter from the following sources, to wit: the net amount received for market and other rents, dues and fees, the amount received for licenses of every kind and description, together with all moneys authorized to be raised for the payment of the general debt and loans of the city, are hereby pledged, appropriated to, and shall constitute and form a fund to be called "The Sinking Fund of the City of Elizabeth."

4. *And be it enacted*, That the indebtedness of the city of Elizabeth shall be divided into the general debt, in which shall be included the present bonded and floating debt of

said city, the amount due or to become due for the purchase of real estate, the building, completion and furnishing of school houses, engine houses, alms house, market house and other public buildings, and loans for the payment of bounties, and the improvement debt, in which shall be included all liabilities incurred by the city for improvements authorized by the act to which this is a supplement, and other acts relating to said city, the expenses and cost of which are payable by assessments.

City to issue bonds, and to assess and collect tax to defray.

5. *And be it enacted*, That the city council shall, during the month of April, eighteen hundred and sixty-four, ascertain the whole amount of the general debt of the city, and shall have power at any time hereafter to issue bonds for the full amount or any part thereof, to be payable in not less than twenty years from the date thereof, with interest at the rate of seven per cent. per annum; and in all cases where the city council are authorized to make or levy an assessment for any improvement heretofore made or hereafter to be made under the act to which this is a supplement, they shall be authorized to borrow the amount of any such assessment or any portion thereof, in anticipation of the collection of said assessment, to be expended only in payment of such improvement or loans for the payment thereof, and for that purpose to issue the bonds of the city, to be called "Improvement Bonds of the City of Elizabeth," payable in six years from the date thereof, with interest at the rate of seven per centum per annum.

Assessment a lien on real estate.

6. *And be it enacted*, That where any assessment, made or to be made by virtue of the provisions of the act to which this is a supplement, is therein declared to be a lien upon any real estate, the same shall continue and remain to be a lien thereon until the said assessment, with the interest and expenses accruing thereon, shall be paid or the amount thereof discharged by the sale of the said real estate by the city.

What and how taxes to be raised.

7. *And be it enacted*, That the city council shall have power to raise by tax, in each year, such per centage of the general debt of the city and the interest accruing thereon as they may deem expedient, the same to be assessed and collected as provided in the act to which this is a supplement for the collection and assessment of taxes, and the tax so collected and the moneys paid for assessments and interest shall be paid into and form part of the sinking fund; *provided*, that the amounts now directed by any act relating to said

Proviso.

city to be levied and paid in each year shall be raised as therein provided.

Council to define duties of commissioners.

8. *And be it enacted*, That the city council shall have power by ordinance to prescribe and define specifically the powers and duties of the said commissioners of the sinking fund, in accordance herewith, the manner in which the same shall be performed from time to time, to make such regulations as may be necessary to carry into effect the true intent and meaning of this act; the said commissioners of the sinking fund shall from time to time invest the moneys of the said fund on unincumbered real estate in the county of Union, the bonds of the state of New Jersey, or the bonds of any of the counties or incorporated cities or towns of the state of New Jersey, and make provision for the payment of the bonds and interest of the said city as they may become due.

Certain provisions not to affect city of Elizabeth.

9. *And be it enacted*, That the provisions of the act entitled "An act to define the rights of parties whose property is damaged or taken for public use in cases of the alteration of the grades of streets or highways" shall not affect or refer to the city of Elizabeth.

Additional powers to city council.

10. *And be it enacted*, That the city council shall have power to restrain and punish the assembling of disorderly persons along the streets, at the depots of the railroad companies, at or near public schools, engine houses or places of worship; to restrain and punish all acts tending to disturb the public schools or public worship, or to annoy or disturb persons in passing to or from such places, and to prevent and punish the unauthorized riding upon locomotive engines or cars of the railroad companies passing through the said city, provision for the same to be made by ordinance and enforced by fine or imprisonment, and all persons who shall be guilty of using profane, blasphemous or indecent language in a public place so as to be heard by passers-by shall be deemed and taken to be disorderly persons.

Repealer.

11. *And be it enacted*, That so much of the act to which this is a supplement as requires the election of a police justice in each ward in each year, shall be and the same is hereby repealed, and that there shall be elected in each of the wards of the city at the regular spring elections in the year eighteen hundred and sixty-six, and in every third year thereafter, one police justice, who shall hold his office for three years, and who shall discharge the duties prescribed in the said act; Proviso. *provided*, that vacancies in the said office shall be filled as heretofore.

12. *And be it enacted*, That the officers of elections mentioned in the eighth section of the act to which this is a supplement, shall be eligible to any office to be voted for at such election. Certain officers eligible to office.

13. *And be it enacted*, That the words "the city council in office after this act shall take effect," in the second section of the act to which this is a supplement shall be construed to mean the city council in office at the time of the passage of this supplement; and that said section be amended so as to read after the words "alter said words," in the sixth line of the same as published in the pamphlet laws of eighteen hundred and sixty-three, "increase or diminish the number thereof, in such manner as may be most convenient to the inhabitants, and shall re-apportion the members among the several wards according to the principles herein prescribed, and call and make provision for the election of officers in any new ward." Certain terms defined.

14. *And be it enacted*, That the city council of the said city shall consist of twelve members, and the city council whenever the number of wards shall be increased or diminished, shall re-apportion the members of the said city council among the wards, and divide the same into two classes, as directed by the act entitled "An act to establish the city of Elizabeth," and according to the principles therein prescribed, and thereafter the number apportioned to each ward shall be elected therein, instead of four as prescribed in the act to which this is a supplement; *provided*, that all officers of existing wards shall continue in office until the expiration of their term or others are elected in their place. Number of city council. Proviso.

15. *And be it enacted*, That the exempt firemen of the city of Elizabeth shall be exempted from serving as jurors in any of the courts of this state while a resident of said city. Exemption of firemen as jurors.

16. *And be it enacted*, That all provisions of the charter of the city of Elizabeth and supplements and acts referring thereto, inconsistent herewith, be, and the same are hereby repealed. Repealer.

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

Approved March 31, 1864.

CHAPTER CCCLXV.

An Act to continue the act entitled "An act to establish a State Normal School."

Appropriation continued for five years.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to establish a State Normal School," approved February ninth, in the year of our Lord, one thousand eight hundred and fifty-five, be and the same is hereby extended and continued for the term of five years from the ninth day of February, in the year eighteen hundred and sixty-five.

Approved March 31, 1864.

CHAPTER CCCLXVI.

A Further Supplement to the act entitled "An act respecting the Independent Essex Brigade, and to better regulate and discipline the same," approved March fourth, eighteen hundred and fifty-eight.

Military tax repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the act to which this is a supplement, and the supplements thereto, as imposes a tax of twenty-five cents on every white male inhabitant capable of performing military duty in the county of Union, be and the same is hereby repealed.

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

Approved March 31, 1864.

CHAPTER CCCLXVII.

A Further Supplement to the act entitled "An act for the maintenance of Bastard Children," approved April tenth, eighteen hundred and forty-six.

Proceedings regulated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That upon the application of any overseer or overseers of the poor of any township, wherein the legal settlement of any bastard child born or likely to be born, to two justices of the peace of any such township, the said justices may have and take such proceedings for the relief and indemnity of the said township as they might or could have had or taken if the said bastard child had been born or was likely to be born in the said township by virtue of the act to which this is a supplement.

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

Approved April 4, 1864.

CHAPTER CCCLXVIII.

An act to authorize the inhabitants of the township of Independence, in the county of Warren, to issue bonds and raise money for the payment of bounties to volunteers.

May issue bonds and redeem the same by taxation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the township committee of the township of Independence, in the county of Warren, or a majority of them, to issue bonds in the corporate name of the said township to an amount not exceeding six thousand dollars, at a rate of interest not exceeding six per centum per annum, payable on the first day of January, eighteen hundred and sixty-six, the interest to be paid annually, and to negotiate and dispose of the said bonds at not less than their par value, for the purpose of raising money to pay bounties to volunteers from said township under the recent and last call of the president of the United States for

five hundred thousand men, the bounty not to exceed three hundred and fifty dollars to each volunteer, and also, in case of a draft in said township under said call, to pay not exceeding three hundred dollars to each drafted man bound to service for a substitute or commutation, and that money may be assessed, levied and raised from time to time in the manner other township taxes are assessed and raised, in such sums as the township committee or a majority may order, sufficient to pay the interest on said bonds, and for the redemption and payment of the said bonds when they fall due; and in the first assessment of money made by authority of this act, a poll tax of five dollars shall be assessed upon each inhabitant enrolled in said township and liable to military service.

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

Passed April 4, 1864.

CHAPTER CCCLXIX.

An Act appropriating scrip for the public lands granted to the state of New Jersey by the act of congress, approved July second, one thousand eight hundred and sixty-two.

Preamble. WHEREAS, The governor of this state has received from the secretary of the interior the scrip for public lands granted to the state of New Jersey by an act of congress of the United States, approved July second, one thousand eight hundred and sixty-two, and holds the same subject to such disposition as may be made by the legislature—therefore,

Commissioners to sell scrip. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor of this state, the attorney-general, the secretary of state, the comptroller, in case such office be created, and the treasurer of the state, and their successors in office for the time being, be and they are hereby appointed commissioners to take charge of such scrip, and, as agents of the state, to sell and dispose of the same at such time or times, and in such mode as may appear to be most advantageous and safe; and in the name and on behalf of this state to convey and transfer the same to the

purchaser or purchasers thereof, and to invest the avails thereof in the manner specially provided by said act of congress.

To pay interest of fund to Rutger's College.

2. *And be it enacted*, That said commissioners shall semi-annually pay over the interest of the fund which may result from the sale of said scrip, to the trustees of Rutger's College, in New Jersey, for the special purposes and upon the special conditions hereinafter set forth.

Duty of trustees.

3. *And be it enacted*, That said trustees shall devote said interest wholly and exclusively to the maintenance, in that department of Rutger's College, known as Rutger's Scientific School, of such courses of instruction as (including the courses of instruction already established by said trustees,) shall carry out the intent of said act of Congress in the manner specially prescribed by the fourth section of said act.

Gratuitous education to be furnished.

4. *And be it enacted*, That said trustees shall furnish gratuitous education in said courses of instruction to pupils of said school in such manner as the legislature shall prescribe, the number of pupils to be so received gratuitously into said school shall be in each year, such a number as would expend a sum equal to one-half of the said interest for the same year, in paying for their instruction in said school, if they were required to pay for it at the regular rates charged to other pupils of said school, for the same year; said pupils so nominated and received shall be citizens of this state, and shall be admitted into said school upon the same terms, and subject to the same rules and discipline which shall apply to all other pupils of said school, with the single exception that they shall not be required to pay anything for their instruction.

Annual reports.

5. *And be it enacted*, That said trustees shall annually make and distribute the reports required by the fourth paragraph of section fifth of said act of Congress.

When interest to be paid.

6. *And be it enacted*, That no portion of the said interest shall be paid over to said trustees until they shall contract with this state, in such form as the said commissioners shall approve, to fulfill and perform all the duties and obligations imposed upon them by this act; *provided*, that the said board of trustees shall, in their corporate capacity, obligate themselves to erect additional and adequate buildings, as soon as the same may become necessary, without charge to or upon this state, and in like manner, to furnish and provide a suitable tract of land conveniently located, for an experimental farm.

Proviso.

Board of visitors.

7. *And be it enacted*, That there shall be appointed by the governor, with the advice and consent of the senate, a board

of visitors, consisting of ten persons, two from each congressional district in this state, who shall hold their office respectively for five years, and who shall in the first instance be so appointed that the term of office of two of the said board of visitors shall expire each year, and the governor shall in like manner appoint two, annually thereafter, and shall have power to fill all vacanies in the board, but the person so appointed to fill such vacancy shall only serve under such appointment until the next meeting of the senate, and until an appointment shall have been made by the governor, with the advice and consent of the senate, and the person so appointed shall hold such office only for the unexpired term of the person whose place he is to supply, and it shall be the duty of the board of visitors to visit the said school at least twice in each year, and to make report thereon to the legislature during the second week of the annual session.

Powers.

8. *And be it enacted*, That the board of visitors shall possess general powers of supervision and control, and shall report to the legislature such recommendations as to them may seem proper.

Public lectures.

9. *And be it enacted*, That the said board of trustees shall cause to be delivered annually in each county of this state one or more public lectures upon the subject of agriculture free of charge.

What students to be admitted.

10. *And be it enacted*, That the students of agriculture and the mechanic arts, shall be admitted into said college upon the recommendation of the board of chosen freeholders of their respective counties, and the number of students that a county shall at any one time be entitled to have in said college shall be equal to the number of representatives in the legislature to which such county is entitled, or in proportion to the same.

Reservation of power.

11. *And be it enacted*, That the legislature shall have power at any time hereafter, to pass such laws as may be deemed necessary and proper to enforce the due execution of this act and of the before mentioned act of Congress.

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

Approved April 4, 1864.

CHAPTER CCCLXX.

An Act to regulate the tare of butter and cheese firkins, tubs and vessels.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every cooper or manufacturer of firkins, tubs or other vessels for the package of butter or cheese, shall brand in legible letters and characters, upon every such firkin, tub or vessel by him manufactured, his name, together with the actual and true weight of such firkin, tub or vessel, and if any cooper or manufacturer shall dispose of any such firkin, tub or vessel without such brand, or shall falsely brand the same, he shall forfeit and pay to such person as shall prosecute for the same, the sum of twenty-five dollars; to be recovered by action of debt in any court of competent jurisdiction. Name of manufacturer and weight of vessel to be branded.

2. *And be it enacted*, That it shall not be lawful for any person to sell and dispose of any butter or cheese packed or placed in any firkin, tub or vessel manufactured or made for such purpose in this state, unless such firkin, tub or vessel shall be branded in the manner provided in the first section of this act, and if any person shall disregard this provision or shall alter or purposely deface the brand which may be made under the direction of this act, every such person shall forfeit and pay the sum of twenty-five dollars to such person as shall sue for the same, to be recovered in an action of debt, in any court of competent jurisdiction. Penalty for neglect or defacing brand.

3. *And be it enacted*, That this act shall take effect on the first day of May next.

Approved April 7, 1864.

CHAPTER CCCLXXI.

A Supplement to an act entitled "An act to incorporate the Rocky Hill Railroad and Transportation Company," passed February seventeenth, eighteen hundred and fifty-three.

Powers extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sixth section of the act to which this is a supplement be, and the same is hereby so amended as to authorize the said railroad company to survey, lay out and construct their road from the village of Rocky Hill to some point on, and intersecting the new track of the Camden and Amboy Branch Railroad, at or near Plainsborough, (instead of Kingston as therein mentioned,) anything in the said act to which this is a supplement to the contrary notwithstanding.

Tax when to be paid.

2. *And be it enacted*, That from 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 capital stock of said road, 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 shall have power for that purpose at the time of the passage of such law or laws, and that so much of the fourteenth section of the act to which this is a supplement, as conflicts herewith, be and the same is hereby repealed.

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

Approved April 7, 1864.

CHAPTER CCCLXXII.

An Act to incorporate "The Avenue Hotel, of Orange."

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John E. Wylie, Francis Jenkins, Charles B. Knevalls, Edmund J. Wade and James Trippe, and their associates and successors be and they are hereby incorporated and made a body corporate and politic, in fact and in law, by the name of "The Avenue Hotel, of Orange," and by that name shall have power to lease, purchase, hold and mortgage real estate in the town of Orange, in the county of Essex, and to erect a hotel and other buildings and improvements on any part of said real estate for the accommodation of the public, and to transact all such business as may be incident or appertaining to the managing, erecting, furnishing, conducting or leasing said premises, or otherwise disposing of the same, as and for a hotel.

Capital stock.

2. *And be it enacted*, That the capital stock of said company shall be twenty-five thousand dollars, and shall be divided into shares of one hundred dollars each, which shall be deemed personal estate, and shall be transferable in such manner as the by-laws of said corporation shall direct, and that said corporation may increase said capital stock to any sum not exceeding one hundred thousand dollars.

Five directors.

3. *And be it enacted*, That the directors of said corporation shall be elected in such manner as the by-laws of said corporation shall prescribe, and shall not be less than five.

Commissioners to open books.

4. *And be it enacted*, That John E. Wylie, Francis Jenkins, Charles B. Knevalls, Edmund J. Wade and James Trippe, or a majority of them, are hereby constituted commissioners to open books and take subscriptions for the capital stock of said corporation in such manner as they may deem expedient, at such time and place as they shall designate by notice thereof published for at least two weeks previously thereto in a newspaper published in said town of Orange, and whenever the said subscriptions amount to twenty-five thousand dollars, the stockholders representing the same may convene, upon the call of the said commissioners or a majority of them, and elect directors and make such by-laws as they may deem necessary for conducting the affairs of said corporation.

New Jersey State Library

Location. 5. *And be it enacted*, That said Hotel shall be located on Centre Avenue.

Powers and restrictions. 6. *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," and the acts supplementary thereto and amendatory thereof, so far as the same are applicable, and this act shall take effect immediately.

Approved April 7, 1864.

CHAPTER CCCLXXIII.

An act to authorize the inhabitants of the township of Bridgewater, in the county of Somerset, to raise money to pay volunteers.

Preamble. WHEREAS, in order to fill with volunteers the quota of the township of Bridgewater, in the county of Somerset, under the various calls of the president, large sums of money have been assessed and levied by tax, and other large sums are, at the next assessment of taxes, to be assessed upon said township, and whereas, it is desirable that the quota of said township, under the last call of the president, for additional troops, should be filled with volunteers also, and it is reasonable and just that the money required for bounties should be in a large part assessed as a poll tax upon those subject to draft—therefore,

Poll tax not to exceed $20. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of said township shall have power to order the assessor to assess upon all persons in said township subject to draft to fill said last mentioned quota, such poll tax as they may deem reasonable and just, not exceeding twenty dollars in order to raise a bounty fund, to provide volunteers, and to relieve those so subject to such poll tax from a military draft.

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

Approved April 7, 1864.

CHAPTER CCCLXXIV.

A Supplement to an act entitled "An act for the better regulation of the Fire Department of Jersey City," approved March sixteenth, eighteen hundred and fifty seven.

Inspectors' oaths.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inspectors of election who shall be selected by the several engine, hose and hook and ladder companies, in accordance with section second of the fire department ordinance, shall, before entering upon the discharge of their duties appear before one or more of the board of fire commissioners and subscribe and take the following oath or affirmation; "I do solemnly swear (or affirm) that I will truly and faithfully perform the duties of inspector of election, to which I have been appointed by my company, to the best of my ability, that I will receive no vote or ballot from any member of my company who shall not present the same himself during the time appointed for the election to be held, and who is in every other respect qualified to vote in conformity with section second of an ordinance 'for the better regulation of the fire department of Jersey City,' passed by the common council of said city, and approved by the mayor of said city, January thirtieth, eighteen hundred and fifty-eight. So help me God."

Oaths of canvassers.

2. *And be it enacted*, That the members of the board of canvassers of the election of officers of the fire department, shall, each, before entering upon the duties appertaining to him as a member of said board, take and subscribe before one of the board of fire commissioners the following oath or affirmation; "I do solemnly swear (or affirm) that I will truly and faithfully perform the duties as a member of the board of canvassers for the election of officers of the fire department of Jersey City, to the best of my knowledge, skill and ability. So help me God."

Oaths to be filed.

3. *And be it enacted*, That the oaths or affirmations hereinbefore prescribed, shall be filed with the clerk of the board of fire commissioners.

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

Approved April 7, 1864.

CHAPTER CCCLXXV.

A Further Supplement to the act entitled "An act to revise and amend the Charter of the City of Newark."

Interest to be paid on assessment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every assessment hereafter to be made upon the owners of land and real estate under or by virtue of the one hundred and fifth or the one hundred and ninth section of the act to which this is a further supplement shall be payable with interest thereon, at the rate of seven per centum per annum, from the time when the assessment is made and ratified by the common council until the assessment be paid, and such interest shall be collected thereon by the same means as, and as part of the assessment, and the same shall to all intents and purposes be deemed and held to be a part of the assessment, and as such a lien upon the land and real estate in respect whereof the assessment is made.

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

Approved April 7, 1864.

CHAPTER CCCLXXVI.

A Further Supplement to an act entitled "An act to incorporate the township of Greenville, in the county of Hudson," approved March eighteenth, eighteen hundred and sixty-three.

May appropriate money for bounties.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the township committee to appropriate such further sum or sums as they may deem just and proper for the purpose of paying a bounty to each volunteer soldier, who may be enlisted for and accredited to the township of Greenville in obedience to any proclamation now issued or that may hereafter be issued by the president of the United States or the governor of the state of New Jersey in the common effort made to suppress the existing rebellion.

2. *And be it enacted*, That for the purposes herein expressed it shall be lawful for the said township committee to issue their bonds, with coupons attached, in sums of one thousand dollars, five hundred dollars and one hundred dollars, bearing interest at such rate per centum per annum, not exceeding seven, as said township committee may deem expedient and proper; *provided however*, that no bond shall be issued for a longer period than twenty-five years, nor for a less period than sixteen years. May issue bonds. Proviso.

3. *And be it enacted*, That the bonds issued in accordance with the provisions of this act shall be deemed and taken as a debt of the said township over and above any loans now authorized by the aforesaid act, and any acts to amend the same, anything therein to the contrary notwithstanding. Bonds to be a lien.

4. *And be it enacted*, That it shall be lawful for the said township committee to raise by tax yearly, in the same manner as taxes for other purposes are levied and collected in said township of Greenville and over and above the amount they are now authorized to collect for township purposes, a sufficient sum to pay the interest on said indebtedness. To be repaid by taxation.

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

Approved April 7, 1864.

CHAPTER CCCLXXVII.

An Act for the further relief of the Mount Hope Cemetery Association of Lambertville.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the provisions of the eighth section of the act entitled "An act authorizing the incorporation of rural cemetery associations," approved March fourteenth, A. D. eighteen hundred and fifty one, shall be and apply to the act entitled "An act to incorporate the Mount Hope Cemetery Association at Lambertville," approved February seventeenth, A. D. eighteen hundred and forty-eight. Additional provisions.

2. *And be it enacted*, That it shall be lawful for the managers of said Mount Hope Cemetery Association, to build May build dwelling.

upon the grounds of said association a dwelling house for the use of the sexton or person having charge of the grounds; and for the purpose of raising the funds to build the said house, the said managers shall have the power to mortgage the lot whereon the said house may be built, not exceeding one quarter of an acre.

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

Approved April 7, 1864.

CHAPTER CCCLXXVIII.

A Further Supplement to an act entitled "An act respecting Apprentices and Servants," approved April tenth, eighteen hundred and forty-six.

Binding by indenture legalized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the binding by indenture, mentioned in the first section of the act to which this is a further supplement, may lawfully be made by the "managers of the society for the reformation of juvenile delinquents," incorporated by the state of New York, and all such indentures, if in other respects conformable to the provisions of said act, shall be deemed and held to be valid and effectual in law.

2. *And be it enacted*, That all bindings heretofore made by the said managers are hereby declared valid and effectual in law.

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

Approved April 7, 1864.

CHAPTER CCCLXXIX.

A Supplement to the act entitled "An Act relative to the laws of this state, the proceedings of the legislature, and the distribution thereof, and of the laws of the United States," 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 it shall be the duty of the secretary of state, in addition to the duty now required of him respecting the printing of the laws of this state and the joint resolutions of the legislature, to cause the proclamations of the governor, during the year previous, to be copied and prepared for the press, and make out an index to the same, and cause the same to be correctly printed and bound in the pamphlets after the joint resolutions. Proclamations to be copied and indexed.

2. *And be it enacted*, That all the proclamations of the governor, next preceeding the present one, be correctly printed in the order of time and bound in the next printed copy of the laws of the present legislature. Also former proclamations

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

Approved April 7, 1864.

CHAPTER CCCLXXX.

An Act relative to expense of keeping in the county jail of Middlesex county, persons committed thereto for violations of city ordinances.

WHEREAS, Many persons are committed to the county jail of Middlesex county for violations of city ordinances, and the expense of their keeping in said jails, is made to fall on the county at large, which is inequitable—for remedy whereof, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter all the fees and expenses When city to pay jail charges.

of the commitment, keeping and discharge of all persons committed to the common jail of the county of Middlesex, from any city in said county, for the violations of or offence against any law, ordinance, or police regulation of such city, shall be borne and paid by such city, and the same if not so paid on demand, shall be a legal charge in behalf of said county against such city, to be recovered, if need be, by action of debt before any court of competent jurisdiction, in the name of the board of chosen freeholders of the said county.

Accounts to be kept.

2. *And be it enacted*, That the sheriff of the county of Middlesex shall keep a separate and accurate account, or list of such persons, when committed, by whom, for what offence or charge, and when discharged, and of the said expenses, and render the same to the board of chosen freeholders of the said county at their annual meeting, or at any other meeting, if required so to do.

Repealer.

3. *And be it enacted*, That all acts or parts of acts, repugnant hereto are so far repealed, and that this act shall take effect immediately.

Approved April 7, 1864.

CHAPTER CCCLXXXI.

A Supplement to the act entitled "An act to authorize the township committee of the township of Union, in the county of Camden, to issue bonds upon which to borrow money for the payment of volunteers to fill the quota of said township," approved March twenty-third, one thousand eight hundred and sixty-four.

May increase bounty money

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the township committee of the township of Union, in the county of Camden, to increase the amount of money to be raised to pay bounties to volunteers, to twelve thousand dollars, and to issue bonds under the seal of said township to provide for the payment of bounties to said volunteers.

2. *And be it enacted*, That in every assessment it shall be the duty of the assessor to assess a poll tax of one dollar on

every male inhabitant of said township of the age of twenty-one years and upwards.

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

Approved April 7, 1864.

CHAPTER CCCLXXXII.

An Act to incorporate the Paterson and Newark Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Norman A. Smith, Horace B. Tolles, Robert S. Gould, Erastus W. Smith, Ezra Gould, Aaron Kinter, Alexander P. Fonda and Isaac Van Wagoner, 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 Paterson and Newark Railroad Company," 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. Names of corporators.

2. *And be it enacted*, That the capital stock of said company shall be two hundred and fifty thousand dollars, with liberty to increase the same to three hundred and fifty 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. Capital stock.

3. *And be it enacted*, That the above named persons may open books to receive subscriptions to the capital stock of the said corporation, at such time or times, or place or places, as they or a majority of them may think proper, and as soon as the same shall be subscribed, to give notice for a meeting of the stockholders, to choose five 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 Books to be opened.

Election of directors.

or by lawful 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 first election of directors of the said corporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books to the said directors, and the time and place of holding the first meeting of directors shall be fixed by the said persons named in the first section of this act, or a majority of them, and the directors chosen at such meeting and at the annual 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 and citizen of this state, and in case of the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

Not void for 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 others shall have been chosen in their places.

Payment of installments.

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

Route of 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 the city of Paterson, in the county of Passaic, to the city of Newark, in the county of Essex, not exceeding one hundred feet in width, with as many sets of tracks and rails as they deem necessary, and said company are invested with all powers necessary or convenient to survey, locate, lay out, and construct and maintain said road; and it shall be lawful for the said president and directors, their agents, engineers, superintendents, and others in their employ, to enter at all times upon all lands and waters, for the purpose of exploring, surveying, levelling, and laying out the route of such railroad and of locating the same, doing no unnecessary injury to private property; and when the route and location of said road shall be determined upon, and a survey thereof deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, 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 rails, and to do all other things which may be suitable or necessary for the completion and repairs of 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.

May enter on lands.

7. *And be it enacted*, That when the said company or its agents cannot agree with the owner or owners of such required land or materials, for the use or purchase thereof, or when, by the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of the said company in the construction of 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 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

Proceedings when company and owners cannot agree.

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 matter in question, and to make a true report according to the best of their skill and understanding,) to meet at the time and place appointed and proceed to view and examine the said land and materials, and to make a just and equitable estimate or appraisement of the value of the same, and assessment of damages 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 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 the said company to have, hold, use, occupy, possess and enjoy the said land; and either of the justices of the said court shall, on application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses to the 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.

Appeal, how taken.

8. *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 mateals 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 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, and the sum awarded by the commissioners, or in case of an appeal from the award of the commissioners, then the sum assessed by the jury and such costs as the court shall direct, shall be paid by the company to the owner or owners of the land in controversy, 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.

Bridges to be constructed 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 or passages over or under the said railroad where any public or other road shall cross the same, and to alter or grade the said roads, so that the passage of carriages, horses and cattle passing and repassing, shall not be impeded thereby, and also where the said railroad shall intersect any farm or lands of any individual, to provide and keep in repair suitable wagon ways over or under said railroad, so that the same may be conveniently passed.

Powers of president and directors.

10. *And be it enacted*, That the president and directors of the said company shall have the power to have constructed, or to purchase with the funds of the company, all machines, engines, wagons, carriages or vehicles, for the transportation of persons or any species of property on their railroad, as they may think fit, reasonable, expedient or right; *provided*, they shall not charge more than at the rate of ten cents per ton per mile for the transportation of property on the said

Proviso.

road which is usually weighed by the ton, or four cents per mile for carrying each passenger on said railway.

Dividends.

11. *And be it enacted*, That the president and directors shall, within one year after the said railroad shall have been completed, declare and make such dividends as they may deem prudent and proper from the net profits thereof, and shall in like manner semi-annually thereafter, declare such dividends, and pay the same to the stockholders of the said company, in proportion to the amount of shares held by them, respectively, as they may deem prudent and proper.

Penalty for injuring works.

12. *And be it enacted*, That if any person shall willfully impair, injure, destroy or obstruct the use of any railroad enjoyed under the provisions of this act, or any of their necessary works, wharves, bridges, carriages or machines, such person or persons so offending shall forfeit and pay to the said company 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 hold real estate.

13. *And be it enacted*, That the said company may purchase, have and hold real estate at the termini of their railroad, and at any intermediate depots upon the line of the same, not exceeding five acres at each place; and may erect and build thereon such houses, warehouses, machine shops, and other buildings and improvements, as they may deem expedient for the safety of property, and the construction and repairing of cars, carriages, steam engines, and for other necessary uses.

When finished oath to be filed.

14. *And be it enacted*, That as soon as the railroad, with its appendages, shall be finished so as to be used, the president and treasurer of the said company shall file under oath or affirmation, a statement of the amount of the cost of such railroad, including all expenses and the amount of all purchases made by virtue of this act, in the office of the secretary of this state; that the said corporation shall pay to the treasurer of this state, one-half of one per centum on the capital stock of said road, to be paid annually hereafter on the first Monday of 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 shall have power for that purpose at the time of the passage of such law or laws.

May borrow money.

15. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money, from time to time, as shall be necessary to build, construct or repair said road, and furnish the said corporation with all the neces-

sary engines and machinery for the uses and objects of the said company and to secure the repayment thereof, by bond and mortgage or otherwise, on the said road, land, privileges, franchises and appurtenances, of or belonging to said corporation, at a rate of interest not exceeding seven per cent. 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 court of law or equity in any suit instituted to enforce the payment of any bond or mortgage executed under this section. Proviso.

16. *And be it enacted*, That at any time after the expiration of thirty years from the completion of the said road, the legislature of this state may cause an appraisement of the said road and the appendages thereof to be made by six persons, three of whom shall be appointed by the chief justice of this state for the time being, the remaining three by the company, who, or a majority of them, shall report the value thereof to the legislature within one year from the time of their appointment; or, if they cannot agree, they shall choose a seventh, who, with the aforesaid six, or any three of the said six, shall report as aforesaid; or in case the said company shall neglect or refuse to appoint the said three persons on their part for two months after their said appointment by the said chief justice, then the three persons so appointed by him shall proceed to make such appraisement, which shall be binding on the said company; or in case the said six commissioners shall be appointed as aforesaid, and they cannot agree on 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 the said road; which report shall be filed in the office of the secretary of state, and the whole property and interests of said railroad, and the appendages thereof, shall be vested in the state of New Jersey, upon the payment of the amount so reported to the said company; *provided*, that the sum so to be paid shall in no case exceed the original cost of said road; and that it shall be the duty of the president of the company to lay before the legislature, under oath or affirmation, when they shall so request, a full and fair statement of the cost of said road, and of all the receipts and disbursements of the company. When road to be taken by the state, and proceedings thereon. Proviso.

Limitation.

17. *And be it enacted*, That if the said railroad shall not be completed and in use at the expiration of five years from the first day of August next ensuing, that then and in that case this act shall be void.

Who may ride free.

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, whilst travelling for the purpose of discharging the duties of their offices, and the members and officers of both houses of the legislature of this state, during their annual or other sessions, shall pass and repass on the railroad of said company in the cars free of charge.

Act may be amended, &c.

19. *And be it enacted*, That this act may be altered, amended or repealed whenever the legislature may deem the public good requires the same.

Approved April 7, 1864.

CHAPTER CCCLXXXIII.

A 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 extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New-Jersey*, That the time limited by the act to which this is a supplement, for the completion and use of the said railroad, be and the same is hereby extended to three years 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 7, 1864.

CHAPTER CCCLXXXIV.

An Act to authorize the inhabitants of the township of Pequanac, in the county of Morris, to raise by tax an amount of money sufficient to pay bounties to volunteers to fill the quota of said township under the recent call of the government for two hundred thousand more troops.

May raise money by tax to pay bounty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Pequanac, in the county of Morris be, and they are hereby authorized to raise by tax, to be assessed upon the taxable property of said township a sum sufficient to pay a bounty of three hundred and fifty dollars to each man who shall volunteer in behalf of said township under the late call of the government for two hundred thousand soldiers, said bounty not to be paid however until the volunteer is mustered into the service of the United States.

May borrow money.

2. *And be it enacted*, That the town committee of said township are hereby authorized to borrow of the citizens of said township the amount necessary to pay said bounties until the same can be raised by tax, and shall certify under their hands to the assessors of said township for the time being, the amount of money expended by said township for the purpose above mentioned, and shall direct said assessor to levy and assess one-fifth part of said amount, with the interest on the whole sum, each year for five successive years, and such assessor on receiving such notice, shall assess the said amount mentioned in said notice upon the taxable property of said township in addition to the other taxes of said township; and the township collector is hereby directed to collect said tax and pay the amount thereof out of any township funds in his hands to the township committee on or before the thirty-first day of December of each year, to be used by said committee in payment of any moneys borrowed by them for the purpose aforesaid.

When tax assessed and collected.

3. *And be it enacted*, That said tax shall be assessed and collected at the same time, for the like fees, and under the same penalties that the other taxes of said township are assessed and collected.

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

Approved April 8, 1864.

CHAPTER CCCLXXXV.

An Act to authorize the investment and distribution of the interest of absent persons in the proceeds of land sold on partition or belonging to the estates of intestates.

Proceedings in certain cases.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where the residence of any person interested in the proceeds of lands or real estate which have been heretofore, or may be hereafter sold by virtue of any proceedings in partition, in any court of this state, or if any person interested as next of kin in the personal estate of any intestate, on whose estate letters of administration have been granted in this state, is unknown; or where it is not known whether a person who, if living, would be interested in such proceeds of the sale of lands or real estate, or in such personal estate as next of kin, is living or not, it shall be lawful for the court having the power by order or decree of distributing such proceeds of the sale of lands or real estate, to order the share or interest of any such person to be invested in bonds of this state or of any city or county of this state, authorized by law to issue bonds, or on bonds secured by mortgages on real estate, and to direct and control the custody of the securities which may be taken from time to time for any investment ordered, and also, either before or after an investment is ordered, at such time as the said court may determine, to order and decree a distribution of the share or interest which any such person if living would be entitled to, among and to such persons interested in such proceeds of the sale of lands or real estate, or in such personal estate under the laws regulating the distribution thereof, as are known to be living, in proportion to their interest therein respectively; *provided*, that when it shall be made to appear at the time of ordering said distribution to the satisfaction of the court that it is not known whether such person is living or not, then the court may order refunding bonds to be given by or on behalf of the persons to whom any part thereof shall be distributed, to the clerk of the court and his successors in office in such sum and with such conditions, with or without security as the court may direct.

Proviso.

Powers of the court.

2. *And be it enacted*, That it shall be lawful for said court to control the custody of said refunding bonds, and on

petition of any person or persons who shall make it appear to the satisfaction of said court that the petitioner or petitioners is or are entitled to the money secured by one or more of such refunding bonds, or any part thereof, to order that the money secured thereby be collected for the benefit of such person or persons by and in the name of the clerk of the court who is hereby authorized to sue thereon, and in case of his death pending a suit thereon, the same may be continued in the name of his successor, and said court may dispose of the money collected thereon by order or decree, as to said court may seem just and right; and the said court may order and decree the payment of such costs and expenses out of said share or interest at any time, as the court may deem necessary and expedient.

Approved April 8, 1864.

CHAPTER CCCLXXXVI.

An Act to incorporate the New Jersey and Philadelphia Ferry Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John F. Starr, Jacob L. Rowand, Jesse W. Starr, Henry Simons, C. B. Andress, Robert Y. Bonnin, Elias Kaighn, and their associates, and all other persons who shall become subscribers and owners of the capital stock hereby created, shall be, and they and their successors and assigns, are hereby made and declared to be a corporation and body politic by the name of "the New Jersey and Philadelphia Ferry Company."

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, 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 company may, by their by-laws or otherwise, direct or appoint; and in case of a failure by a stockholder to pay his or her installment or installments at the time and place mentioned and appointed for the payment thereof, such stock-

holder shall incur a forfeiture of his or her shares, and all previous payments thereon, for the use of said company.

Personal property.

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

Directors.

4. *And be it enacted*, That the affairs of the said corporation shall be managed by seven directors: John F. Starr, Jacob L. Rowand, Jesse W. Starr, Henry Simons, C. B. Andress, Robert Y. Bonnin, Elias Kaighn, are hereby appointed the first directors, who shall serve until the second Monday in January next, and until others are elected; and the said directors, or a majority of them, shall assemble, as soon as convenient after the passage of this act, and appoint one of their number to be president of the said corporation, who shall be a resident of this state, and who shall serve for one year; should a vacancy at any time occur in the board of directors by death or otherwise, the remaining directors, convened at the next succeeding meeting, shall appoint a director to fill such vacancy until the next annual election; *provided always*, that no person shall be a director who is not a stockholder, and at least four of the said directors shall be citizens of the state of New Jersey.

Proviso.

Annual election.

5. *And be it enacted*, That there shall be an annual election of directors held, at some place in the city of Camden, on the second Monday in January next, and that all subsequent annual elections of directors shall be held at such time and place, of which time and place notice shall be given by publishing the same in one of the newspapers printed in said city at least four weeks previous to the day of such election; and the board of directors shall appoint the judge of such election, but if it should happen that an election of directors should not be had on the said second Monday in January next, or at the time appointed for the holding of any subsequent annual election, the said company shall not for that cause be deemed to be dissolved, but such election shall be held at such other time and place as the board of directors for the time being shall or may appoint; and the directors for the time being shall continue in office until others shall be elected in their

stead; and every board of directors, as soon as conveniently may be after their election, shall appoint from their number a president of said company, who shall be a resident of this state, and serve until the next annual election of directors and until another shall be appointed in his stead; that the said president shall preside at all meetings of the board, except in case of his absence, when any other of the directors present may be chosen president pro tempore; and all stated meetings of the board shall be held at such times and places as the by-laws may ordain; and special meetings may be held by appointment of the board or upon the call of the president.

6. *And be it enacted*, That the board of directors shall have power to erect a steamboat ferry between south ward, in the city of Camden, and Philadelphia, at such place or places as may best serve the public convenience and interest of the said corporation, and for that purpose may purchase or lease real estate, erect wharves, piers, slips, buildings and all other necessary appendages, and may build or purchase steamboats, vessels and ferry boats, of such description and dimensions as said board shall order and direct; *provided always*, that it shall be the duty of the said corporation to keep a steamboat or boats running all the year for the accommodation of the public; and they shall not fail or refuse to carry any person or persons across the Delaware river in the day time, under the penalty of fifty dollars for each failure or refusal, to be sued for by the party demanding and refused to be taken across the said river, in any court of record in this state; *provided*, the said forfeiture shall not attach or be recovered when the navigation of the said river is impracticable or eminently dangerous.

To erect ferry.

Proviso.

Proviso.

7. *And be it enacted*, That it shall not be lawful for the said corporation to charge more than the following rates of ferriage or toll, under the penalty of ten dollars for each offence, to be sued for in any court of competent jurisdiction by the party aggrieved, to wit, for nine months in the year, as follows:

Tolls.

For each passenger, five cents;
Single passengers, in wherry, ten cents;
For marketing, a barrel to be rated equal to two bushel baskets; tubs, chests and scow baskets to be rated according to the number of bushels they hold, for each bushel; all articles having contained marketing to return free, if empty, otherwise to pay the usual rates;

For a two-horse load, with or without the carriage, not otherwise rated, twenty-five cents;
A barrel of salt, plaster, flour, sugar, liquor, &c., eight cents;
A hogshead of liquor, sugar, molasses, lime &c., twenty-five cents;
Stoves of cast iron of six or more plates, ten cents;
Salt, plaster, grain, clover and other grass seeds, per bushel, two cents;
Flour, beef, pork, iron, &c., per hundred weight, three cents;
Coffee, per bag; chest, large trunk, &c., five cents;
Soap, candles, glass, chocolate, &c., per box, three cents;
Windsor chairs, per dozen; bureau, bedstead, clock, case, &c, ten cents;
Lumber, per hundred feet, ten cents;
Live calves and fat hogs, per head, five cents;
Sheep and store hogs, per head, three cents;
Fat cattle, twenty-five cents;
Cow and calf, twenty cents;
Store cattle, horses, mules, &c., fifteen cents;
Sideboard, twenty cents;
Desks, secretaries, &c., fifteen cents;
Tables, stands, feather beds, mattresses, large chests of tea, five cents;
Crate or tierce of earthenware, hamper of bottles, fifteen cents;
Fresh shad per hundred, or herrings per thousand, twenty cents;

CARRIAGES AND DRIVERS.

Every four wheel carriage drawn by four horses, sixty cents;
Every four wheel carriage drawn by two horses, thirty cents;
Every two wheel carriage drawn by two horses, twenty-five cents;
Every four wheel carriage drawn by one horse, twenty-five cents;
Every two wheel carriage drawn by one horse, twenty cents;
Market carriages, with their drivers, including fish wagons going to or from market, with four wheels, drawn by two horses, thirty cents;
Four wheels drawn by one horse, twenty cents;
All passengers in carriages, except driver, to pay the same as other passengers;

Carriages of burthen, to include charcoal, tin wagons, pedlers, &c., with their drivers, two loads, thirty-five cents;
Unloaded, twenty-five cents;
One horse load. twenty-five cents;
For carrying hay, straw, hemp, flax, and other bulky articles, two horse loads, fifty cents;
Unloaded, thirty cents;
One horse load, forty cents;
Unloaded, twenty cents;
Each additional horse or mule, fifteen cents;
Bricks on carriages, ninety cents per thousand, not more than five hundred on two wheels, the empty carriages to return free;
Charity schools, with their teachers, to pass free;
The above rates to be taken spring, summer, and fall, and the rates of ferriage and freight shall not at any time exceed double these rates.

Dividends.

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

Penalty for injuring works.

9. *And be it enacted*, That if any person or persons shall willfully injure, impair, destroy or obstruct the wharves, slips, bridges, piers, boats, or any of the works, engines or machines of said company, such person or persons so offending, shall forfeit and pay to the said company any sum not exceeding one hundred dollars, at the discretion of the court or jury, to be recovered before any justice of the peace of the county of Camden, or alderman of the city of Camden, and shall also be liable to pay double the amount of damages sustained thereby, to be recovered in an action of trespass, or other proper form of action, in any court of competent jurisdiction.

Powers of the company.

10. *And be it enacted*, That the said company shall have power to borrow such sum or sums of money from time to time as shall be necessary to build new boats, or to repair their boats, slips, or buildings, and to secure the payment thereof by the execution and negotiation of any bond or

bonds, and secured by mortgage on the said ferry, landing, boats, privileges, franchises and appurtenances of, and belonging to said ferry company; *provided always*, that the amount of money so borrowed shall at no time exceed the amount subscribed and paid by the stockholders of said company.

Proviso.

Limitation.

11. *And be it enacted*, That this act shall continue in force thirty years, and may be altered, amended or repealed whenever the legislature may deem the public good requires the same.

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

Approved April 8, 1864.

CHAPTER CCCLXXXVII.

An Act for the better organization of the Public Schools in the township of Springfield, county of Burlington.

Regulations when children reside in other districts.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That whenever any child or children between the ages of five and sixteen years, resident in the township of Springfield, county of Burlington, entitled to a portion of the school money of said township, as apportioned by law, shall attend a school in an adjoining school district in said township other than the one in which such child or children may reside, the teacher of such child or children in such adjoining district shall be entitled to draw upon the town superintendent for such amount of money appropriated as aforesaid, as the teacher of such child or children would have been entitled to in the district where such child or children may reside; and it shall be the duty of the district trustees of any adjoining school district where such child or children may reside in said township, to sign a written order in favor of such teacher upon the town superintendent in manner and form as now directed by law, and in case the trustees shall neglect or refuse to sign such written order as aforesaid, they shall be subject respectively to a penalty of ten dollars for each and every neglect.

Approved April 8, 1864.

CHAPTER CCCLXXXVIII.

An Act to prevent fishing with seines, or other nets, in Budd's Lake, in the county of Morris.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That after the passage of this act, it shall not be lawful for any person or persons to set, or haul any seine, or other fish net, in Budd's Lake, situate in the township of Roxbury, in the county of Morris, or in any part of said lake. Not to set or haul seines.

2. *And be it enacted*, That any person or persons violating this act shall forfeit the sum of twenty-five dollars for each and every offence, to be recovered in an action of debt before any justice of the peace; one-half of said penalty to go to the prosecutor, and the other half to the overseer of the poor of the said township of Roxbury, for the use of the poor of said township; *provided*, that it shall not be unlawful for any owner or owners of land adjoining to the said lake to fish within the lines of his or their own lands, and this act shall not be considered as extending to or affecting any such owner or owners. Penalty.

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

Approved April 8, 1864.

CHAPTER CCCLXXXIX.

An Act to authorize the township of Mullica, in the county of Atlantic, to raise money to pay bounties, and to provide for the payment of the same.

WHEREAS, The inhabitants of the township of Mullica, in the county of Atlantic, are desirous of raising money to pay bounties, to fill the quotas assigned the said township, under the last call, or any future calls of the president of the United States; and whereas, the inhabitants having no authority under the existing laws of the state to offer said bounties or provide for the payment of the same—therefore, Preamble.

May raise money.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the said township of Mullica be authorized at any legally called meeting of the voters of said township, to raise such sums of money as a majority of the voters present may determine, to pay bounties to fill the quotas assigned to said township as mentioned in the preamble of this act.

May issue bonds.

2. *And be it enacted*, That the said township of Mullica be authorized to provide for the payment of said bounties by the issuing of their bonds, bearing interest at the rate of six per centum per annum, and payable at such times as the township committee of said township of Mullica may determine; *provided*, that not less than fifteen hundred nor more than twenty-five hundred dollars shall be raised by taxation for the purpose of paying said bonds in any one year, including the interest thereon.

Proviso.

When taxes assessed and collected.

3. *And be it enacted*, That the taxes authorized to be levied and collected by virtue of this act shall be apportioned and raised in like manner as other taxes are raised in said township.

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

Approved April 8, 1864.

CHAPTER CCCXC.

Further Supplement to an act entitled "An act to raise bounty money for volunteers for the war in Middletown township, in Monmouth county," approved February twenty-third, eighteen hundred and sixty-three.

Committee to call town meeting.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the town committee of the said township be hereby authorized to call a special town meeting for the purpose of voting to raise bounties, to procure volunteers to fill the quota of said township under the last call of the president of the United States for two hundred thousand men.

Sum to be voted for.

2. *And be it enacted*, That such sum as may be voted at such town meeting may be assessed in the same manner as directed by the act to which this is a supplement.

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

Approved April 8, 1864.

CHAPTER CCCXCI.

An Act to ascertain the rights of the state and of the riparian owners in the lands lying under the waters of the bay of New York, and elsewhere in the state.

Preamble.

WHEREAS, it is represented to the legislature of the state that grants of rights to occupy land under the waters of the bay of New York and the Hudson river, and elsewhere within the state have been made and are liable to be made, without sufficient information of the rights of the state and of the riparian owners in the same, therefore, with the view of obtaining the proper information to enable the legislature to protect the rights of the state,

Board of commissioners to be appointed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That a board of commissioners be nominated by the governor and confirmed by the senate, to consist of six citizens of this state, who shall have power and whose duty it shall be to cause the necessary surveys and examinations to be made by competent surveyors of the lands lying under the waters of the bay of New York and of the Hudson river, and of the lands adjacent thereto, the Kill Van Kull, Newark Bay, Arthur's Kill, the Raritan Bay, and the lands lying under the water of the Delaware river, opposite to the county of Philadelphia, the right to reclaim which has not been granted by the State, and to obtain all needful information from other sources, in order to ascertain the present rights of the state in the same, and the value of said rights; and to fix and establish an exterior line in the said bays and rivers, beyond which no pier, wharf, bulkhead, erection or permanent obstruction of any kind shall be permitted to be made, and to report to the next legislature, on or before the first day of February next, the result of the information thus obtained, and the value of the said rights, together with the evidence upon which the same is founded; and second, that they shall recommend to the legislature such plans and provisions for

the improvement, use, renting or leasing of the said lands under water as they shall deem necessary for and most conducive to the interest of the state, and to have prepared, and submit with their report, maps of said land exhibiting the exterior line fixed and established by them in said bays and rivers, and the lines of the existing piers, wharves and bulkheads, and also showing any grants of lands under the waters of said bays and rivers which have not been occupied, and also the original shore line as far as the same can be ascertained, accompanied with such field notes, measurements and elucidations as they shall deem necessary to a full exposition and understanding on the subject.

Proceedings regulated.

2. *And be it enacted*, That until such report is made no further grant, lease or sale of any of said lands shall be made, and the said commissioners may apply to the chancellor for an order to restrain and stay all proceedings, erections and obstructions until the further direction of the legislature; and if any permanent erection in or obstruction of the said waters, within the said exterior line to be fixed or established by them, be commenced or continued after such order, the said chancellor may cause the said order to be enforced, and disobedience thereof to be punished by the court of chancery, in the same manner and to the same extent as in cases of injunction issued out of said court; and any permanent erection or obstruction, made contrary to any such written order, may be removed and abated by the order of the chancellor;

Proviso.

provided however, that the said commissioners or the chancellor shall not interfere with any rights already granted, or which have been or may be granted at the present session of the legislature.

Oath of office.

3. *And be it enacted*, That the said commissioners shall take and file in the office of the secretary of state an oath well, truly and faithfully to perform the duties of their appointment, before entering upon said duties, and they shall not be or become interested, directly or indirectly, in any water rights or rights to occupy lands under water in the said bays or rivers, nor in any real estate that can in any way be benefitted or affected by the establishment of such exterior lines, or by any measures that they may recommend; and upon proof being made to the governor of any one of said commissioners being so interested, and upon a hearing of a party so charged, he may be removed from office by the governor.

Vacancies.

4. *And be it enacted*, That any vacancies in the board of

commissioners, caused by removal, resignation, refusal to serve or otherwise, shall be filled by appointment by the governor, of a citizen of this state not interested as aforesaid.

5. *And be it enacted*, That the said commissioners may appoint surveyors, agents, and others necessary for the discharge of these duties, and they and their agents may enter upon any land for the purpose of surveying or obtaining any information on the subject of their appointment. May appoint agents.

6. *And be it enacted*, That each commissioner shall receive five dollars for every day actually employed by him in the duties of his said appointment, and his actual travelling expenses, when absent from his residence. Compensation

7. *And be it enacted*, That the said commissioners shall give public notice of the time and place of their first meeting by advertisement published for ten days in each of the papers printed in the counties in which the commissioners shall make their investigation, and all subsequent meetings of the commissioners shall be publicly adjourned to some particular time and place. Notice of meetings.

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

Approved April 11, 1864.

CHAPTER CCCXCII.

An Act to incorporate the American Dock and Improvement Company.

WHEREAS, It is represented that John S. Gilbert, Preston H. Hodges, James Hoy, Henry L. Gilbert and Moses B. Bramhall, and others their associates, now own certain tracts of land, situate in the townships of Bergen and Greenville, in the county of Hudson, and desire to acquire from the state other tracts of land contiguous thereto, covered by water, which they desire to fill in and reclaim from the water, and to divide into suitable building and other lots, and to sell and dispose of the same for the benefit of the association, with the object of erecting a town, with docks, wharves and bulkheads, so as to afford facilities to secure to this state a portion of the commerce and shipping of Preamble.

the city of New York; and whereas, it is necessary for the success of their undertaking that they should be able to convey the said premises from time to time, to such persons as may be desirous to purchase, notwithstanding death or other cause affecting the individuals owning or who may own the said land, and in order to give greater efficiency and concentration to their efforts for the improvement of the said land—now therefore,

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John S. Gilbert, Preston H. Hodges, James Hoy, Henry L. Gilbert and Moses B. Bramhall, and such other persons as they may associate with them, 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 American Dock and Improvement Company," and that the capital stock of the said company shall be three million dollars, divided into shares of one hundred dollars each, which shall be subscribed and paid in at such times, upon such notice, and in such manner and installments as the directors of said company by their by-laws or otherwise may direct; that such payment shall be made either in money or in land situate in said townships of Bergen and Greenville, in the county of Hudson; and in case of payment in land, the directors may issue in payment therefor the stock of 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 installments on his or her stock, 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 the company.

Stock personal property.

2. *And be it enacted*, That the capital stock of the said company shall be deemed personal property, and the shares 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, president and officers.

3. *And be it enacted*, That the affairs of the company shall after the organization of the company, be managed by not less than five directors, or more than nine, to be chosen by the stockholders of the said 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 for two weeks, in a newspaper published in the

county of Hudson; 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, who shall receive such compensation as the by-laws may direct.

First directors

4. *And be it enacted*, That John S. Gilbert, Preston H. Hodges, James Hoy, Henry L. Gilbert and Moses B. Bramhall shall be the first directors of the 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.

May receive conveyances of lands.

5. *And be it enacted*, That as soon as the said company shall be organized, it shall be authorized to receive conveyances for the lands now owned as aforesaid between the south line of the lands of "The Central Railroad Company of New Jersey," where it intersects the New York Bay and Kavan Point, and to hold and execute all instruments and conveyances necessary for the purchasing, leasing or selling of such property; and the said company are hereby authorized to purchase and hold any lands adjoining or near the above mentioned tracts, which they may deem necessary for improving and enlarging said property, and to pay for all lands with the shares of its capital stock, at such price as the company may deem best for its interest; *provided*, they shall not hold at any time over two hundred acres above the present high water mark, in addition to the tracts mentioned in this section.

Proviso.

May improve lands, &c.

6. *And be it enacted*, That the said company shall be, and hereby are authorized to improve all and every portion of the said lands under water held or purchased by them as aforesaid by erecting buildings, and laying out said lands into lots, streets, squares, docks, lanes, alleys, or other divisions, and by levelling, grading, raising or tunnelliug the said land, streets, lanes and alleys; and they shall have liberty to fill up, raise, occupy, possess and enjoy as their own property, all lands covered with water which they may hold or purchase, or which may lie in front of any lands which they may hold or purchase, and may build, enlarge or improve, (or sell and convey to others to improve) all and any land or lands under water, wharf or wharves, bulkhead or bulkheads, piers, slips, and other structures which they may deem necessary for commercial, shipping or other purposes; *provided*, that in carrying out the provisions of this act they shall not injure the navigation of the Hudson river, nor interfere with the legal rights of others, nor build out beyond the easterly line

Proviso.

of Hudson street, in Jersey City, extended southerly, or such other exterior line as may be fixed by law, and that the southerly line of the said improvement into the bay, shall be on a line commencing on the southerly side of Kavan Point, at the boundary line of lands of late belonging to Stephen B. Vreeland, and at the point where said boundary line strikes the shore of New York bay, and from thence running south forty-six degrees and thirty-nine minutes east to the channel of the Hudson river; *provided*, that the northerly line shall be parallel to and with the said southerly line; *and provided always*, that the said company shall pay for the oysters planted, if any there be, upon any land under water which they may improve, to the person or persons by whom they were planted, or shall give them at least one year's notice to remove the same; and in case the value of such oysters cannot be agreed upon, then, in such case, either party, upon twenty days' notice to the other, may apply to the court of common pleas of the county of Hudson, whose duty it shall be to appoint three disinterested freeholders of said county to appraise the same, whose report, or the report of any two of them, made in writing to the said court, shall be final and conclusive; and in determining said value the said appraisers shall be governed by the like rules as arbitrators; *and provided further*, that nothing contained in this act shall be so construed as to give the said company any power to make any improvement whatever upon the tract of land under water in New York bay, heretofore granted to Aaron Ogden, without the consent in writing of the said Aaron Ogden, or his legal representatives.

Proviso.

Proviso.

Proviso.

Dockage, &c. 7. *And be it enacted*, That the said company shall have the right to demand and recover by action at law, all wharfage, dockage and cranage which may be levied upon any wharf, dock, pier, slip or bulkhead erected by them upon their said land by virtue of this act.

Limitation. 8. *And be it enacted*, That unless the aforesaid improvement shall be commenced within one year from the passage of this act, then this act shall be null and void.

Reserved rights. 9. *And be it enacted*, That the legislature may alter, modify or repeal this act whenever, in their opinion, the public good may so require.

Location of office. 10. *And be it enacted*, That a majority of the board of directors shall (after the expiration of the first year of the organization of this company,) be residents of this state, and

that there shall be maintained at Jersey City a principal office for the conduct of the business of said company.

11. *And be it enacted*, That the said company shall pay to the treasurer of this state, on or before the first day of July, Anno Domini eighteen hundred and eighty-five, the sum of twenty-five dollars for each and every foot of the shore embraced and contained in this bill, the amount of the same to be ascertained by a commission to be appointed by the governor, and the extent of the shore front is to be ascertained and measured as follows, commencing at a point on the southerly side of Kavan Point at the boundary line of lands of late belonging to Stephen B. Vreeland, and at the point where said boundary line strikes the shore of the New York bay, and thence northerly in a straight line to the south line of the lands of the Central Railroad Company of New Jersey, where it intersects the New York bay, and upon the aggregate amount so ascertained as aforesaid, the said company shall pay to the state interest from the first day of July, eighteen hundred and sixty-five, at the rate of six per centum per annum, payable semi annually; and the said aggregate amount so ascertained as aforesaid shall be and remain a lien upon said lands until the payment of the same, with the interest thereon; and a certificate of the said commissioners, signed by them and the president of said company, of the measurement of the shore line made as aforesaid, shall be filed in the office of the secretary of state. State assessment.

12. *And be it enacted*, That the payment of a proportionate part of the aggregate amount of money provided to be paid as aforesaid, shall release from the force and effect of this lien a corresponding proportionate part of the lands under water embraced and contained in this bill, and the interest upon the amount paid shall cease from the time of such payment, and upon such payment being made to the treasurer of this state, the said treasurer shall give to the said company a certificate thereof, and the same being duly acknowledged may be recorded in the office of the clerk of the county of Hudson. Regulations.

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

Approved April 11, 1864.

CHAPTER CCCXCIII.

A Further Supplement to "An act to confirm certain debts and liabilities incurred by the townships of the county of Camden, in raising money for purposes incident to the war," approved March sixth, eighteen hundred and sixty-three.

Preamble. WHEREAS, The township of Newton has not raised her quota of volunteers under the last call of the president, and the inhabitants of said township desire to fill promptly the said call, and doubts have arisen as to the legality of the proceedings had by the township committee,

Committee may raise money. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That a special town meeting may be held and the inhabitants of said township may authorize the township committee to raise a sum of money in such manner as they think proper, not to exceed fifteen thousand dollars in addition to what has been previously authorized by law, and that all securities issued for the above purpose shall be as valid and effectual as if they had been expressly authorized by the passage of the supplement approved February nineteenth, eighteen hundred and sixty-four.

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

Approved April 12, 1864.

CHAPTER CCCXCIV.

An Act to incorporate the Mount Auburn Cemetery Association, of Newton, New Jersey.

Corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Townsend, George H. Nelden, Edward C. Moore, Robert Hamilton, John Linn, Thomas N. McCarter and Aaron Peck, and their associates, be and they are hereby made a body politic and corporate in

law, by the name of "the Mount Auburn Cemetery Association, of Newton, New Jersey."

2. *And be it enacted*, That the said corporation shall be composed of such persons who are or shall be owners of stock in the said company, and that the said corporation shall have power to purchase and hold in fee the tract of land belonging to Aaron Peck, situated in Newton, near the depot, or such part thereof as they may deem necessary for the purpose of a cemetery, and that said corporation may hold such tract of land for the uses hereafter mentioned: first, the said corporation may sell or otherwise dispose of the sub-lots in the said cemetery, to be used only as burial places for deceased persons, with the use and privilege of the several avenues, walks and passages, and may erect on said tract of land such buildings and accommodations as they may deem suitable for the establishment; second, the sub-lots shall be conveyed to the respective purchasers in fee, on the payment of the purchase money, and the purchaser, his or her heirs or assigns, shall have the exclusive use and occupation thereof, only for the interment of deceased persons, with the common use of the walks, passages and avenues, subject to such regulations as may be established by said corporation for digging graves, building vaults, enclosing, ornamenting and preserving said plats. To purchase land and lay out same as a cemetery.

3. *And be it enacted*, That there shall be a board of seven directors, who shall be elected by and from among the stockholders, on the first Monday in May next, and the said directors shall elect from their own number, a president, vice-president, treasurer and secretary, annually, they shall have power to fill vacancies in their own number; shall have the sole charge, superintendence and control of the said cemetery; and, until the first election of directors, the corporators in the first section of this act named shall be the said directors, and act until others are chosen in their stead. Election of directors, &c.

4. *And be it enacted*, That the sum which the said corporation may agree to pay for the tract of land hereinbefore mentioned, and the sums which they may expend in embellishing, improving, beautifying, erecting fences, buildings, and so forth, shall be the capital stock of said company, and shall be divided into shares of ten dollars each, and that one-half of the net proceeds of all sales of lots shall be appropriated or funded for the embellishment and maintaining the improvements of said cemetery grounds, and the balance shall belong to and be divided among the stockholders, ac- Capital stock.

cording to their several interests, and whatever sum shall be funded for the embellishment or improvement of said cemetery as aforesaid, the same shall be free from all taxes or assessments, and no taxes shall be imposed on lot owners therefor.

Conveyance of lots.

5. *And be it enacted*, That the rights of individual lot holders shall be created by deed from the president under the common seal of said corporation; and transfers of such rights may be made among individuals by simple assignments annexed to said deeds, but not valid until the said assignment is recorded in the books of the secretary of said association.

Regulations.

6. *And be it enacted*, That any association of persons for benevolent purposes, and also any religious society, may purchase and hold lots in said cemetery, in which they may bury agreeably to any peculiar rights or ceremonies of their own, subject only to the rules and regulations of the cemetery; but no lot or plot of ground laid out on the map of said company, and numbered as separate lots shall ever be subject to division, although the same may be held in undivided shares.

7. *And be it enacted*, That the provisions of the eighth and tenth sections of the act entitled "An act authorizing the incorporation of rural cemetery associations," be and the same are hereby made part of this act.

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

Approved April 12, 1864.

CHAPTER CCCXCV.

An Act to incorporate the Clinton Railroad Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James P. Huffman, John T. Leigh, Robert Foster, Samuel Parry, Eli Bosenbery, John F. Stiger, Jacob Corson, John B. Weller, Nathaniel W. Voorhees and John T. Bird, 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 Clinton Railroad Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient for the objects of this corporation.

Capital stock.

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

Commissioners to open books.

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 as soon as the same shall be subscribed, to give notice for a meeting of the stockholders to choose nine directors; and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock 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 the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them may appoint a president, pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

Election of directors.

Not void for 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.

Payment of installments.

5. *And be it enacted*, That seven 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 installments and at such times as they may direct; and in case of the non-payment of the said installments, or any one of them, to forfeit the share or shares upon which such default shall arise; and to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate and effects of the said corporation, and also to have power to appoint a secretary, 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.

Route of 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 one or more suitable place or places in the village of Clinton station, in the most direct and feasible route to one or more suitable place or places within half a mile of South Branch of the Raritan river, and within half a mile of the village of Clinton, not to exceed 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 and waters, for the purpose of exploring, surveying, leveling or laying out the route or routes of such railroad, and of locating the same, and to 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, ferries, and all other works necessary to lay rails, and to do all other things which shall be suitable or necessary for the completion or repair of the said road, subject to such compensation as is

hereinafter provided; *provided always*, that the payment, or tender of the payment, of all damages for the occupancy of lands through which the said railroad may be laid out, be made before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road, unless the consent of the owner or owners of such land be first had and obtained. Proviso.

7. *And be it enacted*, That when the said company or its agents, cannot agree with the owner or owners of such required lands or materials, for the use or purchase thereof, or when by reason of the legal incapacity or absence of such owner or owners no such agreement can be made, a particular description of the land or materials so required for the use of the said company, in the construction of the said road, shall be given in writing, under the oath or affirmation of some engineer or 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 time not less than six days, and to assign a particular time and place for the appointment of the commissioners hereinafter named; at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint under his hand and seal, three disinterested, impartial and judicious freeholders, not residents 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 matter in question and to make a true report according to the best of their skill and understanding) to meet at the time and place appointed and proceed to view and examine the said land and materials, and to make a just and equitable estimate or appraisement of the value of the same, and assessment of damages, as shall be Proceedings when company and owners cannot agree.

paid by the said company for such lands or materials and damages aforesaid; which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land or materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county in which the land or materials are situate, to remain of record therein; which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of the 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 costs in an action of debt, in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall from time to time constitute a lien upon the property of the company in the nature of a mortgage; and the said justice of the supreme court shall, on application of either party, and on reasonable notice to the others, tax and allow such costs, fees, and expenses to the justice of the supreme court, commissioners, clerks and other persons performing any of the duties prescribed in this section, as they or he shall think equitable and right, and to order and direct by whom the same shall be paid, under the circumstances of the case.

Appeals, how regulated.

8. *And be it enacted*, That in case the said company, or the owner or owners of the said land or materials, shall be dissatisfied with the report of the commissioners named in the preceding section, and shall apply to the justices of the supreme court at the next term after the filing of the said report, the court shall have the power, upon good cause shown, to set the same aside, and thereupon to direct a proper issue for the trial of the said controversy to be formed between the said parties, and to order a jury to be struck, and a view of the premises or materials to be had, and the said issue to be tried at the next circuit court, to be holden in the said county, upon the like notice, and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land or materials and damages sustained, and if they shall find a greater sum than the said commissioners shall have awarded in favor of said owner or owners, then judgment thereon, with costs, shall be entered against the said company

and execution awarded therefor; but if the said jury shall be applied for by the said owner or owners, and shall find the same or a less sum than the company shall have offered or the said commissioners awarded, then the said costs to be paid by said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the court shall direct; *provided*, that such application shall not prevent the company from taking the said land or materials upon the filing of the aforesaid report. Proviso.

9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over or under the said railroad where any public 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. Duties of the company.

10. *And be it enacted*, That the president and directors of the said company shall have power to have constructed, or to purchase or hire with the funds of the company, and to place on any railroad constructed by them, all machines, engines, wagons 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 twenty cents per mile per ton for the transportation of property on said road, or ten cents per mile for carrying each passenger on said railroad in the carriages of the company; and that the said railroad and its appendages, and the land over which the same shall pass, and all the works and improvements, steam engines, carriages, and all other property whatsoever belonging to 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. May purchase engines, &c. 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 profits thereof, and shall in like manner, semi-annually thereafter, declare such dividends, and pay the same to the stockholders of the said company, in proportion to the amount of shares held by them, respectively, as they may deem prudent and proper. Dividends.

12. *And be it enacted*, That if any person shall wilfully

Penalty for injuring works.

impair, injure, destroy or obstruct the use of any railroad enjoyed under the provisions of this act, or any of their necessary works, bridges, carriages or machines, such person or persons so offending shall forfeit and pay to the said company 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 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, at Clinton Station and the South Branch of the Raritan river, and at intermediate depots along the line of said road, not exceeding five acres at each place; and may erect and build thereon, such houses, warehouses, machine shops, and other buildings and improvements, as they may deem expedient for the safety of property, and the construction of cars, carriages, steam engines, and for other necessary uses; which said lands shall be obtained in the manner provided for in the seventh section of this act.

Cost of road to be filed.

14. *And be it enacted*, That as soon as the railroad, with its appendages shall be finished so as to be used, the president and treasurer of the said company shall file under oath or affirmation, a statement of the amount of the cost of the said road, including all expenses and the amount of all purchases made by virtue of this act, in the office of the secretary of this state; and annually thereafter the president and treasurer of the said company shall, under oath or affirmation make a statement to the legislature of this state of the proceeds of said road, until the net income of said road shall amount to six per centum upon the amount of its costs; and as soon as the net proceeds of said railroad shall amount to six per centum upon its costs, the said corporation shall pay to the treasurer of this state, a tax of one-half of one per centum on the cost of said road, to be paid annually thereafter on the first Monday of January of each year; *provided*, that no other tax or impost shall be levied or assessed upon the said company.

Proviso.

May borrow money.

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

16. *And be it enacted*, That at any time after the expiration of fifty years from the completion of the said road, the legislature of this state may cause an appraisement of the said road, and the appendages thereof, to be made by six persons, three of whom shall be appointed by the chief justice of this state for the time being, the remaining three by the company, who, or a majority of them, shall report the value thereof to the legislature, within one year from the time of their appointment; or if they cannot agree, they shall choose a seventh, who, with the aforesaid six, shall report as aforesaid; or in case the said company shall neglect or refuse to appoint the said three persons on their part, for two months after 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 the said company; or in case the said six commissioners shall be appointed as aforesaid, and they cannot agree on 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 the said road; which report shall be filed in the office of the secretary of this state, and the whole property and interest of said road, and the appendages thereof shall be vested in the state of New Jersey, upon payment of the amount so reported to the said company; and that it shall be the duty of the president of said company to lay before the legislature, under oath or affirmation, when they shall so request, a full and fair statement of the costs of 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 the stock, and the said valuation shall in no case exceed the first cost of valuation of said road, with the lands and appendages thereof. When state may take road. Proviso.

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. Limitation.

18. *And be it enacted*, That this act shall be deemed and taken as a public act, and shall at all times be recognized in all courts and places whatsoever, and shall take effect imme- Public act.

diately after the passage thereof, but the same shall be subject to the payment of the tax provided by the act entitled "An act to increase the revenues of the state of New Jersey," and may be altered, amended or repealed whenever the legislature may deem the public good requires.

Approved April 12, 1864.

CHAPTER CCCXCVI.

A Further Supplement to the act entitled "An act concerning wills," approved April fifteenth, eighteen hundred and forty-six.

Will of married women to be valid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any will or testament by any married female above the age of twenty-one years, hereafter made, of any real or personal property shall be held and taken to be as valid and effectual in law as if she were at the time of the making of such will or testament a feme sole and unmarried; *provided always*, that nothing herein contained shall be so construed as to authorize any married female to dispose of by will or testament any interest to which her husband is now or would be at her death entitled by law, in her real or personal property, but such interest shall remain in and survive to the husband in the same manner as if such will had not been made.

Proviso.

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

Approved April 12, 1864.

CHAPTER CCCXCVII.

A Further Supplement to the act entitled "An act to incorporate the Gloucester Turnpike Company," approved March fifth, eighteen hundred and fifty.

Proceedings when road is not kept in repair.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if the said "the Gloucester Turnpike Company" shall not keep their said road and bridges in repair, it shall be the duty of any judge of the court of common pleas of the county of Camden or Gloucester, upon complaint being made in writing to him, stating the bridge or part of the road that is out of repair, and specifying the particular defect, and after four days' notice in writing to said company, specifying the particular part of the road or bridge, and the particular defect complained of, if the said company shall not have mended or repaired the bridge or part of the road complained of, or thrown open their gates, then to appoint under his hand and seal three judicious, disinterested freeholders of the county of Camden or Gloucester, not residing in any township through which said road passes, who, having been duly qualified according to law to act impartially in the case, shall proceed to view and examine said part of the turnpike road or bridge so complained of, and report to said judge in writing, under their hands and seals, or under the hands and seals of any two of them, whether it be in such state as the law requires it to be kept, and if the report be unfavorable to the said road or bridge, said judge shall immediately, in writing, under his hand and seal, order the keeper of the gates or turnpikes to keep open the same until otherwise ordered; and if the said keeper shall, notwithstanding the order of said judge to open said gates or turnpikes, exact toll of travellers, he shall, for each offence, forfeit and pay twenty dollars, to be sued for by any person who shall prosecute for the same, in an action of debt, with costs of suit; and the said judge shall be allowed for his services one dollar, and the persons appointed one dollar each, to be paid by the company; and upon due proof before said judge that such company have repaired or mended said road or bridge in the particular complained of, he shall, by license, under his hand and seal, directed to the toll-gatherers, permit the gates to be shut and the toll 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 paid by the person or persons making the complaint.

Repealer. 2. *And be it enacted*, That this act shall take effect immediately, and that all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved April 12, 1864.

CHAPTER CCCXCVIII.

An Act to protect the village of Hackensack, in the county of Bergen, against fire.

Incorporation. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the legal voters of all that part of the township of New Barbadoes which is included in the following boundaries, viz: on the south by the division line between the townships of New Barbadoes and Lodi, on the east by the Hackensack river, on the north by the brook upon which the mill dam formerly of Tunis Cole is situate, and on the west by the division lines of the farms between East and West Hackensack be and are hereby created and declared to be a body politic and corporate under the name of "The Hackensack Fire Department."

Powers. 2. *And be it enacted*, That the said corporation shall have power to form such and so many, not exceeding four in all, fire engine, hose, and hook and ladder companies, of not more than thirty members each, as they may deem necessary to protect the property within said boundaries against fire.

Five trustees to be elected and money to be raised. 3. *And be it enacted*, That said legal voters within said district, at each annual town meeting hereafter of the township of New Barbadoes, in said county, shall, by plurality of votes, elect five of their number trustees of said corporation, (who shall hold their office for one year, and until others are chosen in their stead,) and also what sums of money shall be raised for the purposes contemplated by this act, not exceeding eight thousand dollars the first year, or two thousand dollars in any subsequent year; and that the officers who

hold said town meetings shall hold said elections, and for that purpose shall provide a ballot box at the expense of said corporation; the result of said elections shall be certified to the county clerk in like manner as the result of the town meeting, and the moneys so voted shall be assessed, levied and collected upon the property within said boundaries by the same persons and in the same manner as the taxes of said township are or shall be, and said moneys, when collected, shall be paid over by the township collector to the chairman of said trustees, and the same shall be by said trustees solely and exclusively applied to procuring, repairing, maintaining and preserving the engines, engine houses, cisterns and reservoirs of water, ladders, buckets, and all necessary implements and machines, to the purchase of real estate necessary for said houses, and to such other expenses as to said trustees shall appear best calculated to protect the property within said boundaries from injury or destruction by fire.

4. *And be it enacted*, That said trustees, a majority of whom shall be a quorum, may from time to time make and enforce such by-laws and regulations for the acquisition, management and control of the property and affairs of said corporation as they shall deem conducive to the objects and purposes of this act; and they shall, at each annual town meeting aforesaid, make and publish a full statement of the condition of the property of said corporation and of the receipts and expenditures during the year. By-laws.

5. *And be it enacted*, That vacancies in the board of trustees, occasioned by death, removal, or refusal to serve, shall be filled by the remaining trustees. Vacancies, how supplied.

6. *And be it enacted*, That every person while an actual member of a fire company organized under this act, shall be exempt from all jury duty in the county of Bergen, and from all militia duty, and military tax in time of peace; and every person who shall have been a member of such company for seven years, and shall have received a certificate of such fact from said trustees, shall be forever exempt from such duty and tax in said county. Firemen exempt from jury duty.

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

Approved April 12, 1864.

CHAPTER CCCXCIX.

An Act to authorize and empower the inhabitants of the township of Ocean, in the county of Monmouth, to raise money by tax for the purpose of removing obstructions, and maintaining the navigation of the South Shrewsbury river, in said county.

Preamble. WHEREAS, the inhabitants of the township of Ocean, in the county of Monmouth, have, by their petitions, set forth that the South Shrewsbury river, in said county, has, by reason of obstruction, become almost useless for navigable purposes, greatly to the disadvantage of the inhabitants, retarding the growth and prosperity of their villages and surrounding country; and whereas, they have by their said petitions requested the legislature of this state to pass an act authorizing them to raise money, by taxing the inhabitants of said township of Ocean, to remove said obstructions and maintain the navigation of said river—therefore,

May raise money by tax. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Ocean, in the county of Monmouth, are hereby authorized and empowered at their annual town meeting, or any special town meeting, duly held for that purpose, to raise by tax, in the same manner as the ordinary township taxes are raised for township purposes, such sum or sums of money as may be deemed necessary by said inhabitants, to remove the obstructions in the South Shrewsbury river, in said county, and maintain the navigation thereof.

Appropriation 2. *And be it enacted*, That at the same time that any sum or sums of money shall be ordered to be raised by taxation as aforesaid, to pay the costs and expenses of clearing out and maintaining the navigation of said river, that it shall and may be lawful for the inhabitants of said township of Ocean, to elect a committee of one or more suitable persons, whose term of office shall expire at the next annual town meeting of said township, after which to be elected annually, and vacancies to be supplied as is directed by law in the case of other township officers of said township, whose duty it shall be to superintend the clearing out and maintaining the navigation of said river, to whom the township collector shall pay all

monies collected for the purposes aforesaid, and it shall be the duty of the said committee to disburse the said money raised as aforesaid, in the most economical manner, and to report in writing to the subsequent town meeting or town meetings, the mode in which they shall have disbursed the said money, giving in said report the items as expended; *provided*, that before the said committee shall enter upon the duties of said office, he or they shall enter into bond to the inhabitants of said township, in their corporate name, with one or more sufficient surety or sureties, being a freeholder or freeholders, and resident in said township, and in such sum as the township committee of said township shall direct, conditioned for the faithful performance of all the duties of said office as said committee. Proviso.

3. *And be it enacted*, That it shall and may be lawful for the inhabitants of the said township of Ocean, when assembled at their annual town meetings, or any special town meeting duly held for that purpose, to authorize the committee appointed to superintend the clearing out, and maintaining the navigation of the said South Shrewsbury river, to hire such sum or sums of money as the said inhabitants may elect to raise for immediate expenditure in the prosecution of the purposes of this act, and that it shall be the duty of the township committee of the said township of Ocean to notify the assessor of said township of such appropriation, so that said assessor may assess said amount in the same manner as he assesses the other ordinary township taxes of said township of Ocean; and the township collector of said township of Ocean, shall pay to the said committee elected to superintend the clearing out and maintaining the navigation of said South Shrewsbury river, the money so hired by said committee, as soon as said money shall be collected. Committee to superintend and regulations.

4. *And be it enacted*, That the township committee of the said township of Ocean, shall call a special town meeting for the purposes of this act, when requested in writing by ten of the taxable inhabitants of the said township. Special town meeting.

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

Approved April 12, 1864.

CHAPTER CCCC.

A Supplement to an act entitled "A supplement to an act respecting the court of chancery," approved March twentieth, eighteen hundred and forty-five.

Proceedings against judgment creditors.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when a bill shall be filed by virtue of the act to which this is a supplement, duly verified by the oath of the complainant therein or his solicitor or agent, that he believes the contents thereof are true, it shall be lawful for the chancellor, in term time or vacation, forthwith to make an order requiring the judgment debtor to appear, and make discovery on oath concerning his property and things in action before a master of said court to be designated in said order at a time and place in said order to be specified.

Payment of certain debts restrained.

2. *And be it enacted*, That if it shall appear by said bill, or by one supplemental thereto, and by proof by the oath of the complainant or that of any other person, that any person owes the said judgment debtor, otherwise than for his labor or personal services, or for the labor or services of any member of his family, or holds money or property in possession or action, in trust for him or for his use, except such property as is now reserved by law, or when such trust has been created by, or the fund so held in trust has proceeded from some person other than the debtor himself, it shall be lawful for the chancellor to make an order forbidding the payment of such debt, or the transfer of said property or money by or to the said debtor or any third person until further order, to be by him made.

Witnesses.

3. *And be it enacted*, That witnesses may be required to appear and testify concerning said matters, by either party, by subpœna ad testificandum, issued out of said court of chancery, and the said master may adjourn the said examination from time to time, at the instance of either party.

When receiver pendente lite appointed.

4. *And be it enacted*, That the said examination of said debtor and witnesses shall be certified by said master to the said court of chancery, and thereupon it shall be lawful for the said chancellor to appoint a receiver, pendente lite, of the property and things in action belonging or due to or held in trust for said debtor as aforesaid, who thereby shall receive

authority to possess, receive, and in his own name as such receiver, sue for such property or things in action, and the said chancellor may order said judgment debtor to convey and deliver to such receiver all such property and rights in action and the evidence thereof; and said receiver shall in all respects be subject to the authority of the said chancellor, in accordance with the practice of said court, and shall and may dispose of the said property and things in action in conformity with the final decree in said cause.

When depositions to be used.

5. *And be it enacted*, That either party on the final hearing of said cause, may use his own deposition, and that of the opposite party or either of them, and the deposition or depositions of any other witness or witnesses so taken as aforesaid; *provided*, said party so intending to use the same, shall file with the clerk of said court within twenty days after the filing of said deposition in said clerk's office, a written notice of his said intention; *and provided further*, that the said depositions so designated would have been legal evidence in said suit if the same had been taken after issue joined according to the practice of said court.

Proviso.

Approved April 12, 1864.

CHAPTER CCCCI.

An Act to incorporate the Hudson County Rolling Mill and Screw Nut Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Theodore F. Randolph, Jacob M. Merseles, James S. Sluyter, Robert S. Stenton, Richard V. de Guinon, Horace H. Driggs and Peter Bentley, and all and every person or persons who may become subscribers, according to the mode hereinafter prescribed, and their successors, be and the same are hereby created a body corporate by the name of "The Hudson County Rolling Mill and Screw Nut Company," and by the said name the said corporation can sue and be sued, plead and be impleaded, contract and be contracted with, and shall have power to make, manufacture and sell iron in bars, or sheets, or in stamped forms, and in the form of nuts for screw bolts, and screw bolts; and

otherwise to manufacture, purchase and sell iron, or articles of which iron is a component part, and shall also be capable in law of purchasing, taking, holding and disposing of any estate, real or personal, necessary for the purposes of said corporation, or which it may be necessary for the said corporation to acquire and hold for the purpose of securing debts which have become due to them in the business of said corporation; *provided*, that the real estate shall not exceed what may be necessary for the purposes mentioned; and also to purchase and hold any and all patents and patent rights necessary or proper for the purpose of this act, and the accommodation and advantage of its business and concerns.

Proviso.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of the corporation shall be one hundred thousand dollars, in shares of one hundred dollars each; and the persons named in the first section of this act are hereby appointed to receive subscriptions to the capital stock; and the said commissioners, or a majority of them, shall open books for that purpose, at such time or times, and in such place or places within this state, as they or a majority of them shall designate by public advertisement, to be previously inserted at least three weeks in a public newspaper printed in the county of Hudson, and shall continue the same until the said capital stock shall be subscribed, or at their discretion close the same after they have remained open two days, and again open the same at some other time or times, place or places, giving public notice thereof as aforesaid, and they may require each subscriber to pay to them at the time of subscribing not exceeding twenty per centum 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 the 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 subscription until the whole capital stock is taken; and the said directors may call on the subscribers for the payment of installments in such sums, and at such times, and under such forfeiture as they may deem expedient.

Election of directors.

3. *And be it enacted*, That the management of the concerns of the said company shall be vested in five directors, to be selected from the stockholders, a majority of said directors to be citizens of the state of New Jersey; and the said directors shall choose by a plurality of votes from among themselves a president, and as soon as may be after ten thousand

dollars shall have been subscribed, the said commissioners or a majority of them shall convene the said stockholders by public notice in a newspaper published in the county of Hudson, at such time and place as they may designate, to choose the first board of directors, who shall hold their office from the first Monday in May next ensuing, and until others are elected in their stead, and the election for directors shall be held annually on the first Monday in May, public notice of such election shall be given at least ten days previously, by publication in a newspaper published in the county of Hudson; each stockholder shall be entitled at the election for directors to one vote for each share, either in person or by proxy; all vacancies in the board of directors may be filled for the unexpired term by appointment to be made by the remaining directors.

Not void for failure to elect

4. *And be it enacted*, That if at any time an election is not held on the day herein appointed, the corporation shall not for that cause be dissolved, but such election shall be held in the manner prescribed by the by-laws at any time within one year; *provided*, that at least ten days' notice be given thereof.

Quorum.

5. *And be it enacted*, That the directors for the time being shall form a board, and a majority be a quorum for the transaction of business.

Stock personal property.

6. *And be it enacted*, That the stock of the corporation shall be transferred according to its by-laws and regulations, and shall be considered personal property, and the stock and transfer books shall be open at all times to the inspection of the stockholders; and the books of account, in which shall be fairly and truly entered all the transactions of the company, shall be open at all reasonable times to their inspection.

Limitation.

7. *And be it enacted*, That the corporation established by this act shall continue in force twenty years, and shall possess the general powers and be subject to the restrictions and liabilities imposed by "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, so far as applicable.

May borrow money.

8. *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 works, property and franchises, and to execute all necessary assurances for securing the money so borrowed, with interest not exceeding seven per centum per annum, and may receive property suitable for its purposes, at a valuation to be agreed upon in lieu of cash subscription.

Public act.

9. *And be it enacted*, That this act shall be deemed a public act, but the corporation shall not be exempt from the sum or sums of money required to be paid to the state treasurer by an act entitled, "An act to increase the revenues of the state of New Jersey," approved March the sixth, eighteen hundred and fifty-eight, and it shall take effect immediately.

Approved April 12, 1864.

CHAPTER CCCCII.

An Act to incorporate the Eagle Rock Hotel Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Llewellyn S. Haskell, Charles A. Lighthipe, William J. A. Fuller, Thomas B. Merrick, and John L. Blake, and their associates and successors, be and the same are hereby incorporated and made a body politic and corporate, in fact and in law, by the name of the "Eagle Rock Hotel Company," and by that name to have perpetual succession, to be capable in law of suing and being sued, to have a common seal, and the same to alter and renew at pleasure, and to have, hold, purchase, sell and convey such real estate in the townships of West Orange and Bloomfield, in the county of Essex, as may be necessary for the erection of a hotel, and such other buildings and improvements as may be adapted to and be connected therewith, and to transact all business that may be incident or appertain to the erecting, managing, conducting, leasing, or otherwise disposing of the said hotel and the premises connected therewith, or any other property of the said corporation.

Capital stock.

2. *And be it enacted*, That the capital stock of said corporation shall be one hundred thousand dollars, with the privilege of increasing the same by the vote of the directors to any sum not exceeding three hundred thousand dollars; the same to be deemed personal property, and to be divided into shares of one thousand dollars each, and to be transferable only on the books, and in such manner as shall be prescribed by the by-laws of the said corporation; and that at all meetings of the stockholders, each share of stock shall entitle the holders

thereof to one vote, whether to be given in person or by proxy.

Commissioners to open books.

3. *And be it enacted*, That the said Llewellyn S. Haskell, Charles A. Lighthipe, William J. A. Fuller, Thomas B. Merrick and John L. Blake, or the majority of them, are hereby constituted commissioners to open books of subscription to the said capital stock, at such time and place in the town of Orange, Essex county, as they shall designate by notice to be published for at least one week in some newspaper printed and circulating in the said county of Essex; and that when the said capital of one hundred thousand dollars shall be fully subscribed, the said commissioners or a majority of them, shall call a meeting of the subscribers, giving at least ten days' notice of the time and place of such meeting, in manner aforesaid; and that when so met, the said subscribers shall have power to choose, from their own number by ballot, and by a majority of votes, a board of five directors, to continue in office until the second Monday in January then next ensuing, and until others shall be chosen in their places.

Powers of directors.

4. *And be it enacted*, That three of the said directors shall constitute a quorum for the transaction of business; and that such directors shall have full power and authority to make, alter and repeal all necessary by-laws, rules and regulations for the transaction of their business and the business of the said corporation, and to prescribe the way in which the subscriptions to the said capital stock shall be paid, and to impose penalties for neglect to make such payment in the way so prescribed; and to increase the said capital to the amount of three hundred thousand dollars, in manner aforesaid; and to choose and appoint such officers and agents as may be requisite for the proper management of the affairs of the said corporation, and to remove the said agents at pleasure.

Annual election of directors.

5. *And be it enacted*, That the annual election of directors of the said corporation shall be held on the second Monday in January in each year, at such time and place in the said town of Orange, as the directors shall appoint, by notice given for at least ten days previously in some newspaper printed and circulating in the said county; and in case of a vacancy or vacancies in said board, by death or otherwise, the remaining directors shall have power to fill the same until the next annual election.

Powers

6. *And be it enacted*, That the said corporation shall possess the several powers and be subject to the restrictions

and liabilities contained in the act entitled "An act concerning corporations," and the acts supplementary thereto and amendatory thereof, so far as the same are applicable, and this act shall take effect immediately.

Approved April 12, 1864.

CHAPTER CCCCIII.

A Further Supplement to the act entitled "An act to incorporate the Morris and Essex Railroad Company," passed the twenty-ninth day of January, one thousand eight hundred and thirty-five.

Preamble. WHEREAS, The Morris and Essex Railroad Company, by a further supplement to their act of incorporation, approved the sixth day of March, in the year eighteen hundred and fifty-seven were empowered to extend their road from the city of Newark to the city of Hoboken, and in and by the tenth section of the said supplement, were authorized to purchase the junction or branch road and bridge of the New Jersey Railroad and Transportation Company at the fair value of the same, to be assessed by commissioners; and whereas, by a further supplement to the act entitled "An act to incorporate the Hoboken Land and Improvement Company," which supplement was approved the eighth day of March, eighteen hundred and sixty, the said last named company were empowered to construct a railroad from some point in the city of Hoboken, to some point in the city of Newark, and under and by virtue of the provisions of said supplement have constructed a railroad from a point in the city of Hoboken, connecting with the said branch railroad and bridge over the Passaic river to the terminus of the Morris and Essex railroad, in the city of Newark; and whereas, since the construction of the said last named road from Hoboken to Newark, the Morris and Essex railroad company have caused a route to be surveyed, located and filed for their said extension provided for and authorized to be made in and by their said supplement, approved the sixth day of March, one thousand eight hundred and fifty-seven, which said route includes and is the same with the

said branch road and bridges of the New Jersey Railroad and Transportation Company, and the said road of the Hoboken Land and Improvement Company; and whereas, an agreement or contract has been made by and between each of said last named companies, and also by Edwin A. Stevens, with the said Morris and Essex Railroad Company for the purchase by the said last mentioned company of the said branch road and bridge, and of a right of way along the railroad of the New Jersey Railroad and Transportation Company from the termination of the said branch road at East Newark station to the railroad constructed by the Hoboken Land and Improvement Company, and also for the purchase of the said railroad of the last named company to Hoboken with certain lands, depots and appurtenances—now therefore, to effectuate the objects of the said contracts and purchases, and to ratify and confirm the same,

Agreements ratified.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the said "The Morris and Essex Railroad Company," in pursuance and fulfilment of said contracts, to purchase, take and hold of the New Jersey Railroad and Transportation Company the said junction or branch road and bridge of said company, between the city of Newark and East Newark, and the said right of way along the railroad of the said last named company from the termination of the said branch road at East Newark station to the railroad constructed by the said Hoboken Land and Improvement Company, and also of the said last named company, all or any part of their said railroad between the city of Hoboken and the city of Newark, or within those cities, its spurs and branches, and all or any part of its land, franchises and property whatsoever, including all rights and contracts appurtenant to the said road, which the said Morris and Essex Railroad Company may have contracted to purchase; and said contracts made by the said last named company with the said companies before named, and with the said Edwin A. Stevens, are hereby authorized, affirmed and made valid and effectual in law; and the said property, franchises and rights aforesaid for the purchase of which said contracts have been made, shall be taken, held and enjoyed by the said Morris and Essex Railroad Company to all intents and purposes in as full, ample and beneficial a manner as the same could be held and enjoyed if acquired by virtue of their act of incorporation or any of the supplements thereto, and subject to no greater limitation or restrictions than are in

such act and supplements contained and imposed, and as fully as the same were or could have been held and enjoyed by the said companies or either of them contracting with the said Morris and Essex Railroad Company as aforesaid.

May increase capital stock.

2. *And be it enacted*, That it shall be lawful for the said Morris and Essex Railroad Company to increase their capital stock one million of dollars to be issued at such times and in such manner as the board of directors may deem best; and that the said directors shall hereafter consist of thirteen members, to be chosen in the same manner now provided for the election of directors; and that in the meantime the four additional directors, hereby provided for, may be chosen by the present board of directors to hold their said offices until others shall be chosen in the manner prescribed by law; the said board of directors may choose, in addition to their other officers, a vice president from out of their number, who shall have such powers, and be charged with such duties as the by-laws of said company shall provide; six members of said board shall, when duly convened, be a quorum for the transaction of the business of said company.

Commissioners of assessment.

3. *And be it enacted*, That whenever application shall be made to a justice of the supreme court for the appointment of commissioners to assess the price or value of lands that may be required for the construction of any of the railroads authorized by the original charter of said company, or any of the supplements thereto it shall be lawful for said justice to appoint for that purpose freeholders residing in any county in this state.

Public act.

4. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately, but shall be subject to the payment of the tax and assessment imposed by the act entitled "An act to increase the revenues of the state of New Jersey," approved March sixth, eighteen hundred and fifty-eight.

Approved April 12, 1864.

CHAPTER CCCCIV.

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

When assessment to be valid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That notwithstanding any mistake occurring in the name or names of the owner or owners, or omissions to name the real owner or owners of any lands, or real estate, or chattels in said city, in assessing the taxes thereon, or in assessing the land or real estate for any street improvement authorized by the charter of the said city or the supplements thereto, now passed or hereafter to be passed, such assessment shall be valid and effectual in law against such lands or real estate or chattels, and the same may be proceeded against and sold in the manner prescribed in said acts, with the same effect as though such assessments had been made in the name of the real owner or owners thereof, and that this section shall be held to apply to any assessment heretofore made for any street improvement; *provided*, that in the advertisement of sale of such land or real estate for said improvement, the name or names of the real owner or owners, if discovered, shall be made to appear. Proviso.

Powers of policemen.

2. *And be it enacted*, That the policemen of said city shall have the same powers in criminal matters within the limits of said city that constables of the several wards now possess, and that they are hereby empowered to convey to and from the county jail or county workhouse, all prisoners who may be ordered so conveyed by the recorder of said city, or any justice of the peace; *provided*, that said policemen shall be entitled to receive no fees for services performed under this section other than the compensation awarded to them as policemen of said city. Proviso.

Powers of recorder extended.

3. *And be it enacted*, That the recorder of said city, in addition to the powers heretofore conferred on him, is hereby empowered to inflict such fines, not exceeding the sum of ten dollars, on such persons as shall be brought before him and charged with vagrancy, disorderly conduct, breach of the peace, or any other light offence, or in his discretion to order such persons committed to the county jail or workhouse for any period not exceeding sixty days.

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

Approved April 12, 1864.

CHAPTER CCCCV.

A Further Supplement to the act entitled "An act against Usury."

Rate of interest.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases of suits at law or in equity to enforce any note, bill, bond, mortgage, contract, covenant, conveyance or assurance, which shall be hereafter made for the payment or delivery of any money, wares, merchandize, goods or chattels lent, and on which a higher rate of interest shall be reserved or taken than was or is allowed by the law of the place where the contract was made or is to be peformed, the amount or value actually lent, without interest or costs of suit, may be recovered and no more, and if any premium or illegal interest shall have been paid to the lender, the sum or sums so paid shall be deducted from the amount that may be due as aforesaid, and recovery had for the balance only.

Repealer.

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

Proviso.

provided, that nothing herein contained shall affect any suit at law or in equity wherein a plea or answer setting up usury shall have been duly filed before the approval of this act, unless the party filing the same shall obtain leave to withdraw or amend the same.

Approved April 12, 1864.

CHAPTER CCCCVI.

An Act to provide for Commissioners of the Agricultural College Fund, in pursuance of the provisions of the act of Congress, passed July second, eighteen hundred and sixty-two, entitled "An act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts."

Comm'ssioners for sale of land scrip.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor of the state, the state treasurer, the attorney-general, the secretary of state and comptroller, in case said office be created, shall be commissioners for the sale of the land-scrip donated to this state by the United States, by virtue of the act of congress hereinbefore referred to, and for the investment of the proceeds of such sale, who shall be known as "The Commissioners of the Agricultural College Fund;" they shall have power, and it shall be their duty to sell and assign said scrip or portions of it from time to time, as it may seem best for the interests of the state, until the whole of said scrip is sold, and an assignment endorsed on the back of a piece of land scrip, signed by said commissioners shall pass and convey to the purchaser or purchasers thereof, all the right and title and interest that the state of New Jersey shall have in the same at the time of such assignment; the commissioners shall have power, and it shall be their duty to invest the money received from such sales, in accordance with the act of congress hereinbefore referred to; they shall have power to change said investments, and to re-invest such portions as may at any time be paid off, and it shall be their duty, so far as possible, to keep said fund and every portion of it, in a productive condition; the bonds and other securities belonging to said fund shall be in the keeping of the state treasurer, who shall be ex officio, treasurer of the commissioners; the treasurer shall keep the accounts of this fund separate and distinct from all other accounts; the commissioners shall make annually to the legislature a detailed report of their doings under this act and of the state of said fund.

Expenses defrayed.

2. *And be it enacted*, That the expenses necessarily incurred by the commissioners, in the discharge of their duties, shall be defrayed out of the treasury of the state, upon the

warrant of the governor, said expenses however not to exceed two hundred and fifty dollars per annum, unless by virtue of a special appropriation for that purpose; and the commissioners shall receive no compensation for their services.

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

Approved April 13, 1864.

CHAPTER CCCCVII.

A Further Supplement to an act entitled "An act to regulate the State Library."

Salary eight hundred dollars.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the state librarian shall hereafter receive for his services, in lieu of the per diem now allowed by law, the sum of eight hundred dollars, by the year, payable quarterly, in the manner now provided by law.

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

Approved April 13, 1864.

CHAPTER CCCCVIII.

A Supplement to the act entitled "An act to authorize the inhabitants of the township of Plainfield, in the county of Union, to raise money.

Preamble.

WHEREAS, since the passage of the act to which this is a supplement, the president of the United States has issued a call for an additional number of volunteers, the number required from Plainfield township under said call being twenty-four; and whereas, the inhabitants of said township, at a special town meeting regularly called, held March twenty-eighth, eighteen hundred and sixty-four, did authorize and direct the township committee to raise a sum of

money sufficient to pay to each volunteer to the amount of the quota aforesaid, the sum of four hundred dollars; and whereas, after deducting from the gross amount thus ordered to be raised, the sum heretofore allowed and assumed by the county of Union, there will remain to be provided for by Plainfield township the sum of twenty-four hundred dollars—therefore,

Provisions of act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act to which this is a supplement, be extended to and embrace the said sum of twenty-four hundred dollars; and the said sum is hereby declared to be a legal debt of said township of Plainfield, to be levied, assessed and collected as named in said act.

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

Approved April 13, 1864.

CHAPTER CCCCIX.

A Further Supplement to the act entitled "An act to incorporate Atlantic City," approved March third, eighteen hundred and fifty-four.

Clerks to be elected.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the clerks of the elections hereafter held in the several wards in Atlantic City, shall be elected by the voters of each ward instead of being appointed as heretofore.

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

Approved April 13, 1864.

CHAPTER CCCCX.

An Act to extend the provisions of the act entitled "An act to authorize the town of Phillipsburgh, and townships of Harmony and Lopatcong, in the county of Warren, to raise money by taxation to liquidate liabilities for the payment of bounties to volunteers," approved March fourth, eighteen hundred and sixty-four.

Provisions of act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act aforesaid shall be and hereby are extended so as to include all debts or liabilities incurred, or that may be incurred, for volunteers, under the call of the president of the United States, in "General Orders, Number One Hundred."

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

Approved April 13, 1864.

CHAPTER CCCCXI.

An Act to authorize and enable "The Bethlehem Iron Company" to hold lands and real estate in this State.

May hold land in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That "The Bethlehem Iron Company," a corporation of the state of Pennsylvania, chartered on the eighth day of April, one thousand eight hundred and fifty-seven, shall be and said company is hereby authorized and empowered to receive and hold in fee simple or otherwise, lands, tenements, hereditaments and real estate situate in this state, not exceeding five thousand acres, and to lease, sell, mortgage, or otherwise use and dispose of the interest and estate of said corporation in said lands.

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

Approved April 13, 1864.

CHAPTER CCCCXII.

A Supplement to an act entitled "An act to incorporate the Phillipsburg Iron Company," approved March fourteenth, anno domini eighteen hundred and sixty-four.

Time extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the tenth section of the act to which this is a supplement, be amended by striking out the words "six months," and inserting "eighteen months."

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

Approved April 13, 1864.

CHAPTER CCCCXIII.

A Supplement to an act entitled "An act concerning taxes," approved April fourteenth, eighteen hundred and forty-six.

Notices regulated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the notice first required by the eleventh section of the act to which this act is a supplement shall set forth the respective valuations of the real and personal estates of the individual to whom such notice is given, the said valuations being the same as those contained in the duplicate of the assessment delivered by the assessor of the township to the collector thereof, the sum required by law to be raised on each hundred dollars' worth of property assessed in the township, and the respective sums assessed on said individual for state, county, township, military, poor, school, road, poll, dog and other taxes authorized by law, each tax being designated on a line by itself, and at the end of said line the amount of said tax being put down in figures.

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

Approved April 14, 1864.

CHAPTER CCCCXIV.

An Act to facilitate judicial proceedings in the county of Camden.

Clerk of the grand jury.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the court of oyer and terminer and general jail delivery, in and for the county of Camden, shall nominate and appoint (by a majority of the judges thereof,) under their seal, an officer, to be called the clerk of the grand juries, who shall hold his office for the period of one year, unless sooner removed by the said court, which they are empowered to do at their pleasure.

Oath.

2. *And be it enacted*, That such clerk of grand juries, before entering upon the duties of his said office, shall be duly sworn in open court, by the said judges, and afterwards at each term thereof, well and faithfully to execute the duties of his said office; and further, that he will keep secret the counsel of the state, the grand jury, and his own as such clerk thereof.

Duties.

3. *And be it enacted*, That the duties of said clerk of the grand juries, shall be as follows: to obtain and receive from the justices of the peace, and the coroners of said county, on behalf of such grand jury, at least six days before the session thereof, all complaints, informations, examinations, inquisitions and recognizances before them had and taken, from time to time, and still remaining; to arrange such complaints, informations, examinations and inquisitions, so as to expedite the examination thereof by the grand jury, separating such of them as shall relate to persons at large; to cause the subpœnas to be issued, under the direction of the prosecutor, by the clerk of the courts for said county, to persons having knowledge concerning alleged offenders then in said jail, to appear before the grand jury immediately upon their session; and during the session of the said grand jury to issue like subpœnas from time to time, as may be requisite; to aid the grand juries or any committee or member thereof, in forwarding their business and in the examination of witnesses, and to record substantially in a book, to be provided, the evidence of all witnesses sworn, and generally to aid and

assist the grand jury, according to his discretion and ability, in the discharge of their duties.

Further duties

4. *And be it enacted*, That when the grand jury shall have completed its labors and have risen, the said clerk shall attend the said courts in the trial and disposing of all indictments, and when a witness shall have concluded his or her evidence, and while under oath, the said clerk of the grand juries shall ask said witness how many days he or she has been in attendance in the case under trial and shall note such answer in a book to be provided for that purpose, and on the conclusion of such trial, the said clerk of the grand jury shall furnish the sheriff of the said county with a certificate of the amount of witness fees due each witness, and shall furnish the said sheriff with certificates of all witnesses and the amount due each, who shall not have been so called on the witness stand, either for attendance before the said court or the grand jury, which said certificates shall be made by said clerk, under his oath of office; and the sheriff of said county shall not pay any witness fees except upon such certificates.

Compensation

5. *And be it enacted*, That the said clerk of the grand juries shall receive from the board of chosen freeholders of said county, at each term at the rising of the said courts, the sum of seventy-five dollars as compensation for his services.

Duties of justices.

6. *And be it enacted*, That it shall be the duty of the justices of the peace of said county of Camden, to deliver to the clerk of grand juries, seven days before each session of the courts of said county, all complaints, examinations, informations and recognizances, before them had or taken and remaining; and if any justice of the peace shall omit so to do, he shall forfeit and pay to and for the use of said county, one hundred dollars, to be sued for in an action of debt by the chosen freeholders thereof.

Directions on complaints.

7. *And be it enacted*, That in all affidavits, complaints, informations, examinations and recognizances, hereafter to be taken by any justice of the peace or coroner in said county, touching any matter of criminal nature, such justice shall state the street and number, if in the city, and if in the county, the place at which the party deposing therein, and also the party charged, resides, or may conveniently be found; *provided*, that nothing herein contained, shall be construed to invalidate any such paper by reason of the omission to make such statement.

Proviso.

Duties of justices.

8. *And be it enacted*, That it shall be lawful for justices of the peace in and for said county, whenever any person

shall be charged before them with the commission or suspicion of any crime, to issue a subpœna, or if need be a warrant, commanding the bringing before them forthwith of any person who shall be in their judgment necessary or proper to be examined as a witness for the state against any person so charged, and to take the examination of such person in writing under oath.

Powers of the grand jury as to witnesses.

9. *And be it enacted*, That it shall be lawful for the grand jury of said county, or the clerk of grand juries, whenever they shall think it necessary for the furtherance of public justice, to issue a capias ad testificandum for the bringing before them of any person whom it shall be necessary or proper to examine as a witness before said grand jury, which process shall be issued under the seal of the court as heretofore, by the clerk thereof, and shall be endorsed with his signature by the clerk of the grand juries; *provided*, that no person shall be detained under such process after being examined before the grand jury, unless the court on representation of said grand jury, shall so direct, or shall order him or them to recognize for appearance to testify on the trial of any indictment found or to be found; *and provided further*, that all such process not ordered by the grand jury, shall be endorsed with his approval by the prosecutor of the pleas for said county.

Proviso.

Proviso.

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

Approved April 13, 1864.

CHAPTER CCCCXV.

An Act to extend the provisions of the act entitled "An act to authorize the inhabitants of the township of Burlington, in the county of Burlington, to raise money to pay bounties to volunteers.

Provisions of act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act aforesaid shall be and hereby are extended so as to include all debts or liabilities incurred, or that may be incurred, by said township, or by the townships of Beverly, Springfield and

Cinnaminson, in the said county of Burlington, for volunteers, under the calls of the president of the United States, which have been made to put down rebellion against the constitution and laws of the United States.

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

Approved April 14, 1864.

CHAPTER CCCCXVI.

A Supplement to the act entitled "An act to incorporate the Camden Water Works Company," approved April second, eighteen hundred and forty-five.

City may take stock in water works.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for "the city of Camden" to become a stockholder in "the Camden Water Works Company" to the amount of the one-third part of the capital stock thereof, by said company issuing to said city new stock to the amount of fifty per centum of the entire capital stock of said company, at the time of such issue; and that said stock, so issued, shall be denominated, and so expressed on the face of the certificates therefor, "Camden City Water Works Company Stock;" for which said city shall issue coupon bonds, at par, to said company, payable in not less than five, nor more than twenty years from date, and drawing interest half-yearly, at the rate of six per centum per annum.

Number of directors increased.

2. *And be it enacted*, That as soon as the said city shall have so become a stockholder in said company, the board of directors for managing the affairs of said company, shall consist of nine directors, instead of five, as at present, three of whom shall be annually appointed by the city council of said city, and the other six shall be annnually chosen by the stockholders of said company, other than the said city or the holders of the stock so to be issued to said city; that the said nine directors shall constitute one board of directors to manage the affairs of said company, six of whom shall be required to constitute a quorum, but a lesser number may adjourn; and when any vacancy shall happen in said board by death, resignation or otherwise, if such vacancy be among

the members appointed by said city council, said council shall fill the vacancy, and if such vacancy be among the members chosen by said other stockholders, the remaining members, so chosen, shall fill such vacancy until the next annual election of the stockholders.

How bonds to be used.

3. *And be it enacted*, That the said bonds, so as aforesaid to be issued by said city to said company in payment of said new stock, shall be wholly used and expended under the direction of said board of directors, in enlarging and improving the water works of said company, for the better and more copious supply of the said city of Camden with water; and said bonds shall be retained by said company in trust for that purpose only; and no interest shall be allowed or paid on them, except those that shall be so used and expended, and from the time of their being so used and expended; and no dividends shall be allowed or paid on the stock so to be issued to said city, except at and from the times, and to the amount of the said bonds so used and expended as aforesaid.

City may purchase from company.

4. *And be it enacted*, That if instead of the said "the city of Camden" becoming a stockholder in the said "the Camden Water Works Company," as hereinbefore provided for, the said city shall prefer to become the owner of, or to control the said water works, then it shall be lawful for the said city to purchase from the stockholders of said company the capital stock held by them respectively, at such price or prices, not exceeding the par value thereof, as shall or may be agreed on, between the said stockholders, respectively, and the city council of said city; and that as soon as said city shall have so become the owner of at least four-fifths of the said capital stock, it shall be the duty of the president and secretary of said company to call a meeting of the stockholders of said company, by advertisement published for at least twenty days in two or more of the newspapers printed and published at said city of Camden, setting forth the time and place of such meeting; at which meeting, the stockholders present shall elect a new board of directors to manage the affairs of said company, until the next annual meeting of stockholders; and that at such meeting of stockholders, to be called as aforesaid, and at all subsequent meetings thereof, the vote or votes, for the capital stock held by said city shall be cast by such person or proxy as said city shall have constituted or appointed for that purpose; *provided*, that it shall not be lawful for said city to vote for any capital stock that said city shall purchase as aforesaid, until

Proviso.

at least the four-fifths of said capital stock shall have been so purchased.

5. *And be it enacted*, That it shall be lawful for said city of Camden to pay for the stock so to be purchased by said city, by coupon bonds of said city at par; and for that purpose it shall be lawful for said city to issue such bonds to an amount sufficient to pay for the stock so purchased. May pay by bonds.

6. *And be it enacted*, That this act shall not take effect until two-thirds in value of the stockholders of said company shall consent thereto, in writing, and certify the same under the common seal of the company attested by their president and secretary, and file such assent in the office of the secretary of state at Trenton. When to take effect.

Approved April 14, 1864.

CHAPTER CCCCXVII.

Supplement to an act entitled "An act appointing Commissioners for a Sinking Fund, and defining their duties."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners of the sinking fund be and are hereby authorized to employ such assistance in the discharge of their duties as they deem necessary, and to incur such other expenses as may in their judgment be necessary for the expediting of their business, and their drafts upon the treasurer of this state shall be sufficient warrant for his payment of the accounts thus contracted. Commissioners may employ assistance.

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

Approved April 14, 1864.

CHAPTER CCCCXVIII.

Supplement to an act entitled "An act to authorize the townships of Montgomery, Hillsborough and Bridgewater, in the county of Somerset, to loan money, and repay the same by taxation, for the payment of money to volunteers," approved March tenth, eighteen hundred and sixty-four.

Provisions of act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the provisions of the act to which this is a supplement be and the same are hereby extended to the additional call made by the governor of this state, by proclamation dated the twenty-third day of March, eighteen hundred and sixty-four.

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

Approved April 14, 1864.

CHAPTER CCCCXIX.

An Act to authorize the Continental Screw Company to establish works in New Jersey, and to incorporate the same.

May establish works in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Continental Screw Company, a corporation of the state of New York, be and the same are hereby authorized to establish works in this state for the manufacture of wood screws, and for that purpose to take, hold, use, possess and dispose of such real and personal property as may be necessary, proper and convenient for the said business; *provided always*, that an office be kept in this state where legal process may be served on the said company.

Proviso.

May organize under laws of his state.

2. *And be it enacted*, That if the said company, or the subscribers thereto, shall prefer to organize under the laws of this state, it shall be lawful for them so to do, and they are hereby created a body corporate of this state, when so organ-

ized, for the purpose of making and vending wood screws and other articles of metal, by the name, style and title of "The Continental Screw Company," with a capital not exceeding one million of dollars, and with any number of directors not less than three nor more than nine, and with all the rights, powers and privileges, and subject to all the duties, liabilities and restrictions of the act entitled "An act concerning corporations," approved February eleventh, eighteen hundred and forty-six.

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

Approved April 14, 1864.

CHAPTER CCCCXX.

A Supplement to the act entitled "An act authorizing an addition to the State Capitol," approved March twenty-fourth, eighteen hundred and sixty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the further sum of sixteen thousand dollars be and the same is hereby appropriated, which, together with the sum appropriated by the act to which this is a supplement, shall be used for the purpose of adding a wing on the southerly side of the state capitol, for a library, executive chamber, and rooms for other needful purposes; and that the state treasurer is hereby authorized to pay to the commissioners of the state library the said additional sum, out of any moneys not heretofore appropriated; and the said commissioners are hereby authorized to expend the same for the purpose aforesaid. Further appropriation.

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

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

Approved April 14, 1864.

CHAPTER CCCCXXI.

A Further Supplement to an act entitled "An act to confirm and legalize the acts of the board of chosen freeholders of the county of Salem, in raising money to pay bounties to volunteers, to authorize the issuing of bonds therefor, and provide for the payment of the same," approved March fourth, eighteen hundred and sixty-four.

Act explained.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the word "fourth," in the fifth line of the first section of the supplement to which this is a further supplement, be and it is hereby changed to "first," making it read "the first section of the act," in place of "fourth," as it now does.

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

Approved April 14, 1864.

CHAPTER CCCCXXII.

A Further Supplement to an act entitled "An act to establish Public Schools," approved February twenty-second, eighteen hundred and sixty.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the second section of the act to which this is a supplement as requires a poll-tax to be levied in the Cross Keys school district, in the township of Monroe, Camden county, be and the same is hereby repealed.

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

Approved April 14, 1864.

CHAPTER CCCCXXIII.

An Act for the better securing of wages to workmen and laborers in the State of New Jersey.

Wages not to be paid by orders.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any iron master, foundryman, collier, factoryman, employer, or company, their agents or clerks, to pay the wages of workmen or laborers by them employed, in either printed, written or verbal orders, except for the payment of money, upon any storekeeper or storekeepers, or other dealers in merchandise or other articles, whether connected in business with the said iron masters, foundryman, collier, factoryman, employer, or company, or not; any iron master, foundryman, collier, factoryman, employer, or company, paying to the said workman or laborer so as aforesaid by him employed, or authorizing their agent or agents or storekeeper so to do, as aforesaid, shall forfeit the amount of said pay or any part of the wages of said workman or laborer given in orders upon any such store, except as aforesaid, or any orders so given or paid, and the same shall not be offset against the wages of said workman or laborer, but he shall be entitled to recover the full amount of his wages as though no such order or orders had been given or paid; and no settlement made with such employer shall bar such action until after the lapse of six months from such settlement.

Provisions of act extended to seamstresses, &c.

2. *And be it enacted*, That the provisions of this act shall extend to all seamstresses or females employed in factories or otherwise.

Certain counties excepted.

3. *And be it enacted*, That this act shall be taken and deemed to be a public act, and take effect on the fourth day of July, eighteen hundred and sixty-four, except in the counties of Morris, Sussex, Somerset, Middlesex, Monmouth, Burlington, Warren, Ocean and Hunterdon, which counties are specially excepted from the provisions of this act; and excepting, also, the county of Essex, in which said county this act shall take effect on the first day of January, eighteen hundred and sixty-five.

Approved April 14, 1864.

CHAPTER CCCCXXIV.

An Act for the relief of James N. Lawrence.

Preamble. WHEREAS, James N. Lawrence, of Bordentown, New Jersey, was convicted of petty larceny, in the court of oyer and terminer for the county of Ocean, in May term of eighteen hundred and sixty-three, upon a charge of taking and carrying away rails, to the value of seventeen dollars, which were cut upon lands to which he claimed title; and whereas, the fine of ten dollars and costs imposed by said court have been paid by him, but in consequence of said conviction, he is debarred from giving testimony in a case now pending in the court of chancery in his behalf—therefore,

Conviction not to bar him as a witness. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said James N. Lawrence, shall, in all cases, in any of the courts of this state, be admitted as a competent witness, either in his own behalf, or in behalf of others, the same as if no such conviction had been obtained.

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

Approved April 14, 1864.

CHAPTER CCCCXXV.

A Further Supplement to the act entitled "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six.

State tax of three hundred thousand dollars. 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 thousand dollars, which is hereby appropriated and shall be applied as follows: so much thereof as may be needful, to the pay-

ment of such interest as shall have accrued on the first day of January next, and on the first day of July next thereafter, on the 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, one thousand eight hundred and sixty-one; 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; 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: Apportionment.

To the county of Atlantic, the sum of one thousand nine hundred and eighteen dollars; Atlantic.

To the county of Bergen, the sum of fourteen thousand six hundred and seventy-seven dollars; Bergen.

To the county of Burlington, the sum of twenty-two thousand seven hundred and twenty-four dollars; Burlington.

To the county of Camden, the sum of fourteen thousand eight hundred and eight dollars; Camden.

To the county of Cape May, the sum of two thousand four hundred and seventy-seven dollars; Cape May.

To the county of Cumberland, the sum of eight thousand one hundred and seven dollars; Cumberland.

To the county of Essex, the sum of thirty-eight thousand and three dollars; Essex.

To the county of Gloucester, the sum of eight thousand six hundred and seventeen dollars; Gloucester.

To the county of Hudson, the sum of twenty-nine thousand two hundred and forty dollars; Hudson.

To the county of Hunterdon, the sum of eighteen thousand four hundred and fourteen dollars; Hunterdon.

To the county of Mercer, the sum of eighteen thousand two hundred and forty-eight dollars; Mercer.

To the county of Middlesex, the sum of fifteen thousand one hundred and thirty-five dollars; Middlesex.

To the county of Monmouth, the sum of eighteen thousand two hundred and fifteen dollars; Monmouth.

To the county of Morris, the sum of fourteen thousand five hundred and nineteen dollars; Morris.

To the county of Ocean, the sum of two thousand dollars; Ocean.

To the county of Passaic, the sum of eleven thousand two hundred and sixty-six dollars; Passaic.

Salem. To the county of Salem, the sum of twelve thousand seven hundred and two dollars;

Somerset. To the county of Somerset, the sum of twelve thousand one hundred and seventy-eight dollars;

Sussex. To the county of Sussex, the sum of ten thousand eight hundred and fifteen dollars;

Union. To the county of Union, the sum of twelve thousand three hundred and eighty dollars;

Warren. To the county of Warren, the sum of thirteen thousand five hundred and fifty-seven dollars;

How assessed and levied. 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 now in force regulating the assessments and collection of taxes.

Repealer. 2. *And be it enacted*, That so much of section the twelfth of the act entitled "A further supplement to an act entitled 'An act concerning taxes, approved April fourteenth, one thousand eight hundred and forty-six,' approved twenty-eighth of March, eighteen hundred and sixty-two," as provides that, in case of real estate, the holder of any debt due by said owner of real estate shall reside in the same county where such real estate lies, be and the same is hereby repealed.

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

Approved April 14, 1864.

CHAPTER CCCCXXVI.

Supplement to an act entitled "An act respecting conveyances," approved April fifteenth, eighteen hundred and forty-six.

Consul and vice consul may take proof of deeds. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any consul or vice consul of the United States shall have power to take the acknowledgement or proof of deeds and affidavits; and all such acknow-

ledgments proofs or affidavits taken before any such consul or vice consul, whether the person or persons executing the deed, making the proof or affidavit does or does not reside in the country or place in which such consul is resident, shall be as valid and effectual as if taken within this state, before a justice of the supreme court thereof, as provided in the act to which this is a supplement.

2. *And be it enacted*, That all acknowledgments, proofs and affidavits heretofore taken or made before any consul of the United States, shall be as valid and effectual as if the same had been taken or made under this act. Former acts legalized.

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

Approved April 14, 1864.

CHAPTER CCCCXXVII.

An Act to incorporate the Congress Hall Hotel Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jacob S. Rogers, Columbus B. Rogers, Jetur R. Riggs, William A. Batten and John Hopper, 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 incorporated and made a body politic, in fact and in law, by the name of "The Congress Hall Hotel Company," and by that name shall have power to lease or purchase and hold real estate in the city of Paterson, in the county of Passaic, and to erect or maintain thereon a boarding house or hotel, and other buildings and improvements, for the accommodation of boarders and visitors; and to transact all such business as may be incident or appertaining to the erecting, furnishing, conducting or leasing said premises, or otherwise disposing of the same for the purposes aforesaid; and to mortgage or sell and convey said real estate, or any part thereof, in fee simple. Corporators.

2. *And be it enacted*, That the said corporation shall have power to raise by subscription a capital stock of fifty thousand dollars, with power to increase the same to one hundred Capital stock.

thousand dollars, in shares of one hundred dollars each, which shall be personal property, and 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 holder thereof to one vote, either in person or by proxy, at all meetings of the stockholders.

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 time and place in the city of Paterson, as a majority of them may appoint; and they shall convene the stockholders for the purpose of organizing said corporation; and the said stockholders, when so convened, may elect directors, not less than three nor more than five in number, who may appoint such officers as they shall deem necessary, and the said directors and other officers shall hold their respective offices until others are elected in their stead.

When and how dissolved

4. *And be it enacted*, That the said corporation may be dissolved whenever the stockholders representing three-fourths of the amount of said capital stock shall so determine, at a meeting held for that purpose, and of which all the stockholders shall have received five days' previous notice in writing, specifying the object of such meeting; and in such case the directors for the time being, shall be trustees to sell and dispose of the property of said corporation, who shall divide the proceeds of such sale, after payment of the debts and liabilities of said corporation, pro rata, among the stockholders.

Amount of debts.

5. *And be it enacted*, That the whole amount of debts which the said corporation shall at any one time owe shall not exceed the amount of the capital stock subscribed for, and the same or any part of said debts may, by order of the board of directors, be secured by mortgage upon said real estate.

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

Approved April 14, 1864.

CHAPTER CCCCXXVIII.

An Act to regulate the passage of Railroad Trains through Cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any railroad company shall have or erect alongside of their track or roadway, in any incorporated city, where the same may adjoin any public road or street, a fence, wall or embankment, four feet high, sufficiently close and strong to prevent children and horses from going through the same, and shall construct or provide on each side of such track, where it may cross any public road or street now established or which hereafter may be established, a gate of like height and sufficiency, and cause the same to be closed at least half a minute before any locomotive may cross such street or road, and to be kept closed until such locomotive and its train shall have passed by; or when the track or roadway, as aforesaid, shall be laid through any excavation four feet deep; then and from thenceforth it shall be lawful for such company to run locomotives and trains in said city over the parts of their road so enclosed or excavated and over the parts that do not adjoin or cross any public street or highway, at any rate of speed they may deem proper, and such speed shall not thereafter be restrained by any city ordinance to regulate the same; but if such fence, wall or embankment, or any part thereof, shall not be maintained in manner aforesaid, or said gates or any of them shall not be closed as aforesaid, at the passage of any trains or locomotives, then said company and their agents shall be liable to the provisions of any law or ordinance, and any penalty thereby inflicted, for the passage of any train or locomotive over that part of their road adjoining or crossing any public street or road along which such fence, wall or embankment shall not be so maintained, or said gates shall not be so closed at the passage of said trains or locomotives; *provided*, that nothing herein contained shall affect the liability of any railroad company to any person injured, for any damage to person or property caused by the negligence or want of care of said company or their agents in the running of their trains. When railroad trains may run at increased rate of speed. Proviso.

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

Approved April 14, 1864.

CHAPTER CCCCXXIX.

An Act for the relief of John Youngs.

Citizenship restored.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Youngs, of the county of Morris, be, and the said John Youngs is, hereby restored to all his rights, liberties, privileges and franchises, as a citizen of the State of New Jersey.

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

Approved April 14, 1864.

CHAPTER CCCCXXX.

Supplement to an act entitled "An act increasing the compensation of the state treasurer of the state of New Jersey," approved March twenty-fourth, eighteen hundred and sixty-three.

Salary continued.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the increased compensation of the treasurer of this state, fixed by the act to which this is a supplement, be continued until otherwise directed by an act of the legislature of this state.

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

Approved April 14, 1864.

CHAPTER CCCCXXXI.

An Act to authorize the mayor and common council of the city of Newark to appropriate for a public park the triangular piece of ground, bounded by Hudson, Bank and Warren streets, in said city.

WHEREAS, A large number of the property owners and residents on Hudson, Bank and Warren streets, in the city of Newark, have petitioned the common council of said city, to cause to be laid out and appropriated as a public ground, the plat of ground bounded by Hudson, Bank and Warren streets; and whereas, such an improvement would be of great advantage to that section of said city—now therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Asesmbly of the State of New Jersey*, That the mayor and common council of the city of Newark be and are hereby authorized to lay out and appropriate as a public park or square, the plat of ground bounded by and lying within the limits of Hudson, Bank and Warren streets, in said city, the proceedings for the same to be taken, and compensation to be made to the owner or owners of said premises, in every respect in the manner prescribed for laying out and opening public parks or squares, by the act entitled "An act to revise and amend the charter of Newark," approved March eleventh, eighteen hundred and fifty-seven, notwithstanding anything contained in any provision or section of the act entitled "An act authorizing the appointment of commissioners to lay out streets, avenues and squares in the city of Newark," approved March twentieth, eighteen hundred and fifty-seven. May open park and proceedings thereon.

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

Approved April 14, 1864.

CHAPTER CCCCXXXII.

A Supplement to the act entitled "An act for the Punishment of Crimes."

Penalty for forging railroad, &c., tickets.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person shall falsely make, forge, counterfeit or alter, or cause to be falsely made, forged, counterfeited or altered, any railroad ticket, ferry ticket or steamboat ticket, or any ticket or token given or issued upon payment of fare, or without payment, as evidence of the right of any person to pass over any railroad, ferry, steamboat, or other road or public conveyance, or shall utter, publish or use, or cause or counsel to be uttered, published or used as true, any such ticket or token, knowing the same to be false, forged, counterfeited or altered, with intent to defraud any person or corporation, then every such offender shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine not exceeding five hundred dollars, or imprisonment at hard labor not exceeding two years, or both.

Penalty for using false tokens, &c.

2. *And be it enacted*, That any person who shall knowingly and designedly cause or procure himself or any other person to pass or be carried without payment over any railroad, ferry, steamboat, or other road or public conveyance, by color of any false, altered or counterfeited ticket or token, or by exhibiting on such passage, or at the entrance to or exit from such railroad, ferry, steamboat, or other road or conveyance, as a ticket, token, or order for such passage, any ticket, token or order which, to his knowledge, does not then entitle him so to be carried or passed, with intent to deceive and defraud any person or corporation, every person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by fine not exceeding five hundred dollars, or imprisonment at hard labor not exceeding one year, or both, at the discretion of the court.

Approved April 14, 1864.

CHAPTER CCCCXXXIII.

A Further Supplement to an act entitled "An act authorizing a loan for the purposes of war, to repel invasion and suppress insurrection, and appropriating the same and providing for the payment thereof," approved May tenth, eighteen hundred and sixty-one.

Governor and treasurer may 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 governor and treasurer of this state, to borrow on the credit of the state, for the purposes expressed in the act to which this is a further supplement, such sums of money as shall appear to the governor of the state to be necessary for such purposes; *provided*, that the sums of money so to be borrowed shall not, together with the amount heretofore authorized to be borrowed by the act to which this is a further supplement, and by the supplement thereto, approved March twenty-fourth, eighteen hundred and sixty-three, exceed in the whole, four millions of dollars.

Proviso.

To issue bonds

2. *And be it enacted*, That the payment of the money authorized by this act to be loaned, shall be secured in the same manner as is directed by the act to which this is a further supplement, for the securing of the loan thereby authorized to be made; and for the additional one million of dollars hereby authorized to be loaned, the governor and treasurer are hereby authorized to issue and negotiate the bonds of the state of New Jersey, of the same denominations, payable at the same places, bearing interest at the same rate, executed, registered and when paid, cancelled in the same manner as is provided by the act to which this is a further supplement; and not more than two hundred thousand dollars of principal of the bonds hereby authorized to be issued, shall be made payable in any one year; and no part of such principal shall be payable before the first day of January, eighteen hundred and ninety-seven; and no bonds shall be made payable at a later date than the first day of January, nineteen hundred and two; *provided*, that the said bonds shall be negotiated by advertising the same for four weeks successively for sealed proposals therefor, which bonds shall be awarded to the highest bidders, subject to the rejection by the governor and treasurer of all or any bids made therefor,

Proviso.

said advertisement to be published in two papers in Trenton, one in New Brunswick, two in Hudson county, one in Passaic county, two in Essex county, and one in Camden county.

How money may be drawn

3. *And be it enacted*, That the money from time to time borrowed under the provisions of this act, shall be paid into the treasury of the state of New Jersey, and shall be drawn therefrom in the manner prescribed in the act to which this is a further supplement.

How paid.

4. *And be it enacted*, That the debt hereby authorized shall be paid out of the tax directed by the act to which this is a further supplement to be annually levied and collected.

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

Approved April 14, 1864.

CHAPTER CCCCXXXIV.

An Act to enable John S. Irick to erect a mill dam across the main south branch of the Rancocas Creek.

May erect mill dam.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for John S. Irick, his heirs or assigns, to erect a mill dam across the main south branch of the Rancocas creek, on a straight line about ten chains above the one now erected near his house, of a sufficient height to hold a head not to exceed seven feet of head and fall above the usual head of water held by the dam at Vincentown, and connecting with the banks of lands of William H. Irick, on the northerly side of said creek, for the purpose of creating a water power, for the benefit of such mill or mills or other water works as shall be hereafter erected by the said John S. Irick, his heirs or assigns, and forever hereafter use the same for the purpose or purposes hereinbefore mentioned.

Owners' consent to be obtained.

2. *And be it enacted*, That the said John S. Irick, his heirs and assigns, shall not commence the building of said dam across the aforesaid creek, until he the said John S. Irick shall first obtain the consent in writing, by purchase or otherwise, of such persons whose lands may be injured or damaged

by the erection of such dam, either by overflow of land, or otherwise.

Proceedings when consent of owners cannot be obtained.

3. *And be it enacted*, That when the said John S. Irick cannot agree with the owner or owners of such land as may be overflowed or damaged by building said dam for the use or purchase thereof, and the damage sustained by such owner or owners, no such agreement can be made, a particular description of the lands so overflown or damaged by the construction of said dam or water works aforesaid, shall be given in writing under the oath or affirmation of some engineer or surveyor, 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 John S. Irick to give notice thereof to the persons interested, 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 on 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 not resident in the county in which the lands, waters or streams in controversy lie, or owner or owners reside, commissioners to examine and appraise the said lands, waters or streams, 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 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, waters or streams, and to make a just and equitable estimate or appraisement of the value of the same, and assessment of damages, which said 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, waters or streams, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county of Burlington, in which the lands or waters are situate, to remain of record therein; which report or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of the said

John S. Irick, his heirs or assigns, to have, hold, use, occupy, possess and enjoy the said lands, waters or streams, and 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 said John S. Irick, his heirs or assigns, if he or they shall neglect or refuse to pay the same for the space of six months after the demand of him, the said John S. Irick, his heirs or assigns, and shall from time to time constitute a lien upon the property of the said John S. Irick in the nature of a mortgage, and the said justice of the supreme court, commissioners, clerks and other persons performing any of the duties prescribed by this section of this act, as they or he shall think equitable and right, and to order and direct by whom the same shall be paid under the circumstances of the case.

Appeal, how taken.

4. *And be it enacted*, That in case the said John S. Irick, or the owner or owners of the said land, waters or streams, shall be dissatisfied with the report of the commissioners named in the preceding section, and shall apply to the justices of the supreme court at the next term after the filing of the said report, the court shall have the power, upon good cause shown, to set the same aside, and thereupon to direct a proper issue for the trial of the said controversy to be formed between the said parties, and to order a jury to be struck, and a view of the premises or materials to be had, and the said issue to be tried at the next circuit court to be holden in the said county, upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the jury to assess the value of the said lands, waters, streams, and damages sustained, having regard to the benefits 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 John S. Irick, his heirs or assigns, 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 said John S. Irick shall have offered, or the said commissioners awarded, then the said cost to be paid by the said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the court shall direct; *provided*, that such application shall not prevent the said John S. Irick from taking the said lands, waters or streams, upon the filing of the aforesaid re-

Proviso.

port, and payment or tender of payment of compensation and damages as aforesaid.

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

Approved April 14, 1864.

CHAPTER CCCCXXXV.

An Act to incorporate the West Jersey Express Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William W. Ware, Richard Grier, J. H. Poole, Jeremiah Van Rensselaer and David Potter, together with such persons as shall subscribe to the stock hereby authorized, and their successors, be and are hereby constituted a body corporate and politic in law by the name of the "West Jersey Express Company," and by that name shall have power to use a common seal, to sue and to be sued, to defend and be defended in all courts of law and equity, for the purpose of carrying on a general forwarding and express business in the transportation of all kinds of goods, chattels, merchandise, bullion, specie, money and other articles, from and to, and between various posts and places in this state, and beyond the limits thereof, and to do all such things as are incident to a corporation, and necessary for the purposes of this act.

Capital stock.

2. *And be it enacted*, That the capital stock of said corporation shall be twenty thousand dollars, and shall be divided into shares of fifty dollars each, and the said company may organize and commence operations whenever five thousand dollars shall have been subscribed to said stock; and the said stock shall be deemed personal property, transferable only on the books of said corporation, and shall be paid in at such times, in such manner, and upon such notice, as the directors of the corporation may appoint.

Powers and privileges.

3. *And be it enacted*, That for carrying out the purposes mentioned in the first section, the said company may from time to time procure, hold and use such vehicles, crates, cars, horses, and such other personal property as may be needed by them for carrying on their business as aforesaid, and may

also purchase, hold and convey so much real estate as may be considered necessary for the proper transaction of their business.

Election of directors.

4. *And be it enacted*, That the business of the said corporation shall be conducted by five directors, one of whom shall be president, and one the secretary and treasurer; the said directors shall hold their office one year and until others are elected in their stead; the election for directors shall be held annually, at such time and place as the by-laws of the corporation shall provide, at which each stockholder shall be entitled to one vote, in person or by proxy, for each share of stock held.

Annual meeting.

5. *And be it enacted*, That at the annual meeting of the stockholders for the election of directors, the directors shall exhibit a full and complete statement of the affairs of the said company during the preceding year; and no dividends shall be declared upon the stock of said corporation, except from the net profits thereof; and this act shall continue in force twenty-five years.

Who may take stock.

6. *And be it enacted*, That any railroad company lying within the counties of Gloucester, Salem, Cumberland, Atlantic or Cape May, is hereby authorized to subscribe for any part of the capital stock of said corporation, not exceeding, however, the one-quarter of the whole amount authorized.

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

Approved April 14, 1864.

CHAPTER CCCCXXXVI.

An Act to incorporate the Egg Harbor City, and New York Steamboat and Transportation Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles Herman, Aurent Lurch, William Schmœle, Andrew K. Hay, William C. Patterson, Stephen Colwell, Abraham L. Iszard, Enoch Doughty, Frederick Clever, Henry Schmœle, P. M. Wolsieffer, Henry Schumacher, Louis Ertell, David S. Blackman, Louis Kuehnle, Theodore Wisswede, Ebenezer Westcott, John J. Fritschy,

Robert Frazer, Louis Bullinger, 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 Egg Harbor City and New York Steamboat and Transportation Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient for the objects of this corporation.

Capital stock.

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

Commissioners to open books.

Election of directors.

3. *And be it enacted*, That the above named persons may open books to receive subscriptions to the capital stock of the said corporation, at such time or times, and place or places, as they, or a majority of them, may think proper; and as soon as fifty thousand dollars shall be subscribed, to give notice for a meeting of the stockholders to choose nine 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 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 persons named in the first section of this act, or a majority of them; and the directors chosen at such meeting, and at the annual elections of said corporation, shall, as soon as may be after every election, choose out of their 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 unexpired portion of the year wherein they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have

such power as the by-laws of the said corporation shall provide.

Not void 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, and the directors for the time being shall continue to hold their office until others shall have been chosen in their places.

Payment of installments.

5. *And be it enacted*, That five 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 installments, and at such times as they may direct; and in case of the non-payment of said installments, or any of them, to forfeit the share or shares upon which such default shall arise, and to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and regulations of the stock, property, estate and effects of the said corporation; and also shall have power to appoint a secretary, and so many clerks and servants as to them shall seem meet, and to establish and fix such salaries to them, and also to the president, as to the said board shall appear proper.

Powers of directors.

6. *And be it enacted*, That the president and directors of the said company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct such wharves, docks, piers, warehouses and depots on the Little Egg Harbor river, within the corporate limits of Egg Harbor City, and on any other point or points, place or places on the said river, which may be within reach of steamboat navigation, and to build, purchase, rent or charter such steamboat or steamboats, and run the same for the transportation of passengers or freights, or both, between Egg Harbor City, or any of their wharves on the said river, and the city of New York; and to survey, lay out and construct such branch railroad from the wharf or wharves of the said company on the said river, to the nearest point on the Camden and Atlantic Railroad, running by the most direct route, not exceeding one hundred feet in width for the railroad, except in such places where the depth of the excavation or the height of the embankment renders it necessary to take more land for the slope and protection of the side banks of said railroad, in which case so much land as may be necessary for the purpose, and no more, shall

be taken, with as many sets of tracks and rails as the company may deem necessary; and it shall and may be lawful for the said president and directors, their agents, engineers, superintendents, or others in their employ, to enter at all times upon all lands and waters for the purpose of exploring, surveying, levelling and laying out the route of such railroad, and of locating the same, and to make and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route or routes 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, ferries, and all other works necessary to lay rails, and to do all other things which shall be suitable or necessary for the completion or repair of said road, subject to such compensation as is hereinafter provided; *provided always*, that the payment, or the 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 or roads, unless the consent of the owner or owners of such lands be first had and obtained. Proviso.

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

and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint under his hand and seal three disinterested, impartial and judicious freeholders, resident in the county in which the lands or materials in controversy lie, or the owners reside, commissioners to examine and appraise the said land and materials, and assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice making such appointment, to be expressed therein not less than six days, and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation, before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and to make a true report according to the best of their skill and understanding, to meet at the time and place appointed and proceed to view and examine the said land or materials, and to make a just and equitable estimate or appraisement of the value of the same and assessment of damages as shall be paid by the company for such land or materials and damages aforesaid, which report shall be made in writing under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the lands or materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county in which the land or materials are situate, to remain of record therein; which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said land or materials, or of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action of debt in any court of competent jurisdiction, in a suit to be instituted against the company if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall, from time to time, constitute a lien upon the property of the company, in the nature of a mortgage, and the said justice of the supreme court shall, on 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 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.

8. *And be it enacted*, That in case the said company, or the owner or owners of the said land or materials shall be dissatisfied with the report of the commissioners named in the preceding section, and shall apply to the justice of the supreme court at the next term after the filing of the said report, the court shall have the power, upon good cause shown, to set the same aside, and thereupon to direct a proper issue for the trial of the said controversy to be formed between the said parties, and to order a jury to be struck, and a view of the premises or materials to be had, and the said issue to be tried at the next circuit court to be holden in the said county, upon the like notice and in the same manner as other issues in the same court are tried; and it shall be the duty of the said jury to assess the value of the said land or materials and damages sustained; and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereupon, with cost, shall be entered against the said company and execution awarded therefor; but if the said jury shall be applied for by the said owner or owners, and shall find the same or a less sum than the company shall have offered, or the said commissioners awarded, then the said costs to be paid by said applicant or applicants, and either deducted out of the said sum found by the said jury or execution awarded therefor as the court shall direct; but such application shall not prevent the company from taking the said land upon filing the aforesaid report, the value and damages being first paid, or upon a refusal to receive the same upon a tender thereof, or the owner or owners thereof being under any legal disability, the same being first paid into the court of chancery. Appeals, how regulated.

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, and to alter and grade the said roads so that the passage of carriages, horses and cattle, passing and repassing, shall not be impeded thereby; and, also, where the said railroad shall intersect any farm or lands of any individual, to provide and keep in repair suitable wagon ways over or under said roads, so that the same may be conveniently passed. Duties of the company.

10. *And be it enacted*, That the president and directors of said company shall have the power to have constructed, or to purchase with the funds of the company, one or more steamboats, and all machines, engines, wagons, carriages or vehicles May purchase engines, &c.

for the transportation of persons or any species of property, by water or on their said railroads, as they think fit, reasonable, expedient or right; *provided*, they shall not charge more than at the rate of three cents per ton per mile, for the transportation of property on steamboats, or six cents on the said railroad; or two cents per mile for carrying each passenger on steamboats, or four cents on said railroads.

Proviso.

Dividends.

11. *And be it enacted*, That the president and directors shall, within one year after the said steamboat line and the said railroad shall have been completed, declare and make such dividend as they may deem prudent and proper, of the net profits thereof, and shall, in like manner, semi-annually thereafter, declare such dividends, and pay the same to the stockholders of the said company, in proportion to the amount of shares held by them respectively, as they may deem prudent and proper.

Penalty for injuring works.

12. *And be it enacted*, That if any person shall willfully impair, injure, destroy, or obstruct the use of any steamboat, or of any railroad enjoyed under the provisions of this act, or of any of their necessary works, wharves, bridges, warehouses, depots, 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 hold real estate.

13. *And be it enacted*, That the said company may purchase, have, and hold real estate at the landings of their steamboats, at the termini of their branch railroads, and at any intermediate depots upon the line of the same, not exceeding five acres at each place, and may erect and build thereon such houses, warehouses, machine shops, and other buildings and improvements as they deem expedient for the safety of property, and the construction and repairing of their steamboats, cars, carriages, steam engines, and for other necessary uses.

May borrow money.

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

15. *And be it enacted*, That any time after the expiration of fifty years from the completion of the said steamboat line, and of the said railroad, the legislature of this state may cause an appraisement of the said steamboat line, and of the said railroad, and the appendages thereof, to be made by six persons, three of whom shall be appointed by the chief justice of this state, for the time being; the remaining three by the company; who, or a majority of them, shall report the value thereof to the legislature, within one year from the time of their appointment, or if they cannot agree, they shall choose a seventh, who with the aforesaid six, shall report as aforesaid; or in case the said company shall neglect or refuse to appoint the said three persons on their part for two months after 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 the said company; or in case the said six commissioners shall be appointed as aforesaid, and they cannot agree upon the seventh man, then, upon two weeks' notice to the said company, the said chief justice shall appoint such seventh man as aforesaid to make such appraisement as aforesaid, and thereupon the state shall have the privilege for three years of taking the said steamboat line and the said railroads, upon the payment to the company of the amount of the said report, within one year after electing to take said steamboat line and said roads, which report shall be filed in the office of the secretary of this state, and the whole property and interest of said steamboat line and of said road, 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 that it shall be the duty of the president of the company to lay before the legislature, under oath or affirmation, when they shall so request, a full and fair statement of the cost of said steamboat line and said road, and of all the receipts and disbursements of the company. When state may take road

16. *And be it enacted*, That if the said steamboat line and railroad shall not be completed and in use at the expiration of ten years from the first day of May, next ensuing, that then and in that case, this act shall be void. Limitation.

Tax of one-half of one per centum.

17. *And be it enacted*, That from 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 capital stock of said road, 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 shall have power for that purpose at the time of the passage of such law or laws.

Reservation of rights.

18. *And be it enacted*, That any and all lands lying under tide water, below low water mark, which may be entered upon or reclaimed by the said company, or applied or appropriated to any of the uses or purposes contemplated by this act, shall be subject to the provisions of an act entitled "An act to ascertain the rights of the state, and of the riparian owners in the lands lying under the waters of the bay of New York and elsewhere," approved April eleventh, eighteen hundred and sixty-four, and shall be subject to such assessment or impositions, and the exercise of such authority upon and over the same, as the legislature of this state may deem just, right or expedient.

Who to 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, whilst traveling for the purpose of discharging the duties of their offices, and the members and officers of both houses of the legislature of this state, during their annual or other sessions, shall pass and repass on the steamboat line and railroads of said company, on their steamboats and in their cars, free of charge.

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

Approved April 14, 1864.

CHAPTER CCCCXXXVII.

An Act to authorize the purchase of Guyot's Physical and Descriptive Map of the United States for the public schools of this state.

WHEREAS, The public schools of this state are nearly all destitute of correct and well delineated maps of the United States, and the usefulness of said schools would be materially promoted by being furnished therewith; and whereas, the physical and descriptive map of the United States, compiled by Professor A. Guyot, is reported by the committees on education to be such as to answer the necessity for such a work, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the state treasurer and state superintendent of public schools shall contract with the publisher of the said map, for a sufficient number of the same, to supply one to each public school in the state at a price not exceeding eight dollars per map. Treasurer and school superintendent to contract for maps.

2. *And be it enacted*, That the said maps shall be delivered by the publisher at his expense and risk to the county clerk of each county, (in the numbers prescribed by the state superintendent of public schools) not to exceed one to each public school, in each county, and upon the receipt thereof, the county clerk shall give his receipt therefor, which receipt shall be a voucher to the state treasurer of the delivery of said maps. To be delivered to county clerks.

3. *And be it enacted*, That when the said maps shall be delivered as aforesaid, the state treasurer shall be and is hereby authorized to pay for the same at the price agreed upon, out of any money in his hands not otherwise appropriated, but the sum total of such payments shall not exceed twelve thousand dollars. Treasurer to pay.

4. *And be it enacted*, That it shall be the duty of the county clerk to cause the said maps to be distributed among the public schools of their respective counties, in such manner as they may deem most convenient. Clerks to deliver maps.

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

Approved April 14, 1864.

CHAPTER CCCCXXXVIII.

A Further Supplement to the act entitled "An act to incorporate the Bergen Land and Improvement Company," approved February nineteenth, eighteen hundred and fifty-five.

May issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the Bergen Land and Improvement Company, to enable them more fully to carry into effect the purposes of their charter, to issue bonds to an amount not exceeding one million of dollars; and the said company can secure such bonds by mortgage or mortgages to trustee or trustees, or otherwise; the said company at their option can make such bonds convertible into the capital stock of the said company.

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

Approved April 14, 1864.

CHAPTER CCCCXXXIX.

An Act to incorporate the Harrison Aqueduct Company.

Corporate name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become subscribers to the capital stock hereinafter mentioned, their successors and assigns, shall be and they are hereby ordained, constituted and made a corporation and body politic, in fact and in law, by the name of "The Harrison Aqueduct Company."

Capital stock.

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

3. *And be it enacted*, That Josiah Conley, Hiram W. Davis, Hiram Gilbert, George McLaughlin, Theodore F. Randolph,

Abraham W. Duryee, James Lynch, John Van Vorst, John B. Drayton, Garret D. Van Reipen, Joshua I. Benson, John Bates and Stephen K. Joralemon, are hereby appointed commissioners to receive subscriptions for the capital stock of said corporation, and they or a majority of them, are hereby authorized for that purpose to open books of subscription at such time and places as they or a majority of them may think proper, giving twenty days' notice of such time and places by publishing the same in a newspaper published at Jersey City, and also in a paper published in the city of Newark in this state; and at such times and places the said commissioners shall attend and receive subscriptions to the capital stock, and at the time of subscribing for said stock, five dollars on each share subscribed shall be paid to the said commissioners. Names of commissioners.

4. *And be it enacted*, That whenever there shall be two hundred shares of the said stock subscribed, and five thousand dollars paid in as above directed, the said commissioners or a majority of them, shall give public notice for two weeks in a newspaper published in Jersey City, and also in a newspaper published in the city of Newark, in this state, of a meeting of said 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, at which meeting the said stockholders shall proceed to elect by ballot seven directors, who shall hold their office for one year, and until others are elected, and each stockholder at such election and at all future elections shall have one vote for each share he or she shall own at the time of such election, and that such stockholders may vote at any election by proxy duly authorized for that purpose. Election of directors.

5. *And be it enacted*, That the board of directors so to be chosen as aforesaid, shall and may elect, out of their own body, a president, and a majority of the said board shall at all times be a quorum for the transaction of business, and the said board shall have power to call in the remainder of the capital stock of the said corporation subscribed by installments not exceeding ten dollars on each share by giving thirty day's notice of such required installments in a newspaper published at Jersey City, and also in a newspaper published in the city of Newark, in this state; and if any stockholder shall refuse or neglect for fifteen days after such installment is due, to pay the same, he, she or they so refusing or neglecting shall forfeit their stock, and all payments made thereon, for the use of the said company; and the said board of Payment of installments.

directors may require of their treasurer such security as to them shall seem proper.

Books and funds to be paid over.

6. *And be it enacted*, That when the board of directors are so elected and chosen, the said commissioners are hereby authorized and required to pass over to the said board of directors, or to such persons as they shall direct, the books of subscription, and all moneys which they have received for the subscription of the said capital stock, first deducting therefrom all expenses which they have incurred, and reasonable compensation for their services, to be determined by said board of directors; and the directors so chosen and their successors may, at their discretion, continue and keep open the books of subscription, or re-open the same, until the whole of the stock aforesaid shall be subscribed, and shall annually after their appointment cause an election to be held for the directors of said corporation, at such time and place as their by-laws shall direct.

Not void for failure to elect

7. *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, in pursuance of this act, it ought to have been made, the said corporation shall not for that cause be deemed dissolved, but such election may be held at any other time upon notice as aforesaid, and the directors for the time being shall continue to hold their offices until others shall have been chosen in their place.

Powers and duties of directors.

8. *And be it enacted*, That the said president and directors, or a majority of them, shall have power to fill any vacancy in their body occurring between the annual elections, or occurring by death, removal, or refusal to act; to regulate and assess the tolls, taxes and water rates to be paid to and levied by the said corporation; to have the superintendence and direction of the effects, receipts, disbursements and other affairs of the said corporation, and to make, prescribe and enforce such ordinances and by-laws as they may deem necessary and expedient to govern the conduct of all persons with whom they may contract for a supply of water from their works, or who may be benefitted by the use of said water, in order to regulate the use of said water and to preserve the same from waste, and by such ordinances and by-laws to impose penalties and forfeitures for a breach thereof or for a neglect or refusal to comply therewith; *provided*, such penalty or forfeiture shall not in any one case exceed ten dollars; *and provided also*, the person offending shall have notice ten days before an action is brought, which penalties and forfeit-

Proviso.

Proviso.

ures shall be recoverable in the name of said corporation before any justice of the peace of the county of Hudson, with costs, in an action of debt, as well from any stockholder of said corporation as from any other person.

Privileges.

9. *And be it enacted*, That it shall be the duty of the president and directors, as soon as may be after the company shall have been organized, to proceed to bring and convey into the town of Harrison and its vicinity, by means of pipes, conduits, forcing-pumps or other machinery, water from the Passaic river, or from some spring or springs, the right to which and to the stream or streams flowing from the same, shall have been vested in said company, or by and with the consent of the board of commissioners, or the proper authorities having control of the same, acting under and by virtue of the act entitled "An act to authorize the construction of works for supplying Jersey City and places adjacent with pure and wholesome water," approved March twenty-fifth, one thousand eight hundred and fifty-two, and the supplements thereto, to obtain water from the reservoirs and works erected by virtue of the provisions of said act and supplements; also to provide proper cisterns or reservoirs, the site or sites for which shall have been previously vested in said company; to dig ditches and to lay pipes or conduits, and to alter and repair the same, and for this purpose to enter upon and through such lands and enclosures as may be deemed necessary, doing as little damage as possible, and paying for any damage done to the said lands and enclosures.

May enter on contiguous land and construct works.

10. *And be it enacted*, That it shall and may be lawful for the president and directors aforesaid, and their agents, surveyors, artificers and workmen, with all necessary tools and implements, to enter in and upon all lands contiguous to said river or springs, or (upon the proper consent being obtained as aforesaid,) the reservoirs and works erected under and by virtue of the provisions of said act, entitled "An act to authorize the construction of works for supplying Jersey City, and places adjacent, with pure and wholesome water," and to dig and excavate the earth, divert and carry away all streams of water rising upon or running through or across said lands, to lay down pipe and machinery, and make erections necessary and convenient for the purposes aforesaid, and to repair, remove and reconstruct the same, doing thereby as little damage as possible to the said lands; *provided*, that no excavation, erection or diversion of any water shall be made upon the lands aforesaid without the permission

Proviso.

of the owner or owners or other persons interested in the same, or before tender of amends shall have been made to such owner or owners or persons interested, for all damages which they may sustain by reason of such erection, excavation or diversion as aforesaid.

Proceedings in case of non-agreement.

11. *And be it enacted*, That in case the president and directors cannot agree with any owner or owners of any of the lands above mentioned, upon the amount of damages to be paid to such owner or owners for the erection, excavation or diversion aforesaid, and for the occupation of the lands aforesaid with the works of the said company, or in case any such owner shall be an infant or a married woman, or insane, or shall be absent from this state, the circuit court in and for the county of Hudson shall, on the application of either party, nominate and appoint three disinterested persons to examine such property and estimate the value thereof or damage sustained thereby; and who shall, after 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.

When property taken.

12. *And be it enacted*, That whenever such report shall be confirmed by the court aforesaid, the said president and directors 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 damage sustained, as the case may be, and thereupon the said corporation shall become seized in fee of such property so required, and shall be discharged from all claim by reason of such damage; but no claim shall be made or allowed after the expiration of three years from the time the land is taken or the damages suffered.

May lay pipe in streets.

13. *And be it enacted*, That it shall and may be lawful for the said corporation to lay, sink and extend their said pipes, conduits and branches through such streets and highways of the township of Harrison as the said directors or a majority of them may deem advisable and necessary, and for that purpose, whenever it may be necessary to alter, remove or repair the same, to dig, excavate and remove so much of the soil and earth as may be necessary, and the said streets and highways shall be restored to their former condition at the ex-

pense of said corporation, as soon as may be compatible with a judicious prosecution of said works.

14. *And be it enacted*, That it shall and may be lawful for said corporation to make and enter into any contract or agreement with the commissioners acting under and by virtue of said act, entitled "An act to authorize the construction of works for supplying Jersey City, and places adjacent, with pure and wholesome water," for the purpose of obtaining water from the works constructed under the provisions of said act, upon such terms, and under such restrictions, and for such length of time as may be mutually agreed upon between them, and to do all other matters and things necessary for the accomplishment of that object. May make agreement.

15. *And be it enacted*, That the said corporation shall possess the several powers and be subject to the restrictions and liabilities contained in the act entitled "An act concerning corporations," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same is applicable. Powers and restrictions.

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

Approved April 14, 1864.

CHAPTER CCCCXL.

An Act supplementary to an act entitled "An act to protect the village of Hackensack, against fire."

WHEREAS, an election was held in the village of Hackensack, in the township of New Barbadoes, under the provisions of an act entitled "An act to protect the village of Hackensack from fire," approved April twelfth, eighteen hundred and sixty-four, under the impression that the same had become a law—therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That an election shall be held under the provisions and restrictions of the before mentioned act, on the last Tuesday of April, eighteen hundred and sixty-four, at the hour of ten o'clock in the morning. Election authorized.

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

Approved April 14, 1864.

CHAPTER CCCCXLI.

A Further Supplement to an act entitled "An act for the relief of such portion of the militia of this state as may be called into service," approved May eleventh, one thousand eight hundred and sixty-one.

State bounty to be continued for six months.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the payment of six dollars per month to the families and widowed mothers of persons mustered into the service of this state, or of the United States, from the militia of this state, now authorized by the act to which this is a further supplement, is hereby authorized to be continued to the families and widowed mothers of those who die while in the military service of this state or of the United States, for the space of six months after the death of such persons; *provided*, that such persons are not and shall not at the time of their death be under punishment for any military offense, under sentence of a court martial involving loss of pay.

Proviso.

If pension is paid bounty to cease.

2. *And be it enacted*, That if a pension shall have been or shall be paid by the United States, to such family or widowed mother, before the expiration of six months from the date of the death of such persons, then and in that case, the payment authorized by this act to be made, shall cease from and after the date of the first payment of such pension.

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

Approved April 14, 1864.

CHAPTER CCCCXLII.

A Supplement to an act entitled "An act to authorize and enable the North Hampton Iron Company to hold lands and real estate in this state," approved February fifth, eighteen hundred and sixty-four.

WHEREAS, Since the passage of the act of February fifth, eighteen hundred and sixty-four, entitled "An act to authorize and enable the North Hampton Iron Company to hold lands and real estate in this state," the name of the corporation to which said act refers, has been, by the legislature of the state of Pennsylvania, changed to that of "The Glendon Iron Company," and by that name now exists, and owns the property, and exercises the corporate rights and powers by said act granted to the said "The North Hampton Iron Company"—therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said "The Glendon Iron Company" shall, and they are hereby authorized to have, hold, use, enjoy and exercise all the powers, rights and privileges which were by the said act to which this is a supplement, granted to the said "The North Hampton Iron Company," by that name, as fully as the same are granted by said act. Powers granted.

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

Approved April 14, 1864.

CHAPTER CCCCXLIII.

An Act for the payment of bounties, and to reimburse certain citizens who have paid more than their proportion of bounties to volunteers, in the township of Warren, in the county of Somerset.

WHEREAS, The board of chosen freeholders of the county of Somerset, in August, in the year eighteen hundred and Preamble.

sixty-two, did levy a tax of twenty-six thousand five hundred dollars on the several townships in said county, for the payment of bounties to volunteers, the township of Warren, in the county aforesaid, did pay three thousand seven hundred dollars, their proportion of the aforesaid sum; and whereas, by the proclamation of the governor of this state, in the month of August, in the year aforesaid, in accordance with the order of the war department, it was made known to the people of New Jersey that if the quota of the state was not filled by the third day of September, in the year aforesaid, with volunteers, that on that day the several counties and townships would be drafted to fill said quota; and whereas, "before the time for drafting had expired there were ten thousand eight hundred men who had volunteered, over three hundred more than the state's quota," notwithstanding the state's quota had been filled with volunteers before the third day of September aforesaid, nevertheless on the ninth day of September, six days after the quota had been filled, forty-eight men were illegally drafted into the service of the United States from Warren township, in the county of Somerset; and whereas, twenty-six of the men drafted as aforesaid were compelled to serve nine months in the war or furnish substitutes, and seventeen of the said drafted men furnished substitutes at a cost of three thousand six hundred and fifty dollars, and nine of the aforesaid drafted men did go to the war, which at the same rate the others paid for substitutes would have cost one thousand nine hundred and thirty-three dollars, which they would have cheerfully paid had they been able, these two sums last named, with the interest thereon from the thirteenth day of September aforesaid, the time they were mustered into the service of the United States, to the present time, amounts to the sum of six thousand three hundred and ninety-two dollars and fifty-three cents, which sum the said twenty-six drafted from Warren township aforsaid are justly entitled to receive—therefore,

Treasurer to pay $6,392 53.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state is hereby authorized and required to pay out of any moneys in the treasury not otherwise appropriated the sum of six thousand three hundred and ninety-two dollars and fifty-three cents, to be paid to the nine men who went to the war and the seventeen men who furnished substitutes, that were illegally drafted

into the United States service from Warren township, in the county of Somerset.

2. *And be it enacted*, That the treasurer shall appoint some suitable person resident in said township a commissioner to receive the said sum of six thousand three hundred and ninety-two dollars and fifty-three cents, to be paid by him to the persons so drafted as aforesaid; *provided*, that in case any of the said persons so drafted shall have departed this life prior to the payment of their just proportion of the said sum, then the payment of the same shall be made to his widow, or if no widow, then to his executors or administrators. To whom paid. Proviso.

3. *And be it enacted*, That the commissioner shall deposit a list of the names of the said twenty-six persons drafted as aforesaid with the treasurer, and that the commissioner shall on paying out said money take receipts for the same, to be filed in the treasurer's office. List of names to be deposited.

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

Approved April 14, 1864.

CHAPTER CCCCXLIV.

A Further Supplement to the act entitled "An act concerning Taxes," approved April fourteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the collectors of the townships, cities or wards in this state, and they are hereby required out of the first moneys which shall be collected by them, to pay to the county collector of the county in which they hold their offices, the state and county taxes assessed in their several townships, cities and wards, at the time now required by law to pay such state and county taxes. State and county taxes to be first paid.

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

Approved April 14, 1864.

CHAPTER CCCCXLV.

An Act to defray Incidental Expenses.

Treasurer to pay certain amounts.

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 the state to pay the several persons hereinafter named the following amounts, viz:

1. Latimer Brothers and Seymour, for stationery furnished the house of assembly, at the opening of the same by Levi Scobey, clerk, five hundred and eighty-nine dollars and fifty-eight cents.

2. David Clark, for stationery furnished house of assembly, one hundred and thirty-three dollars and seventy-five cents.

3. David Clark, for stationery furnished secretary of state, twenty-eight dollars and eighty-seven cents.

4. David Clark, for stationery furnished engrossing clerk of senate, one hundred and fifteen dollars and forty-nine cents.

5. David Clark, for stationery furnished state library, twenty dollars and fifty-two cents.

6. David Clark, for stationery furnished executive chamber, twenty-four dollars and seventy cents.

7. David Clark, for stationery furnished senate at opening of session by order of Morris R. Hamilton, two hundred and twenty dollars and twenty-five cents.

8. David Clark, for stationery furnished clergy by order of senate, two hundred dollars.

9. David Clark, for stationery furnished engrossing clerk of the house of assembly, one hundred and fifty-one dollars and seventy-seven cents.

10. David Clark, for stationery furnished clerk in chancery, sixty-eight dollars and seventy-one cents.

11. David Clark, for stationery furnished clerk of supreme court, fifty-two dollars and eighty-five cents.

12. David Clark, for stationery furnished clerk in chancery, twenty-eight dollars and fifty cents.

13. David Clark, for stationery furnished state treasurer, sixty-four dollars and ten cents.

14. Anthony Rowley, for sundries furnished doorkeeper for use of senate, one hundred and seventy-nine dollars and ninety-seven cents.

15. Charles Scott, for stationery furnished house of assembly by order of clerk, two hundred and ninety-one dollars and sixty-five cents.

16. Charles Scott, for paper furnished clerk in chancery, sixteen dollars.

17. Charles Scott, for stationery furnished executive department, forty-eight dollars and ten cents.

18. Charles Scott, for stationery furnished clerk of supreme court, thirty-five dollars and ten cents.

19. Charles Scott, for Nixon's Forms and Cushing's Manual for house of assembly, two hundred and one dollars and fifty cents.

20. Charles Scott, for stationery furnished senate, five dollars and sixty cents.

21. Charles Scott, for stationery furnished senate at session of eighteen hundred and sixty-three, twenty-four dollars.

22. Charles Scott, for blank books and stationery furnished treasurer's office, one hundred and forty-two dollars and fifty cents.

23. Charles H. Ingals, for Nixon's Forms and Cushing's Manual furnished the senate, ninety-three dollars.

24. Upton & Miller, for bill of repairs of state house and articles of hardware furnished, three hundred and ninety-five dollars and ninety-two cents.

25. Lewis Golding, John R. Post and Benjamin K. McClurg, appraisers of stock in state prison, and Peter K. McClurg, clerk, twenty-two days, at three dollars per day each, two hundred and sixty-four dollars.

26. Trenton Gas Light Company, for gas furnished and rent of metre, two hundred and seventeen dollars and seventy-two cents.

27. Trenton Water Works, for use of water for year eighteen hundred and sixty-three, one hundred dollars.

28. S. Chew, for printing and binding five hundred copies of rules of supreme court, with appendix, and five hundred copies of rules of prerogative court and court of errors, one hundred and seventy dollars.

29. Charles B. Cogill, for repairing lounge and pillows in executive chamber, and repairs of furniture in same, one hundred and forty-five dollars and forty-six cents.

30. James H. Bruere, seven days' services as appraiser at state lunatic asylum, twenty-one dollars.

31. Charles Scott, for stationery furnished house of assembly by order of Levi Scobey, clerk, forty-one dollars.

32. B. W. Titus, for carpets, mats, oil cloths, &c., furnished executive chamber, one hundred and seventy-eight dollars and forty-three cents.

33. B. S. Disbrow & Son, for chairs and repairs and upholstering in executive chamber, fifty-eight dollars and twenty-five cents.

34. Charles Scott, for calender and minute books furnished secretary of senate, thirty dollars.

35. General John A. Perrine, for holding election, and services of general orders, number one, of Adjutant General Stockton, one hundred and three dollars and twenty-five cents.

36. A. Kessler, for repairing locks and services at the state house, thirty dollars and eighty-eight cents.

37. J. C. Paul, for ice furnished the courts and offices during the summer of eighteen hundred and sixty-three, ninety-three dollars and nineteen cents.

38. R. M. Smith, for frame, &c., furnished by resolution of senate, for picture of artist Rembrandt, twenty-eight dollars and seventy cents.

39. William T. Nicholson, for paper and blank books for clerk in chancery, forty dollars and fifty cents.

40. D. S. Anderson, for repairs in state library, fifty-two dollars and twenty-eight cents.

41. Henry Cook, for tables and paper cases furnished offices in state house, forty-five dollars.

42. Edward Williams, for painting and repairs at state house, forty-three dollars and eighty-seven cents.

43. Joshua Jeffries, for painting glazing, &c., at state house, nineteen dollars and twenty cents.

44. Furman and Kite, for carpenter work done at state house, six dollars and seventy-eight cents.

45. S. and E. Roberts, for clock in executive chamber, and repairing clocks in state house, twelve dollars and fifty cents.

46. S. Vansickle, for making and laying carpet in treasurer's office and repairing carpets in hall, twelve dollars.

47. C. B. Vansickle, for fluid furnished clerk of assembly, sixty cents.

48. C. B. Vansickle, for burning fluid and can furnished secretary of senate, one dollar and seventy-five cents.

49. C. B. Vansickle, for empty boxes furnished state house, one dollar and six cents.

50. Charles B. Cogill, for repairing shades, oil cloths, &c., in state library, twenty dollars and five cents.

51. Charles B. Cogill, for work done in chancery and secretary of state's offices, seven dollars.

52. O. A. Douglass, for preparing and printing list of bills in state senate, five dollars.

53. Charles J. Ihrie, for services and cash paid for sundry charges against state library, two hundred and seventy-eight dollars and fifty-six cents.

54. Latimer Brothers and Seymour, for gold pens, penknives and stationery furnished members of house of assembly, six hundred and thirty-nine dollars.

55. David Clark, for stationery furnished senate, by order of secretary of senate, one thousand two hundred and forty dollars and seventy-four cents.

56. David Naar, for printing blanks for superintendent of public schools, forty-eight dollars and five cents.

57. James Murphy, for soap furnished state house, for cleaning purposes, nine dollars and twenty-five cents.

58. John T. Hutchinson, for gas fixtures furnished the senate, for president's desk, at his order, thirteen dollars and fifty cents.

59. Willet Hicks, for gas shades, holder and frame for executive department, six dollars and twelve cents.

60. Joint committee on treasurer's accounts, three hundred dollars.

61. James G. Irvine, for thirty-five mammoth gold pens, and holders, for use of senate, one hundred and seventy-five dollars.

62. Samuel R. Smith, for leather bag furnished at the order of the treasurer, five dollars.

63. Fish and Green, for lumber furnished state house, to make boxes to distribute laws &c., twenty-four dollars and forty-two cents.

64. Benjamin Naar, Jr., for two copies made of joint committee's report on treasurer's accounts, seven dollars and fifty-two cents.

65. Brearly, Cogill and Company, for hardware and work performed at state house, twelve dollars and twenty-four cents.

66. Joseph Mc Pherson, for one leather satchel, furnished Levi Scobey, clerk of assembly, seven dollars.

67. Phillips & Boswell, for printing, paper, &c., done for clerk in chancery, thirty-two dollars and twenty-five cents.

68. J. B. Lalor, for carriage hire for state prison, com-

mittee of session of eighteen hundred and sixty-three, six dollars.

69. J. B. Lalor, for carriage hire for state prison, committee of session of eighteen hundred and sixty-four, ten dollars.

70. Murphy & Bechtel, for printing note heads for treasurer's office, thirteen dollars.

71. Charles Scott, for stationery furnished supreme court, forty-five dollars and thirty-five cents.

72. Charles Scott, for twenty-five copies of constitution of the United States, by order of the senate, six dollars and twenty-five cents.

73. S. M. Dickinson, for services as private secretary to the governor during session of eighteen hundred and sixty-four, three hundred dollars.

74. John C. Lafaucherie, for services as page in executive chamber, one hundred and five dollars.

75. R. M. Smith, for stationery and postage stamps furnished members and officers of house of assembly, per resolutions, two thousand nine hundred and seventy-three dollars and forty cents.

76. R. M. Smith, for stationery and postage stamps furnished members and officers of senate, per resolutions, one thousand three hundred and fifty dollars.

77. R. M. Smith, for frame furnished senate chamber, per order senate, to enclose resolutions of thanks passed by same in behalf of Senator Kennedy, four dollars.

78. Thomas Cooper, for shaking and laying carpet at state house, ten dollars and fifty cents.

79. John P. Hutchinson, for repairing gas pipes, &c., at state house, eleven dollars and sixty-seven cents.

80. Jonathan S. Fish, for taking appraisement at lunatic asylum, twenty-one dollars.

81. Joseph G. Skirm, for carriage hire for committee of lunatic asylum, twelve dollars.

82. R. M. Smith, for express charges, seventy-five cents.

83. Titus H. Stout, for services rendered during the session of the legislature, making fires, &c., two hundred dollars.

84. J. D. Rowley & company, for china and crockery ware furnished the legislature, thirteen dollars and seventy cents.

85. Gazette and Republican, for advertising notice of clerk relative to incidental committee, two dollars and seventy cents.

86. Murphy & Bechtel, for blanks, printing, &c., furnished

secretary of state, two hundred and twenty-three dollars and fifty cents.

87. Murphy & Bechtel, for printing and stationery for clerk of supreme court, ten dollars.

88. Murphy & Bechtel, for envelopes and printing for clerk of chancery, thirteen dollars and seventy-five cents.

89. Wesley H. Green, for making boxes to transport laws and minutes of general assembly, twenty-four dollars.

90. Benjamin Naar, Jr , for services as secretary to incidental committee, ten dollars.

91. Jarret Stokes, for expenses in contested election case, one thousand dollars.

92. J. C. Manning, for crape furnished legislature to attend funeral of speaker, twenty-seven dollars and seventy-five cents.

93. S. Vansickell, for furnishing materials and draping assembly rooms, &c., thirty one dollars and ninety-five cents.

94. Henry H. Kelly, assistant doorkeeper of house of assembly, for extra services during sickness of doorkeeper, one hundred dollars.

95. David Jones, for services as president's page, per resolution of senate, one hundred and fifty dollars.

96. Charles Stewart, for services as doorkeeper of the ladies' gallery in the senate, three hundred dollars.

97. William Kelly, for services as doorkeeper of the ladies' gallery in the house of assembly, three hundred dollars.

98. John H. Low, doorkeeper of house of assembly, for additional compensation, fifty dollars.

99. J. C. Manning, for crape furnished legislature to attend funeral of Speaker Taylor, five dollars and sixty-two cents.

100. A. Kessler, for repairing locks, and other work done at state house, seven dollars and ninety-eight cents.

101. James Bunn, for refreshments, incidentals, &c., furnished legislature and guests at funeral of late speaker deceased, one hundred and fifty dollars.

102. B. Naar, Jr., for engrossing house resolutions relative to speaker Taylor, per order of Levi Scobey, clerk, ten dollars.

103. B. Naar, Jr., for engrossing senate resolutions relative to General Robert Anderson, by order of senate, ten dollars.

104. Evans & Hassall, for flags furnished senate as per resolution, one hundred and sixty dollars.

105. David Naar, for advertising notice of clerk of the

assembly to persons to present bills for incidental expenses before March twelfth, two dollars and seventy cents.

106. David Naar, for advertising notice of the secretary of the senate to the clergy of the city of Trenton, seventy-five cents.

107. Lewis C. Vogt, for compiling index to senate journal, fifty dollars.

108. Ebon Winton, for compiling index of assembly journal, fifty dollars.

109. Evans & Hassall, for flag furnished the assembly chamber, as per resolution, sixty dollars.

110. To the assistant secretary of the senate and assistant clerk of the general assembly, the sum of two hundred dollars each, in addition to the sum now allowed them by law.

111. J. H. Bodine, for diploma cases ordered by I. R. Wilson, two dollars.

112. Charles M. Jobson, George C. Vansyckel, pages of the house of assembly, the sum of twenty-five dollars each, in addition to the sums now allowed them by law.

113. To each of the pages of the senate, Charles E. Crouse and Jacob J. Brander, the sum of twenty-five dollars each, in addition to the pay allowed them by law.

114. To Isaac R. Wilson, engrossing clerk of the senate, and Joseph B. Cornish, engrossing clerk of the general assembly, the sum of two hundred dollars each, additional to the pay now allowed them by law.

115. Charles Egbert, sergeant-at-arms of the senate, an additional compensation of fifty dollars.

2. *And be it enacted*, That the second section of the act entitled "An act to defray incidental expenses," approved March twenty-fifth, eighteen hundred and sixty-three, be and the same is hereby repealed.

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

Approved April 14, 1864.

CHAPTER CCCCXLVI.

A Further Supplement to an act entitled "An act to incorporate the town of Bergen, in the county of Hudson," approved February the eleventh, 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 councilmen to appropriate such further sum or sums as they may deem just and proper, for the purpose of paying a bounty to each volunteer soldier who may be enlisted for and accredited to the town of Bergen, in obedience to any proclamation now issued by the president of the United States, or the governor of the state of New Jersey, in the common effort made to suppress the existing rebellion. To appropriate more money for volunteers.

2. *And be it enacted*, That for the purpose herein expressed, it shall be lawful for the said town council to issue their bonds, with coupons attached, in sums of one thousand dollars, five hundred dollars, and one hundred dollars, bearing interest at such rate per cent. per annum, not exceeding seven, as said town council may deem expedient and proper; *provided however*, that no bond shall be issued for a longer period than twenty-five years, nor for a less period than sixteen years. May issue bonds. Proviso.

3. *And be it enacted*, That the bonds issued in accordance with the provisions of this act shall be deemed and taken as a debt of the said town, over and above any loans now authorized by the aforesaid act, and any acts to amend the same, anything therein to the contrary notwithstanding. Bonds obligatory.

4. *And be it enacted*, That it shall be lawful for the said councilmen to raise by tax yearly, in the same manner as taxes for other purposes are levied and collected in said town of Bergen, and over and above the amount they are now authorized to collect for town purposes, a sufficient sum to pay the interest on said indebtedness. To redeem the same by tax.

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

Approved April 14, 1864.

JOINT RESOLUTIONS.

NUMBER I.

Authorizing the appointment of Commissioners to report laws for the reformation of juvenile offenders.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the governor be authorized to appoint three commissioners, whose duty it shall be, carefully to inquire into the character and influences of institutions in other states designed for the reformation of criminal or vagrant youth, and from their experience to collate a system of reform which they shall deem best adapted to the wants of New Jersey; to ascertain the probable number of children whose course of life demands the care of the state and the manner in which criminal youth are at present dealt with, to propose such laws as may be necessary for the establishment of a suitable school or schools, and to report to the governor the result of their labors in order that he may present it to the legislature at its next annual session. Governor to appoint three commissioners, and their duties.

2. *And be it resolved*, That the treasurer be directed to pay to the commissioners a sum not exceeding three dollars per diem for the time they may be engaged in actual service with such reasonable expenses as the governor may approve. Fees.

Approved March 29, 1864.

NUMBER II.

Relative to the Soldiers' National Cemetery, at Gettysburg.

Preamble. WHEREAS, the governor of this state, has authorized the expenditure of certain sums of money in and about the superintending the removal of the bodies of New Jersey soldiers who died on the battle-field near Gettysburg, to the National Cemetery at that place; and whereas, for the purpose of defraying New Jersey's share of the expense of removing and re-interring the dead, finishing and keeping in repair the cemetery, and erecting a monument, it will be necessary to make further expenditures of money; and whereas, it is desirable that a trustee be appointed to represent this state in a corporation soon to be created by the legislature of the state of Pennsylvania, to have control of said cemetery—therefore,

Appropriation to pay expenses. 1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the governor of this state be and he is hereby authorized to pay by his warrant out of the war fund, all necessary expenses heretofore incurred or which may hereafter be incurred, for the purposes expressed in the preamble to these resolutions; *provided*, the whole amount expended under this appropriation shall not exceed the sum of three thousand dollars.

Trustee to be appointed. 2. *And be it resolved*, That the governor be and he is hereby authorized to appoint a trustee to represent this state in the board of trustees to be incorporated by the legislature of Pennsylvania, to hold office during the pleasure of the governor.

Approved April 8, 1864.

NUMBER III.

Relative to the Military Commission.

Preamble. WHEREAS, By concurrent resolution of the legislature it is provided that a commission be appointed to prepare and

devise a bill for the better and more perfect organization of the militia of the state, which said commission consists of Robert F. Stockton, Jr., George P. Androus, Theodore Runyon, George Robeson, John Blane, Thomas Dunn English and John Van Vorst; and whereas, it is provided in the said resolution that the actual expenses of said commission, and a compensation to their secretary during a session of thirty days, with needful stationery, be paid—therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the governor of the state be and he is hereby authorized to draw his warrant upon the treasurer of the state, at and after the close of the session of the military commission aforesaid, in favor of the members and secretary of said commission, for the expenses incurred under the provisions of the said concurrent resolution; *provided*, the entire amount thus paid does not exceed the sum of nine hundred and ten dollars. Fees of commissioners. Proviso.

Approved April 12, 1864.

NUMBER IV.

In relation to Disabled Soldiers of this State.

WHEREAS, Of the large number of men already furnished by this state to the armies of the United States, in the present war, considerable numbers have been wounded and disabled and will, by reason thereof, be prevented from hereafter maintaining themselves; and whereas, others who have been so wounded and disabled may require for a limited time medical attention and skill, as well as a temporary support; now therefore, with a view to devise and execute whatever measures may be deemed appropriate and expedient to meet the wants and the just claims of the above mentioned class. Preamble.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That Marcus L. Ward, Daniel Haines, William A. Newell, Edwin A. Stevens, Charles S. Olden, and Theodore S. Paul be and they are hereby appointed commissioners to make inquiries, and report to the legislature of the Names of commissioners, and their duties.

state at its next session, what are the facts and circumstances in connection with the above mentioned class of men which will call for legislative provisions on their behalf, and what such provisions, in the judgment of such commissioners, should be; and more particularly whether a state retreat or home should be built for such purpose, and if so, upon what plan, at what expense, and all such particulars in regard thereto as shall be deemed best by said commissioners to enable such legislative action to be had with the requisite information, and to the best advantage to the state as well as the proper care and protection of her sons.

Expenses to be paid.

2. *And be it resolved*, That the said commissioners shall act without compensation, but their necessary expenses incurred by them, approved by the governor shall be paid by the state treasurer.

Approved April 12, 1864.

NUMBER V.

Preamble.

WHEREAS, Captain Charles S. Boggs, United States Navy, a native and citizen of this state, has faithfully served the country, in the navy of the United States, for thirty-six years, and on the twenty-fourth of April, eighteen hundred and sixty-two, while in command of the steamship Varuna, rendered inestimable service by the destruction of six rebel iron-clads, at the memorable passage of forts Saint Phillip and Jackson, on the Mississippi, his own frail wooden vessel having been sunk in the desperate conflict, and his last gun fired as her deck went under water, with the flag gloriously flying from her mast head; and whereas, the splendid valor displayed by Captain Boggs in this almost unparalleled naval combat reflects honor upon his native state, and adds to its already rich historic renown;

Sword to be presented.

1. BE IT RESOLVED *by the Senate of the State of New Jersey*, (the House of Assembly concurring,) that in token of the estimation entertained by the people of New Jersey, for his long and faithful services, and in especial for the brilliant heroism displayed by him in the terrific engagement at the passage of forts Saint Phillip and Jackson by our fleet, the governor be authorized and requested to procure a suitable

sword with a proper inscription upon it, and present it to Captain Charles S. Boggs, United States Navy, of New Brunswick, in this state, in the name and on behalf of the Senate and General Assembly of the state of New Jersey, and the good people thereof.

2. *And be it resolved*, That the governor be requested to forward an engrossed copy of the foregoing preamble and resolution, to the above named officer. Copy of resolution to be sent.

3. *And be it resolved*, That the governor draw his warrant on the treasurer, for the expenses incurred in procuring said sword. Warrant on treasurer.

Approved April 14, 1864.

NUMBER VI.

In relation to the Banks of the State of New Jersey.

WHEREAS, a law was passed by the last congress of the United States, authorizing the organization of banks in the several states and territories of the United States, which are likely to interfere with the banks organized under state authority, and greatly to reduce their business and lessen their earnings; and whereas, the secretary of the treasury, in his annual report to the present congress, recommended the passage of a law to impose a tax on the circulation of the state banks equal to two and two-fifths per cent., and about one-half per cent. upon their deposits, with the evident intention of obliging them either to suspend business, or to organize under the United States law; and whereas, the state banks of the state of New Jersey have proved themselves invaluable accessories to the development of the resources of the state, and faithful promoters of the prosperity of the people in every branch of industry, and contribute largely by annual taxes upon their capital towards the support of the municipal expenses of the counties and townships in which they are located, besides contributing upwards of forty thousand dollars, by a tax of one-half per cent. on the amount of their capital, to the school fund of the state, which is devoted for the support of public schools—therefore, Preamble.

Members of congress requested to oppose a law to oppress banks

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the senators of this state in the congress of the United States be instructed, and the representatives of this state in the same body be and hereby are requested to use all honorable means in their power to prevent the passage of any law which shall have the effect to oppress the banks organized by state authority, or to impose upon them undue or burthensome taxes beyond their ability to pay, without destroying their usefulness or perilling their future existence, or to discriminate in imposing said taxes in favor of the banks organized under the "Act of Congress" to the injury of existing state banks.

Copies to be forwarded.

2. *And be it resolved*, That the governor be requested to forward copies of these resolutions to the senators and representatives in congress from this state and to the secretary of the treasury.

Approved April 14, 1864.

NUMBER VII.

Relative to Flags and Guidons for New Jersey Regiments in the Field.

Quartermaster General to furnish stands of colors.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the quartermaster-general of the state be, and is hereby authorized and directed to furnish the various regiments of the state in actual service, or that may hereafter be called into service, with the necessary stands of colors complete, and the customary guidons.

Name of battle to be emblazoned on flags.

2. *And be it resolved*, That when any regiment of the volunteers of this state shall have distinguished itself in battle so as to have called forth the marked commendation of the chief commander in the engagement wherein it took part, it shall be the duty of the governor of the state to cause the name of the battle wherein the said regiment thus distinguished itself, to be emblazoned conspicuously on the regimental battle flags.

Approved April 14, 1864.

PROCLAMATIONS

OF

GOVERNORS OLDEN AND PARKER,

FROM APRIL 17, 1861 TO JULY 12, 1864.

PROCLAMATIONS.

Proclamation by Charles S. Olden, Governor of the State of New Jersey, April seventeenth, eighteen hundred and sixty-one.

Preamble. WHEREAS, the president of the United States has requested me "to cause to be immediately detached from the militia of this state, four regiments, consisting of seven hundred and eighty men each, to serve as infantry or riflemen for a period of three months, unless sooner discharged; the mustering officers will be instructed to receive no man, under the rank of commissioned officer, who is in years over forty-five or under eighteen, who is not in physical strength and vigor." In compliance with the requisition, orders have been issued to the several generals of divisions to furnish each one regiment, and that they fill the regiments severally required to be furnished so far as practicable with volunteers; the regiments to be completed by drafts from the reserved militia.

Request by the President. Orders issued. Individuals or organizations to report. It is therefore directed that all individuals or organizations willing to respond to the call thus made, report themselves, within twenty days from the date hereof, to the major generals of the respective divisions within the bounds of which they reside. The captains of such companies as accept the invitation will, with the offer of service, transmit a roll of their respective companies.

CHAS. S. OLDEN.

By the Governor,
W. S. JOHNSON, *Secretary of State.*

Proclamation by the Governor of the State of New Jersey, April twenty-fourth, eighteen hundred and sixty-one.

Preamble. WHEREAS, an extended rebellion exists against the government of the United States, making it imperative that all the people of this state be vigilant to do all in their power to suppress and destroy the same; and whereas, from constantly accumulating evidence it is manifest that this rebellion has been deliberately planned, and is most insidious in its workings, and may even attempt to obtain strength by endeavors to obtain means, or men, or munitions, within the borders of New Jersey;

Citizens to be vigilant, to detect treason, and to observe the laws. Now, therefore, I, Charles S. Olden, Governor of the State of New Jersey, for the purpose of maintaining the federal government and to preserve untarnished the honor of this state, do hereby command all persons holding official position by authority of this state, and all the citizens of this state, to be on the alert for the detection of any violation of the laws of this state against treason or misprison of treason, and to take measures to bring to justice any person who shall be concerned in enlisting men, or providing arms or munitions for the enemy, or in any manner giving aid or comfort to the enemies of the country; and I call on all good citizens, by their own strict observance of the laws and by their discouraging any violation thereof in others, to maintain the peace and dignity of this state.

Done in Trenton, this twenty-fourth day of April, in [L. S.] the year of our Lord one thousand eight hundred and sixty-one.

CHAS. S. OLDEN.

By the Governor,
W. S. JOHNSON, *Secretary of State.*

Proclamation by the Governor of New Jersey, April twenty-fourth, eighteen hundred and sixty-one.

A requisition having been made upon me by the president of the United States, for four regiments of militia to aid in repressing the extensive armed combination against the federal government now existing, and in sustaining the authority and dignity of the government, I have been enabled by the abundant offers of men and money, made to me by the people of the state, to respond promptly to the requisition, and have advised the federal authorities that the four regiments called for are ready for its acceptance, according to the terms of the requisition, and that two more can now be furnished promptly by the state if called for. Four regiments ready and two more can be procured.

In consideration however of the possibility that other requisitions may be made upon me, and of the necessity of organizing immediately and thoroughly the militia of the state, of protecting our own borders from aggression, and of providing whatever money the exigencies of the future may require, and also, in order that the people of New Jersey may, through their constitutional representatives, take such measures as they may devise, to manifest their patriotic devotion to the federal government, and their determination to sustain it by all the means in their power,

I, Charles S. Olden, Governor of the State of New Jersey, in virtue of the power vested in me by the constitution, do convene the legislature of this state, hereby requiring the senators and members of the general assembly to assemble in their respective chambers at the state house in the city of Trenton, on Tuesday the thirtieth day of April, instant, at twelve o'clock, noon. Legislature convened.

In testimony whereof, I have hereunto set my hand and caused the great seal of the state to be affixed,
[L. S.] at Trenton, this twenty-fourth day of April in the year of our Lord, one thousand eight hundred and sixty one, and of the independence of the United States, the eighty-fifth.

CHAS. S. OLDEN.

By the Governor,
W. S. JOHNSON, *Secy. of State.*

Proclamation of the Governor of the State of New Jersey, May second, eighteen hundred and sixty-one.

Preamble. WHEREAS, The four regiments called for from this state by the president's requisition have been completed, and are in the United States service; and whereas, other companies have been organized, and have volunteered their services to the governor, sufficient to form several additional regiments, which I have no authority to accept, as the president has made no further requisition, and I am not advised that any other will be made; and whereas, it is desirable that the militia of New Jersey, generally should be in a state of preparation for any exigency that may arise,

Recommendation that volunteer companies be formed I do, therefore, recommend that all the volunteer companies now forming throughout the state, and all other persons of the proper age, disposed to do so, organize themselves as volunteer companies, according to the act of the legislature of eighteen hundred and sixty, as promptly as may be, so that there may be a large body of effective active militia in the state, ready for any call that may be made upon them; all volunteer companies thus organized will be armed by the state in accordance with the provisions of the aforesaid act, as soon as the proper arms can be obtained.

CHAS. S. OLDEN.

By the Governor,
W. S. JOHNSON, *Secretary of State.*

Proclamation by the Governor of the State of New Jersey, September nineteenth, eighteen hundred and sixty-one.

Appointment of a day of fasting. In accordance with the appointment of the president of the United States, and with a full realization of our dependence upon God for help in these times of adversity, I recommend to all citizens of New Jersey, the observance of Thursday, the twenty-sixth day of September, as a day of fasting and prayer, during which individual and national sins may be confessed with a profound humility, and united prayer ascend for the success of our cause, the welfare of our army, the establishment of good government and the restoration of peace.

Given under my hand and privy seal, this nineteenth
[L. S.] day of September, Anno Domini eighteen hundred and sixty-one.

CHAS. S. OLDEN.

Attest:
CHAS. MORGAN HERBERT, *Private Secretary.*

Proclamation by Charles S. Olden, Governor of the State of New Jersey, November first, eighteen hundred and sixty-one.

Preamble. While under the rod, and suffering merited chastisement for our many national sins, let us not forget the many unmerited blessings that are yet spared to us, lest they too be withdrawn.

Day of thanksgiving. That we may give meet and united expression to our gratitude, I recommend that Thursday, the twenty-eighth day of November, instant, be observed by the people of this state as a day of thanksgiving to Almighty God, from whom cometh every good and perfect gift, and that, abstaining from all needless secular employment, they assemble in their several places of worship to offer to Him the sacrifice of prayer, praise and thanksgiving.

Given under my hand and privy seal, this first day of
[L. S.] November, Anno Domini eighteen hundred and sixty-one.

CHAS. S. OLDEN.

Attest:
C. M. HERBERT, *Private Secretary.*

Proclamation by Charles S. Olden, Governor of the State of New Jersey, July eighth, eighteen hundred and sixty-two.

Call for three hundred thousand men made. The President of the United States has called for three hundred thousand more volunteers for three years, or during the war. The necessity for holding the various points gained

by our arms, the imperative demand of every interest of the nation, both domestic and foreign, that the war be speedily ended, the obligation we are under to sustain our fellow citizens now in the field and enable them soon to return to their homes, a proper regard to their safety, and that every battle may prove a victory, are some of the considerations which render the call for more troops eminently proper. I therefore hereby appeal to all the citizens of this state that they see to it, that New Jersey responds heartily and quickly to the call thus made upon it, to maintain the existence of the nation. The demand is not for every citizen to stand upon the field of battle, but it is, that every citizen, by such exertions and sacrifices and in such manner as is found most efficient, shall aid in filling the state's quota. The number of regiments assignable to New Jersey has not yet been made known to the state authorities, but to avoid delay and the sooner augment our force in the field, I now call for four regiments of infantry—one of such regiments to be raised in the counties of Burlington, Gloucester, Atlantic, Cape May, Camden, Salem and Cumberland; one of said regiments in the counties of Mercer, Middlesex, Monmouth, Ocean and Union; one of said regiments in the counties of Essex, Passaic, Bergen and Hudson; and the other of said regiments in the counties of Hunterdon, Warren, Sussex, Somerset and Morris; thus apportioning one regiment to each of the military divisions of the state.

Four regiments of infantry.

The field officers of each regiment will be appointed at an early day, and a camp will be established in each military division; in the mean time the process of gathering the men should progress. The regulations for the subsistence and transportation of troops will appear shortly in a general order. Each recruit is entitled to receive one month's pay, being thirteen dollars, in advance, when individually enlisted and sworn in, and a bounty of twenty-five dollars when the regiment is mustered into service. The family or dependent widowed mother of each private and non-commissioned officer is entitled to receive from the state six dollars per month, and each private and non-commissioned officer, having no family or dependent widowed mother, is entitled to receive from the state, on their honorable discharge, two dollars per month for the time they have served; and a bounty of seventy-five dollars is paid by the federal government to each volunteer on his honorable discharge. Any person furnishing a

Camps to be established and pay of troops.

recruit will be entitled to receive two dollars on such recruit being mustered into service.

These are some of the inducements to enter the service; but a patriotic devotion to the cause of their country is the motive that will be most influential with our people. The period of enlistment, which is for three years or during the war, will be rendered brief by all unitedly performing their high duty. While the waning ranks of the rebels are furnished by conscription, let it be our boast that we defend the nation by the heroic volunteer. Period of enlistment.

CHARLES S. OLDEN.

By the Governor,
W. S. JOHNSON, *Secretary of State.*

Proclamation by Charles S. Olden, Governor of the State of New Jersey.

EXECUTIVE CHAMBER,
TRENTON, August 15, 1862.

To the Citizens of New Jersey:

The President of the United States has called three hundred thousand militia into the service of the United States to serve for nine months unless sooner discharged; and has assigned to the state of New Jersey ten thousand four hundred and seventy-eight men, which number of ten thousand four hundred and seventy-eight men will by me be apportioned to the several counties, townships and wards of the state, as soon as their several quotas can be adjusted. Three hundred thousand militia called for. Quota, 10,478

Active preparations for the draft of the quotas of the several townships and wards, which will take place on Wednesday, the third of September next, are being made under the authority of General Orders, number ninety-nine; and to facilitate the raising of the quota of this state, I have established a rendezvous for the counties of Essex, Morris and Sussex, at Newark, with Colonel Cornelius Van Vorst, commandant, and another rendezvous at Flemington, for the counties of Hunterdon, Somerset, Union and Warren, with General Alexander E. Donelson, commandant, and another at Trenton, for the counties of Mercer, Bergen, Passaic and Rendezvous established and commandants appointed.

Commissioner and surgeon for each county.

Hudson with Colonel Norris N. Halsted, commandant, and another at Beverly, for the counties of Camden, Gloucester, Salem, Cumberland, Cape May and Atlantic, with General George M. Robeson, commandant, and another at Freehold, for the counties of Ocean, Burlington, Monmouth and Middlesex, with General Charles Haight, commandant; I have, under like authority, appointed for the several counties of the state, to superintend the drafting, the following commissioners and surgeons:

For county of Union, as commissioner, George W. Savage; as examinining surgeon, Dr. James S. Green.

For county of Hudson, as commissioner, Theodore F. Randolph; as examining surgeon, Dr. T. R. Varick.

For county of Camden, as commissioner, William P. Tatem; as examining surgeon, Dr. J. V. Schenck.

For county of Bergen, as commissioner, William S. Banta; as examining surgeon, Dr. Charles Hasbrouck.

For county of Morris, as commissioner, Vancleve Dalrymple; as examining surgeon, Dr. George A. Quimby.

For county of Monmouth, as commissioner, James B. Yard; as examining surgeon, Dr. William A. Newell.

For county of Mercer, as commissioner, James Wilson; as examining surgeon, Dr. James B. Coleman.

For county of Hunterdon, as commissioner, Charles Bartles; as examining surgeon, Dr. J. Alfred Grey.

For county of Cape May, as commissioner, Jonathan Hand; as examining surgeon, Doctor Jonathan F. Leaming.

For county of Passaic, as commissioner, Benjamin Buckley; as examining surgeon, Dr. Jetur R. Riggs.

For county of Gloucester, as commissioner, Alexander Wentz; as examining surgeon, Dr. Charles Clarke.

For county of Sussex, as commissioner, Robert Hamilton; as examining surgeon, Dr. Thomas Ryerson.

For county of Warren, as commissioner, Charles Sitgreaves; as examining surgeon, Dr. Samuel S. Clarke.

For county of Essex, as commissioner, Elias N. Miller; as examining surgeon, Dr. Abram Coles.

For county of Somerset, as commissioner, Hugh M. Gaston; as examining surgeon, Dr. A. W. McDowell.

For county of Middlesex, as commissioner, Garret B. Adrain; as examining surgeon, Dr. Clifford Morrogh.

For county of Burlington, as commissioner, John S. Irick; as examining surgeon, Dr. Zachariah Read.

For county of Cumberland, as commissioner, Charles Elmer; as examining surgeon, Dr. William Elmer.

For county of Salem, as commissioner, Jonathan Ingham; as examining surgeon, Dr. Quinton Gibbon.

For county of Atlantic, as commissioner, William Moore; as examining surgeon, Dr. Jonathan Pitney.

For county of Ocean, as commissioner, Ivins D. Cornelius; as examining surgeon, Dr. G. A. Hankinson.

When rendezvous will be opened.

As there is manifested throughout the state a commendable desire that New Jersey shall discharge her duty to the country in this crisis, by volunteers, rather than by drafted men, the citizens of the state are hereby informed that the said rendezvous will be opened for volunteers coming from the counties to which they are respectively assigned, to meet the said call of the President, on Friday, the 22d instant; and any county of this state that shall on or before the first of September next, appear to the county commissioner, by the certificate of the commandant of the rendezvous, to have furnished at the rendezvous its quota for the said call in volunteers, will be exempt from the said draft, and if the number of such volunteers shall fall short of the quota, the county will have credit for the number so furnished in making the draft for such county; said certificate must accurately state the number of volunteers furnished by each township or ward in the county, in order that the several townships or wards of the county; may, in case it shall become necessary to resort to a draft in the said county, have credit or deduction for the number of volunteers furnished by such townships or wards, and that in case no draft shall be required in such county, any township or ward may, if practicable, have credit for any excess over its present quota in the event of a further call for militia; and no credit will be allowed to any township or ward for any volunteers which are subject to draft in any other townships or wards of this state. And the said volunteers on reaching their rendezvous will be organized into companies, by the adjutant general, who will, as far as practicable, retain those volunteering in companies, in the same organization; and the company officers will be elected by the respective companies, and the field officers by the officers of the line; all troops under this call will be entitled to the bounty heretofore given by the state. Transportation from the county town to the appropriate rendezvous will be furnished by the commissioner of the county.

Counties furnishing quota to be exempt from draft and credit given.

Volunteers to fill up such of the new regiments now organ-

Volunteers for new and old regiments.

izing as are not filled, will be received up to the twenty-second instant; and to fill up the old regiments now in the field, up to the first of September next; and the volunteers for the two classes of regiments last named, will, in addition to the bounty of the state, be entitled to receive one month's pay of thirteen dollars in advance, and a bonus of twenty-five dollars to each recruit, and seventy-five dollars on a discharge, after two years' service.

CHAS. S. OLDEN.

By the Governor,
W. S. JOHNSON, *Secretary of State.*

Proclamation by Charles S. Olden, Governor of the State of New Jersey.

EXECUTIVE DEPARTMENT,
TRENTON, September 18, 1862.

Efforts should be made to increase the efficiency of the active militia.

The condition of the country renders it prudent that immediate efforts should be made to increase the efficiency of the active military force of the state, in order that in any sudden emergency the people may be protected. The uniform companies of the state have been regarded by our people as the nurseries of those gallant soldiers who have conferred honor upon New Jersey, by their steady bravery on the field of battle, and it is to those companies, organized and armed as they are under the authority of the state, that resort must now be had.

Commissioned officers recommended to recruit companies to maximum number

I therefore recommend the commissioned officers of the companies of the active militia of the state, to proceed immediately and with the utmost energy to recruit their respective companies to the maximum number of ninety-eight men each. These companies will proceed, in all cases where it is necessary, to elect the proper commissioned officers and non-commissioned officers, and will meet for drill at least twice in each week, and oftener if practicable. Both officers and men are enjoined to hold themselves in readiness to be called into active service whenever the exigencies of the state may require. The captains of the several companies will forward to the adjutant-general, on the first day of October next, muster

rolls of their respective companies, containing the names of their officers and men.

The commander-in-chief earnestly calls upon the young men of the state, to enrol themselves in these uniformed companies, provide themselves with uniforms and perfect themselves in drill, in order that they may defend their homes if the state shall be invaded.

CHAS. S. OLDEN.

[L. S.] By the Governor,
W. S. JOHNSON, *Secy. of State.*

Proclamation by the Governor of New Jersey.

EXECUTIVE DEPARTMENT,
TRENTON, September 23, 1862.

Recruiting recommended.

The draft for four thousand men, ordered by the war department, to fill up the New Jersey regiments first in the field, having been postponed in order to give further opportunity to procure volunteers, I would earnestly urge upon the people of New Jersey, the importance of recruiting those regiments to their maximum number, and of thus relieving the state authorities from the necessity of resorting to a draft. These regiments have nobly maintained the honor of the state upon every battle-field, they have never been found wanting, whether required to endure unshaken the devastating storm of shot and shell, or the sterner trial of the bayonet; but their numbers are reduced by the casualties of war, and they now call upon their brethren at home to fill their ranks, and aid them to maintain untarnished their hard-won reputation.

Call to fill up regiments.

In benalf of these brave men, still heroically contending with the enemies of our country, I call upon the people of the state to take active measures to fill up their regiments with scions of the same noble stock, and I feel confident that this appeal will be promptly answered.

CHAS. S. OLDEN.

By the Governor,
W. S. JOHNSON, *Sec'y of State.*

Proclamation by the Governor of the State of New Jersey, November third, eighteen hundred and sixty-two.

Recital of mercies, temporal and spiritual.

It being eminently right and proper that we, as a people, should at stated periods offer united thanks to Almighty God for His goodness to us, manifested by suffering us to lie down and rise up in safety, even in these "troublous times;" by the bestowal of health and plenty, and innumerable temporal blessings; but, above all, by the inestimable gift of His dear Son, Jesus Christ, for all the blessings of free salvation through Him, "for the means of grace and the hope of glory;" I recommend that, on Thursday, the twenty-seventh day of November, instant, the people of this state do assemble in their wonted places for public worship, to acknowledge their entire dependence on Him, to render hearty thanks for His loving kindness during the by-gone year, and humbly to supplicate a continuance of His favor.

Day of thanksgiving recommended.

Given under my hand and privy seal, this third day of November, Anno Domini eighteen hundred and sixty-two.

[L. S.]

CHAS. S. OLDEN.

Attest:

CHARLES M. HERBERT, *Private Secretary.*

Proclamation by the Governor of New Jersey, April fourteenth, eighteen hundred and sixty-three.

Preamble.

WHEREAS, the United States Senate, by resolution, requested the President of the United States, to designate a day for National prayer, fasting and humiliation; and whereas, the President, in accordance with such resolution, has designated for that purpose, Thursday the thirtieth day of April, A. D. eighteen hundred and sixty-three,

Day of fasting recommended.

Therefore, Recognizing our dependence upon God, for individual and national blessings, I do recommend to the people of the state of New Jersey, the observance of that day, by abstaining from secular pursuits, and by convening at their usual places of public worship, for the purpose of

humbly confessing individual and national sins, and praying to God "for the restoration of our now divided and suffering country to its former happy condition of unity and peace."

Given under my hand and privy seal, at the city of
[L. S.] Trenton, this fourteenth day of April, A. D. eighteen hundred and sixty-three.

JOEL PARKER.

By the Governor,
S. M. DICKINSON, *Private Secretary.*

A Proclamation.

EXECUTIVE CHAMBER,
TRENTON, N. J., June 17, 1863.

Jerseymen! The state of Pennsylvania is invaded! A hostile army is now occupying and despoiling the towns of our sister state. She appeals to New Jersey, through her governor, to aid in driving back the invading army. Pennsylvania invaded.

Let us respond to this call upon our patriotic state with unprecedented zeal.

I therefore call upon the citizens of this state to meet and organize into companies, and report to the adjutant general of the state as soon as possible, to be organized into regiments as the militia of New Jersey, and press forward to the assistance of Pennsylvania in this emergency. Call to organize into companies and regiments.

The organization of these troops will be given in general orders as soon as practicable.

[L. S.] Given under my hand and privy seal this seventeenth day of June, eighteen hundred and sixty-three.

JOEL PARKER.

Attest:
S. M. DICKINSON, *Private Secretary.*

Proclamation by the Governor, twenty-second June, eighteen hundred and sixty-three.

Preamble. WHEREAS, the necessity no longer exists for "the citizens of this state to meet and organize into companies and report to the adjutant general of the state as soon as possible, to be organized into regiments as the militia of New Jersey, and press forward to the assistance of Pennsylvania in this emergency," according to my proclamation of the seventeenth instant—

Troops to be honorably discharged and paid. I therefore direct that the troops raised in accordance with the said proclamation be honorably discharged, and return to their respective places of enrollment to be mustered out, and paid for the service they have performed. The companies are requested to retain their present organization, as their services may be needed again at any moment.

All vouchers for necessary expenses incident to raising said troops, will be forwarded without delay to the proper staff officers for approval and payment.

The promptness with which the citizens of this state responded to the appeal of the governor of Pennsylvania for aid in repelling the threatened invasion of that state, deserves the commendation of all patriots and lovers of the Union.

Thanks are especially due the twenty-third and twenty-seventh regiments (returned volunteers), for having so promptly taken the field to resist the threatened invasion, without returning to their homes, from which they had so long been separated.

Given under my hand and privy seal, at Trenton, this
[L. S.] twenty-second day of June, one thousand eight hundred and sixty-three.

JOEL PARKER.

Attest:
S. M. DICKINSON, *Private Secretary.*

Proclamation by the Governor, June twenty-fifth, eighteen hundred and sixty-three.

WHEREAS, By the system of computation adopted by the war department, it is ascertained that the state of New Jersey has not filled her quota of troops for the service of the United States, (although she has responded to all the calls made upon her for troops by the government); and whereas, I have applied for authority to raise volunteers, to serve for three years unless sooner discharged, and authority has been given by the war department to raise recruits for regiments now in the field, and also to raise new regiments, with the restriction that no more than five regiments of infantry and two regiments of cavalry should be under recruitment in the state at one time— Preamble.

I therefore call upon the citizens of this state to use every exertion to recruit, as speedily as possible, new regiments to serve our country in her hour of need, and also to fill the decimated ranks of those regiments that have sustained the honor of the state on many battle fields. Call for new regiments.

The number of men required to fill up the old regiments will be published and apportioned to the different townships and wards of the state, in proportion to the number of men liable to do military duty. Old regiments.

Every man mustered into an old or a new regiment will be duly credited to the state.

Recruiting for five regiments of infantry and one regiment of cavalry will be put in charge of competent officers, to be designated in General Orders. Infantry and cavalry.

Given under my hand and privy seal, at Trenton, [L. S.] this twenty-fifth day of June, A. D. eighteen hundred and sixty-three.

JOEL PARKER.

Attest:

S. M. DICKINSON, *Private Secretary.*

New Jersey State Library

Proclamation by the Governor, June twenty-seventh, eighteen hundred and sixty three.

Pennsylvania again invaded.

WHEREAS, since my proclamation of the twenty-second instant, the enemy has again advanced in Pennsylvania with increased force, and the governor of that state has again called upon New Jersey for aid—

Call renewed for thirty days' men.

I therefore renew the call upon the citizens of the state of New Jersey to organize, &c., as requested in my proclamation of the seventeenth instant, for the purpose therein stated. The term of service will be thirty days, unless sooner discharged—The troops will be received for service in the state of Pennsylvania, without being required to be mustered into the United States' service.

The companies recently organized for this service, and requested to hold themselves in readiness, and all others volunteering, will report promptly, at Trenton.

The organization will be according to General Orders, Number two, of June seventeenth, eighteen hundred and sixty-three, already published.

Given under my hand and privy seal, at Trenton, this [L. S.] twenty-seventh day of June, A. D. eighteen hunhundred and sixty-three.

JOEL PARKER.

Attest:

S. M. DICKINSON, *Private Secretary.*

A Proclamation to the people of New Jersey, July fifteenth, eighteen hundred and sixty-three.

Recommendation to caution and moderation.

Acts of violence do not restore individual rights, nor remedy real or fancied wrongs. The law furnishes a remedy for every grievance, and to the law every good citizen will appeal for redress.

Mobs often originate without preconcert, in the accidental gathering of a crowd. In this time of excitement I call upon all citizens of this state to avoid angry discussions, to dis-

courage large assemblies of the people, to counsel moderation, and use every effort to preserve the peace.

Given under my hand and privy seal, at Trenton, [L. S.] this fifteenth day of July, eighteen hundred and sixty-three.

JOEL PARKER.

Attest:
S. M. DICKINSON, *Private Secretary.*

Proclamation by the Governor, July twenty-seventh, eighteen hundred and sixty-three.

To the People of New Jersey:

No draft has been ordered in New Jersey. Every volunteer mustered into the United States service for three years, within thirty days, will cause an abatement pro tanto of New Jersey's quota of the draft, should one be ordered. If eight thousand seven hundred and eighty-three volunteers be raised in the state in thirty days there will be no draft. There will, in no event, be a draft for any alleged previous deficiency. The quota of each township and ward towards the eight thousand seven hundred and eighty-three men will be published as soon as possible by the adjutant general of the state, and each township and ward will receive credit for the number of men furnished.

No draft if volunteers be raised within thirty days.

New Jersey has thus far furnished all men asked of her without drafting, and it would be a source of pride and gratification should she continue to fill her quota of troops by volunteers.

There is now in process of formation in this state, under my direction, one regiment of volunteer cavalry at Trenton, two regiments of infantry at Newark and Flemington, respectively, and one battery of artillery at Hoboken. The formation of an infantry regiment will be immediately commenced at Freehold, and another at Beverly, and a battery will be authorized in a few days at Trenton. A special effort will also be made to enlist men for the old regiments. I earnestly call upon the citizens of this state to make every effort to raise these troops by the payment of additional bounties, through public meetings and personal exertion.

Regiments organizing and call on citizens to recruit

Let the authorities of the cities and townships determine to raise their quotas. By this means, in 1862, eleven thousand men were raised in fifteen days.

Bounties. The bounties now paid by the government are one hundred dollars to new recruits, and four hundred dollars to veterans. Every single man will be entitled to two dollars per month from the state, and the families of married men and widowed mothers of single men dependent on them for support, to six dollars per month, besides the monthly pay from the government. If, in addition, liberal bounties are paid by municipalities and by individuals, the men can be raised.

Let every citizen of New Jersey commence the work at once and the desired result will be attained.

Do not wait for the quota of the townships, which will be furnished in a very few days.

Given under my hand and privy seal, at Trenton, this [L. S.] twenty-seventh day of July, Anno Domini one thousand eight hundred and sixty-three.

JOEL PARKER.

Attest:

S. M. DICKINSON, *Private Secretary.*

A Proclamation by the Governor of New Jersey, July twenty-eighth, eighteen hundred and sixty-three.

Right to give thanks. It is right publicly to give thanks to Almighty God, for the victories recently vouchsafed to the armies of the United States; and in the midst of thanksgiving to remember in prayer, those who have been bereaved through the casualties of war.

Duties of a Christian people. It is right for a Christian people to invoke the Holy Spirit to change the hearts of their enemies, and also to guide with wisdom the counsels of their own government, to the end that the Union of the States may be maintained, the Constitution preserved, and peace and prosperity speedily established;

Day of thanksgiving. Therefore, I recommend that the people of the state of New Jersey observe by thanksgiving and prayer, in their usual places of public worship, the day designated for that purpose by the President of the United States, to wit: Thurs-

day, the sixth day of August, eighteen hundred and sixty-three.

Given under my hand and privy seal, at Trenton, [L. S.] this twenty-eighth day of July, Anno Domini one thousand eight hundred and sixty-three.

JOEL PARKER.

Attest:

S. M. DICKINSON, *Private Secretary.*

A Proclamation by the Governor, October twenty-second, eighteen hundred and sixty-three.

Three hundred thousand men called for

The president of the United States has issued a proclamation calling upon the governors of the different states to raise and have enlisted into the United States service their respective quotas of three hundred thousand men, to serve for a term not exceeding three years. The president has also proclaimed that, if any state shall fail to raise the quota assigned to it by the war department, a draft for the deficiency will be made, commencing on the fifth day of January, Anno Domini eighteen hundred and sixty-four. The quota of the state of New Jersey under said call has been assigned as nine thousand, four hundred and forty one. The quota of each township and ward will be speedily published by the adjutant general. Credits for volunteers on said quota will be given to the respective townships and wards until the fourth day of January, eighteen hundred and sixty-four.

Quota 9,441.

No draft.

No draft will be made for the deficiency of the eight thousand seven hundred and eighty-three men assigned to this state in July last, (and to fill which I called for volunteers, by proclamation dated July twenty-seventh, eighteen hundred and sixty-three,) before the fifth day of January, eighteen hundred and sixty-four, and credits for volunteers on that call will also be given to the several townships and wards where deficiencies exist in their respective quotas, heretofore published by the adjutant general of the state, until the fourth day of January eighteen hundred and sixty-four. Therefore, the draft announced by the president to commence (in case of failure to furnish volunteers,) on the fifth day of January next, will be for the entire deficiency of any township or ward.

Call upon citizens to raise troops.

I earnestly call upon all citizens of this state to use every effort to raise these troops. The time for work is short, but if the people of New Jersey, who have never faltered in the discharge of duty, will, unitedly, and in the proper spirit, at once enter upon it, with the determination not to fail, they will succeed.

Our armies should be largely reinforced. A crushing blow at the armed power of the rebellion, if followed by wise, just and conciliatory counsels, will open the door to that peace which we so much desire, and which has thus far eluded us.

The people, amidst many discouraging circumstances, nobly responded to my former call for volunteers. Whatever may be the result of this appeal, the events of the past few months have reflected additional honor on our beloved state. I have confidence that the people will again respond and fill with volunteers not only our quota of the new call, but also the small existing deficiency.

Approval of former action.

I here repeat the request formerly made to the citizens of this state, to aid the raising of men by the bestowment of bounties, either individually or through the municipal authorities. It is true that a response to this request involves the expenditure of large sums of money, but every man must expect that a war of such magnitude as that in which we are engaged, to be ended speedily, requires pecuniary sacrifice. If war is to be prosecuted, it is economy to bring into the field a large preponderance of power, rather than feed its insatiate appetite by piecemeal. We should be prepared to make great sacrifices, if, by so doing, we can save the Union.

The general government offers largely increased bounties, of which the details will be announced by the adjutant general of the state.

Given under my hand and privy seal, at Trenton, this
[L. S.] twenty-second day of October, Anno Domini one thousand eight hundred and sixty-three.

JOEL PARKER.

Attest:

S. M. DICKINSON, *Private Secretary.*

A Proclamation by the Governor of New Jersey, November seventh, eighteen hundred and sixty-three.

God, who notices even the falling of a sparrow, also rules in the affairs of nations. To His mercy we are indebted for the many blessings which continually surround us as individuals and as a peop'e. Public acknowledgment of His providence should frequently be made by thanksgiving, praise and prayer. Acknowledgment of God's providence.

Moved by these considerations, I, Joel Parker, governor of the state of New Jersey, do hereby, in accordance with the custom in this state, recommend to the people the last Thursday of November, anno domini eighteen hundred and sixty-three, as a day for public thanksgiving and prayer to Almighty God. Day of thanksgiving.

Let us thank God for abundant harvests; Duties enjoined.

Let us thank Him for preserving us from pestilence;

Let us thank Him that order has been maintained, and the laws respected and obeyed within our borders;

Let us thank Him for victories achieved by the armies of the nation;

Let us thank Him for the manifold mercies and blessings He has freely bestowed upon us; for life and health; for Christian institutions and privileges; for his revealed Word; and especially for the gift of His Son, the Saviour of the World, who continually maketh intercession for us.

While we offer thanks, let us also pray that God will give us hearts to pity and relieve the poor; that He will give consolation to the widow and orphan, who sorrow for the heroic dead; that He will preserve in safety our brave soldiers in the field; that He will soon remove the rod of our chastisement; that He will give wisdom to those in authority; that He will change the hearts of our enemies, and so order events that peace may be speedily restored, and the now discordant sections of the nation be again united.

Given under my hand and privy seal, at Trenton, this [L. S.] seventh day of November, Anno D omini one thousand eight hundred and sixty-three.

JOEL PARKER.

Attest:

S. M. DICKINSON, *Private Secretary.*

Proclamation by the Governor, February tenth, eighteen hundred and sixty-four.

Quota 16,759.

The quota of New Jersey, under the late call of the president for five hundred thousand men, is sixteen thousand seven hundred and fifty-nine. Upon this quota will be credited and deducted all volunteers from this state who have been mustered into the United States' service, since the first day of June, eighteen hundred and sixty-three, and also all who shall be so mustered, prior to the first day of March, eighteen hundred and sixty-four. More than ten thousand (10,000) men have been already recruited on account of this quota.

What sub-districts not liable to draft.

The sub-districts that have raised the quotas assigned them in the General Orders issued from the office of the adjutant-general of this state, under my proclamations of the twenty-seventh day of July, eighteen hundred and sixty-three, and the twenty-second day of October, eighteen hundred and sixty-three, are not liable to the draft ordered to be made on the tenth day of March next.

Deficiency to be announced.

By referring to previous publications of quotas, the deficiency of the various sub-districts not yet exempt will be very nearly ascertained. The adjutant-general will announce the exact deficiency as soon as possible.

Bounties.

The government bounty of three hundred dollars, for new recruits, and four hundred dollars for veterans, will not be paid after the expiration of the present month.

I earnestly call upon the people of those townships and wards where deficiencies exist, to devote all their energies to filling their respective quotas, before the large government bounties now offered are withdrawn.

Believing that the people of New Jersey desired to avoid a draft, I have labored to give them the opportunity to furnish volunteers. The greater part of the state is already exempt. There is yet time for each township and ward to fill its entire quota, if the people will be earnest in the effort. The advantages of such action, especially to the laboring classes, have been more than once presented. I can add but little to the appeals already made, I leave the subject with the people, in confidence that their response will be such as will gladden the heart of every Jerseyman.

Given under my hand and privy seal, at Trenton,
[L. S.] this tenth day of February, A. D. one thousand eight hundred and sixty-four.

JOEL PARKER.

Attest:
S. M. DICKINSON, *Private Secretary.*

A Proclamation by the Governor of New Jersey, March twenty-third, eighteen hundred and sixty-four.

Additional call for two hundred thousand men.

The president of the United States, in general orders, number one hundred, has made an additional call for two hundred thousand men for the army, navy and marine corps of the United States. The quota of the state of New Jersey under said call, by an assignment of the war department this day furnished me, is six thousand seven hundred and four. The adjutant general of this state will, as soon as possible, publish the exact quotas of sub-districts, which will be about two-fifths of those published in general order, number one, from the office of the adjutant general of this state, dated February twentieth, eighteen hundred and sixty-four.

Quota 6,704.

Accounts of credits and deficiencies taken.

The president announces that an account will be taken of credits and deficiencies of former quotas, and that unless the quotas on this call and the deficiency on former quotas is filled by voluntary enlistments, by the 15th of April next, a draft will be commenced as soon after that day as practicable.

On and after April first, eighteen hundred and sixty-four, only one hundred dollars government bounty will be paid.

Given under my hand and privy seal, at Trenton, this
[L. S.] twenty-third day of March, Anno Domini eighteen hundred and sixty four.

JOEL PARKER.

Attest:
S. M. DICKINSON, *Private Secretary.*

Proclamation by the Governor of the State of New Jersey, May sixteenth, eighteen hundred and sixty-four.

Call for militia. The president of the United States desires me to raise immediately all the militia force I can, upon the following terms:

Term of service. 1. The term of service to be one hundred days (reckoning from the date of muster into the United States service), unless sooner discharged.

Troops to be infantry. 2. The troops to be infantry exclusively; to be organized according to the present regulations of the war department, and to be mustered into the United States service by regiments, the whole number to be furnished within fifteen days from this date.

How armed, &c. 3. The troops to be clothed, armed, equipped, subsisted, transported and paid as other United States infantry volunteers, and to serve in fortifications or wherever their services may be required, within or without the state.

No bounty. 4. No bounty to be paid the troops, nor the services to be charged or credited upon any draft. Any person in this special service who shall be drafted will receive credit for the service rendered.

Jerseymen, your brothers in the field have nobly sustained the honor of our state in the recent sanguinary battles. You have commended their valor and rejoiced over their victories; but they need something more than words of praise. Will you not for a brief period deny yourselves the comforts of home, and, by temporary service, enable them to achieve further victories? Prompt action is necessary, as it is desired to forward at least five regiments as soon as possible. The services of existing regiments or companies of the active militia will be accepted, and authority will be given to raise new companies upon application through the office of the adjutant general of the state.

Given under my hand and privy seal, at Trenton, this
[L. S.] sixteenth day of May, Anno Domini one thousand eight hundred and sixty-four.

JOEL PARKER.

Attest:

S. M. DICKINSON, *Private Secretary*.

Proclamation by the Governor, July twelfth, eighteen hundred and sixty-four.

A call expected.

I have been expecting a call from the president of the United States, or a request from the governor of the state now invaded by the rebels for troops, to aid in driving back the invaders. Not having received such call or request, I assume that the authorities near the scene of action believe that they have sufficient force at their command to meet the emergency. I, however view the expedition as more serious than an ordinary raid. A battle has been fought within a few miles of Baltimore, and our forces (composed in part of veteran troops) have been driven back. Intelligence has been received that the railway between Philadelphia and Baltimore has been cut, and communication between the east and Washington interrupted. The National Capital is seriously threatened.

Call to organize.

Although New Jersey has not been officially called upon for troops in this emergency, yet regarding the danger as imminent, I call upon the citizens of this state to organize immediately into companies and report to the adjutant general of the state for thirty days service in Pennsylvania, Maryland or the District of Columbia.

Given under my hand and privy seal at Trenton, this
[L. S.] twelfth day of July, Anno Domini eighteen hundred and sixty-four.

JOEL PARKER.

Attest:
S. M. DICKINSON, *Private Secretary.*

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