ACTS

ACCESSION NO. 33033

OF THE RECEIVED

CATALOGUED

NINETY-NINTH LEGISLATURE

OF THE

State of New Jersey,

AND

THIRTY-FIRST UNDER THE NEW CONSTITUTION.



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HENRY C. KELSEY,
Secretary of State.

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OF THE

Ninety-Ninth Legislature of New Jersey.

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General Public Laws.

GENERAL PUBLIC ACTS

PASSED BY THE

NINETY-NINTH LEGISLATURE.

CHAPTER XV.

Supplement to the act entitled "An Act for the instruction and maintenance of indigent deaf and dumb, blind, and feeble minded persons, inhabitants of this State."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any person entitled to the benefits of this act, and who shall have been in any institution for the term of eight years, shall make application to the governor, endorsed by the principal of such institution, for an extension of term, such application can be granted, and the term of years shall be left to the discretion of the governor. Extension of term may be granted.

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

JOHN W. TAYLOR,
President of the Senate,

GEORGE O. VANDERBILT,
Speaker of the House of Assembly,

Approved February 9, 1875.

JOSEPH D. BEDLE,
Governor.

CHAPTER XVI.

A Further Supplement to an act entitled "An Act to authorize the establishment and to prescribe the duties of companies for manufacturing and other purposes," approved March second, eighteen hundred and forty-nine.

Provisions extended to co-operative associations.

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 shall be held to extend to persons who associate together for the purpose of establishing co-operative stores, to carry on the trade or trades of general and retail dealers in all kinds of goods and merchandise, both manufactured articles and products of the soil, including meats, minerals, implements, machinery and fertilizers.

May establish branch stores.

2. *And be it enacted*, That all companies that shall or may be established under this act, for the purposes aforesaid, shall have the power to establish branch stores.

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

Approved February 10, 1875.

CHAPTER XXV.

A Further Supplement to an act entitled "An Act for the relief of persons imprisoned on civil process," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Discharge of prisoner.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any person shall be imprisoned by virtue of any order, writ, or process made

by or issued [out] of the court of common pleas, the court making such order, or out of which said writ or process has issued, is hereby authorized to discharge the person so imprisoned at the discretion of said court, whenever, in the judgment of said court, the ends of justice require such discharge; *provided*, that when such imprisonment shall be legal no order for the discharge of the person so imprisoned shall be made, unless the president judge of the said court shall be present and consent thereto. Proviso.

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

Approved February 16, 1875.

CHAPTER XXVI.

An act to confirm acknowledgments and proofs of deeds, mortgages and other instruments of writing taken by Frederick R. Anderson.

WHEREAS, it appears to the legislature that Frederick R. Anderson was duly appointed by the governor of this state, a commissioner for the state of New York, at the city of New York, to take the acknowledgments and proof of deeds and mortgages of lands lying in this state, and any other instruments in writing under hand and seal required by the laws of this state, to be acknowledged or proved, and that the said Frederick R. Anderson inadvertantly continued to take acknowledgment and proof of deeds, mortgages and other written instruments as such commissioner after the expiration of the term of his commission, by reason of which such acknowledgments and proofs are defective, and innocent persons may be subjected to loss; therefore, for the remedy of the same, Preamble.

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 Frederick R. Acknowledgments, &c., to be valid.

Anderson 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 proof shall have the same validity and effect as if the said Frederick R. Anderson 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 February 16, 1875.

CHAPTER XXXII.

An act relating to the Revised Statutes of this State.

Preamble.

WHEREAS, An act entitled "An Act to provide for the revision and consolidation of the public statutes of this state," approved April fourth, one thousand eight hundred and seventy-one, designated Mercer Beasley, Cortland Parker and David A. Depue, commissioners "to revise, simplify, arrange and consolidate all the public acts of the legislature of this state which are general and permanent in their nature;" and whereas, the said commissioners presented to the legislature at the session of one thousand eight hundred and seventy-four a portion of the revision so provided for, which portion was adopted by the legislature, approved by the governor, and ordered to take effect on the first day of January, one thousand eight hundred and seventy-five; and whereas, no provision having been made by law for the publication of any portion of said revision before the whole was completed, the governor of the state, at the request of the said commissioners and with the advice of the attorney-general and the comptroller of the treasury, ordered one thousand copies of the said completed portion to be printed, in view of the imperative necessity that existed for their publication; therefore

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That the volume designated "revised statutes of New Jersey, printed by order of the governor," shall be received in evidence, before any court in this state. "Revised statutes printed by order of the governor," to be received in evidence

2. *And be it enacted,* That for the purpose of paying the bills for paper, composition, press work, freight and incidental expenses attending the printing of one thousand volumes of the said revised statutes, there is hereby appropriated the sum of three thousand dollars, or so much thereof as may be necessary; and the comptroller is hereby directed to draw his warrants upon the treasury for the amount of such bills (not exceeding the aforesaid sum of three thousand dollars) on the presentation and approval of proper vouchers. Appropriation for payment of expenses of printing, &c.

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

Approved February 17, 1875.

CHAPTER XXXIII.

A Further Supplement to the act entitled "An Act for the better enforcement in Maurice River Cove and Delaware Bay, of the act entitled 'An Act for the preservation of clams and oysters,' approved April fourteenth, eighteen hundred and forty-six, and of the supplements thereto."

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 catch or assist in catching oysters in Maurice River Cove, or on any planting ground or grounds in the waters of Delaware Bay, before sunrise or after sunset, and any person or persons so offending, shall, for every such offence, forfeit and pay the sum of fifty dollars, to be recovered, with costs, in an action of Declared unlawful to catch or assist in catching oysters, before sunrise or after sunset. Penalty.

debt, by any person who shall sue for the same in any court in this state having cognizance of that sum, one half of the said fine to be added to the oyster fund provided for in the act to which this is a supplement, and the other half to go to the person who shall sue for the same.

Special officer may arrest any person or persons found stealing oysters in certain waters.

2. *And be it enacted*, That the special officer created by the act to which this a supplement, shall have full power to seize and arrest any person or persons found stealing oysters in Maurice River Cove or Delaware Bay, or from the banks in Maurice River, or in any of the rivers or creeks of Cumberland county, and any person or persons convicted of such offence, shall, for every bushel of oysters found in his or their possession, pay the sum of one dollar and fifty cents, and shall also, for every such offence, forfeit and pay the sum of one hundred dollars, to be recovered, with costs, in an action of debt, by any person or persons who shall sue for the same in any court in this state having cognizance of that sum; one half of said fine to be added to the oyster fund provided for by the act to which this is a supplement, and the other half to the person who shall sue for the same.

Penalty.

Oyster beds not to be occupied for planting oysters, nor be dredged upon.

3. *And be it enacted*, That the natural oyster beds in Maurice River Cove and Delaware Bay, known severally as the East Point beds, Andrew's ditch beds, the Pepper beds and the Ballast beds, and the beds that fall bare at low tide, shall not be occupied for planting oysters, nor be dredged upon, nor shall oysters be taken from the said beds, nor from any of the rivers or creeks of Cumberland county for the purpose of planting (but all citizens of this state shall have free access to them to catch oysters for their own use); and any person or persons so offending, shall, for every such offence, forfeit and pay the sum of fifty dollars, to be recovered, with costs, in an action of debt, by any person who shall sue for the same in any court of this state having cognizance of that sum; one half of the said fine to be added to the oyster fund provided for in the act to which this is a supplement, and the other half to go to the person who shall sue for the same.

Penalty.

Time and place of annual meeting for election of officers.

4. *And be it enacted*, That the annual meeting for the election of officers as directed in the act to which this is a supplement, shall be held at the town hall in the village

of Port Norris, in the county of Cumberland, between the hours of nine o'clock in the morning and two o'clock in the afternoon, on the first Tuesday of March, one thousand eight hundred and seventy-five, and annually thereafter at the same place and on the same day of the month.

Election of an auditing committee.

5. *And be it enacted*, That at the next annual meeting to be held as aforesaid, there shall be elected a committee, consisting of five, to be called the auditing committee, whose duty it shall be to examine and audit the accounts and vouchers of the collector of the oyster fund and make reports thereon at each annual meeting.

Repealer.

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

Approved February 18, 1875.

CHAPTER LIII.

A Further Supplement to an act entitled "An Act to regulate the sales of real estate made under a public statute or the direction of a court," approved April fifteenth, eighteen hundred and forty-six.

Provisions of supplemental 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 "A supplement to an act entitled an act to regulate sales of real estate, made under a public statute or the direction of a court," which supplement was approved March twenty-ninth, eighteen hundred and seventy-one, are hereby extended to all sales made before the passage of this act.

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

Approved February 24, 1875.

CHAPTER LIV.

A Further Supplement to an act entitled "An Act relative to the sale and disposition of the real estate of infants," [revision] approved March twenty-seventh, eighteen hundred and seventy-four.

Rent charge and rent reserved on any conveyance of land in fee, &c. to be included in word "lands," and words "real estate."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the word "lands" and the words "real estate," wherever they occur in the act to which this is a supplement, and in any and every supplement to said act, shall embrace and include, and shall be deemed to embrace and include any and every rent charge, and any and every rent reserved on any conveyance of land in fee simple, heretofore made or hereafter to be made; and any and every rent granted out of any lands by deed, heretofore made or hereafter to be made.

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

Approved February 24, 1875.

CHAPTER LV.

A Supplement to the act entitled "An Act for the relief of persons imprisoned on civil process;" [revision] approved March twenty-seventh, eighteen hundred and seventy-four.

Proceedings on petition for discharge, as an insolvent debtor.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if upon the hearing before the court of common pleas of any county in this state, of the application and petition of any person for the benefit of the insolvent laws of this state, and for his discharge as an insolvent debtor, under the provisions of the said

act to which this is a supplement, or of the act entitled "An Act for the relief of persons imprisoned on civil process," approved April sixteenth, eighteen hundred and forty-six, or of any supplement thereto, the said court shall fail or refuse, for any reason, to discharge such person as an insolvent debtor, as provided in said laws, and such person upon such refusal, shall surrender himself immediately to the sheriff or keeper of the jail of said county, it shall be lawful for such person thereupon to make out and deliver to such sheriff or keeper a new inventory and a new bond as and in the manner, and of the tenor and effect mentioned in the second section of the said act to which this is a supplement; whereupon such person shall be discharged from the custody of such sheriff or keeeper; and he shall be entitled to make a new application to said court for his discharge under the said act, and the same proceedings shall be had for that purpose, as fully and effectually as if no previous application had been made.

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

Approved February 25, 1875.

CHAPTER LXIX.

An Act to fix the quorum of the board of trustees of the state normal school and of the state board of education.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That a quorum of the board of trustees of the state normal school shall consist of six members, and that a quorum of the state board of education shall consist of eight members. Quorum.

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

Approved March 2, 1875.

CHAPTER LXXVI.

A Supplement to an act passed November twenty-fourth, one thousand seven hundred and ninety-four, entitled "An Act to prevent the burning of woods, marshes and meadows."

Justices of the peace, constables, overseers of highways, &c., tenants and agents may order inhabitants to assist in extinguishing or stopping progress of fires.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when the woods, marshes or meadows in any part of this state shall be on fire, the justices of the peace, the constables and the overseers of the highways, residing in the vicinity of said fire, and the owner or owners of such woods, marshes and meadows, their tenants, agents, superintendents, watchmen, and person or persons in charge of the same shall, and they are hereby severally authorized, required and empowered, forthwith, to order such and so many of the inhabitants within their respective jurisdictions, or residing in the vicinity of said fire, as they shall severally deem necessary, to repair to the place where such fire shall prevail, and there to assist in extinguishing or stopping the progress of the same, and if any person so ordered to assist in manner aforesaid, by either one of the persons above named, shall refuse or neglect to comply with such order, he shall forfeit and pay five dollars for every refusal or neglect to obey such order, to be recovered by action of debt, with costs of suit, by the owner or owners of such woods, marshes or meadows before any justice of the peace of the county where such order or notice has been given, and the oath or affirmation of the person who shall give such order or notice, shall be sufficient evidence whereon to convict such offender, and the forfeiture so recovered shall be applied as a reward to such person or persons as the officers aforesaid, or the major part of them shall deem best entitled thereto for superior exertion at the extinguishment or in stopping the progress of such fires.

Penalty for refusal to obey orders.

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

Passed March 3, 1875.

CHAPTER LXXXVI.

A Further Supplement to the act entitled "An Act respecting conveyances," [revision,] approved March twenty-seventh, one thousand eight hundred and seventy-four.

Commissioners may reside in the state of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any commissioner for the state of New Jersey, in and for the states of Pennsylvania and New York heretofore appointed, or who may hereafter be appointed, under and in pursuance of said act, and the several supplements thereto, to reside in the state of New Jersey; but nothing in this act shall be so construed as to empower such commissioner to exercise the duties of his office outside the states of Pennsylvania and New York; and the acts of any such commissioner who may have resided in the state of New Jersey during his term of office, or any part thereof, or who may hereafter reside in New Jersey, shall be as valid and effectual in law, as if he had during such time resided in the states of Pennsylvania and New York.

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

Approved March 9, 1875.

CHAPTER LXXXVII.

A Further Supplement to an act entitled "An Act to provide a digest of the law and equity reports of the state of New Jersey," approved April ninth, eighteen hundred and sixty-seven.

Treasurer directed to pay for copies of digest.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That upon the delivery hereafter to the treasurer of copies of either of the volumes of the digest prepared by Bennington F. Randolph, well bound and in good condition, the copies so delivered shall be paid for, notwithstanding the time heretofore limited for delivery thereof has expired, and without complying with any other requirements or conditions in the said act or any supplement thereto; *provided*, that the size and price of each volume, and number of volumes, and number of copies of said digest delivered shall be as heretofore authorized.

Proviso.

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

Approved March 9, 1875.

CHAPTER LXXXVIII.

A Supplement to an act entitled "An Act to provide for the compilation and publication of an index of all the public laws of this state," approved April third, eighteen hundred and seventy-three.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the first section of the act entitled "An Act to provide for the compila-

tion and publication of an index of all the public laws of this state," approved April third, eighteen hundred and seventy-three, as provides for the compilation and publication, among others, of a complete index of the public laws, passed by the colonial government of this state, be and the same is hereby repealed, so that the said section shall only provide for the compilation and publication of a complete index of all the public laws of this state.

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

Approved March 9, 1875.

CHAPTER XCVI.

A Further Supplement to the act entitled "An Act to provide additional accommodations for the insane of this state," approved March thirty-first, one thousand eight hundred and seventy-one.

Amount of additional appropriation for new asylum buildings.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That in order to enable the commissioners appointed under said original act and the supplement thereto, approved March twenty-sixth, one thousand eight hundred and seventy-four, to continue the erection, construction, furnishing and completion of said asylum buildings, grounds and appurtenances, and to make the same ready for the reception of patients, and to further discharge the trust committed to them, the sum of nine hundred thousand dollars be and the same is hereby appropriated, to be paid by the treasurer of the state out of any funds in the treasury not otherwise appropriated at any time during this session or necessary for the current expenses of the state, and in case of a deficiency in the treasury to meet the whole appropriation, the said appropriation to be qualified accordingly on warrant of the comptroller, which shall be drawn on the requisition of the said commissioners.

Name and title.

2. *And be it enacted*, That the asylum now in the course of construction and completion by the aforesaid commissioners, shall be known by the name, style and title of "The State Asylum for the Insane at Morristown, New Jersey," and that for the purpose of organizing the details connected with the opening of said asylum, and for the purpose of opening the same for the admission of patients as soon as practicable, the aforesaid commissioners are hereby constituted a board of managers for said asylum, until otherwise ordered, with all the powers and authority given by law to the managers of the New Jersey State Lunatic Asylum," and that the said "The State Asylum for the Insane at Morristown, New Jersey," shall, in all matters relating to the admission, treatment, continuance, and discharge of patients in and from the same, be subject to all the laws now in force relative to the said "New Jersey State Lunatic Asylum."

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

Approved March 10, 1875.

CHAPTER CI.

A Further Supplement to the act entitled "An Act to authorize the establishment, and to prescribe the duties of companies for manufacturing and other purposes," approved March second, one thousand eight hundred and forty-nine.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section twenty-four of the act to which this is a supplement, be and the same is hereby repealed.

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

Approved March 11, 1875.

CHAPTER CII.

A Supplement to the act entitled "An Act relative to sales of lands under a public statute, or by virtue of any judicial proceeding," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter one of the newspapers required to be designated by the act to which this is a supplement, for the publication of advertisements of sales and of adjournments thereof may be printed and published in the German language; or the officer having charge of any sale of real estate, may, in addition to the publication required by the act to which this is a further supplement, select a newspaper printed in the German language, circulating in the neighborhood of the property to be sold, whenever the sale, in his opinion, will be promoted by the publication of the advertisement thereof in said newspaper. Advertisements of sales, &c., may be printed and published in the German language.

2. *And be it enacted*, That the same fees shall be allowed and paid for the publications under this act as in other cases, and this act shall take effect immediately. Fees.

Approved March 11, 1875.

CHAPTER CIII.

An Act for the support of the State Reform School for Boys.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of twenty-five thousand dollars is hereby appropriated for the maintenance and support of the Reform School for Boys. Appropriation for Reform School.

Appropriation to build workshop.

2. *And be it enacted*, That for the erection of a workshop and for the necessary improvement and repairs of other buildings, the further sum of five thousand dollars is hereby appropriated.

How paid.

3. *And be it enacted*, That the treasurer of the state is hereby directed to pay to the trustees of the school the aforesaid sums on warrant of the comptroller.

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

Approved March 11, 1875.

CHAPTER CXIII.

An Act to define the powers of Legislative Committees of Investigation.

Committees empowered to compel attendance of witnesses.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any joint committee of the legislature, any standing committee of either house, or any special committee which shall have been or may be by resolution, directed to enter upon any investigation or inquiry, the pursuit of which shall necessitate sending for persons and papers and the examination of witnesses, shall have power to compel the attendance before them of such person or persons as they may deem necessary and proper, to testify in the matter under investigation, and any member of said committee may swear any person who shall come to testify before said committee; and any person who shall have been so sworn, and who shall swear falsely shall be guilty of perjury; and said committee shall be authorized to employ such legal and clerical assistance as they may deem necessary; and the treasurer of this state is hereby authorized and directed

Expenses, how paid.

to pay, upon the warrant of the comptroller, such fees and compensation for the above named purposes, and for the expenses of the sergeant-at-arms in the execution of the warrant mentioned in section two of this act, as shall be certified to as correct and necessary by the chairman of the

committee, under whose authority and by whose order such expenses shall have been incurred; *provided*, such certificate be first approved by the governor. Proviso.

2. *And be it enacted*, That if any person or persons shall be summoned in writing, by order of any such committee, to testify before it and shall refuse or neglect to obey said summons, it shall be lawful for the speaker of the house of assembly or the president of the senate, upon application to him, by warrant under his hand, to order the sergeant-at-arms of the house over which he shall preside to arrest such person or persons and bring him, her, or them before said committee; and it shall be the duty of the sergeant-at-arms to whom such warrant shall be directed to execute the same. May issue warrant of arrest.

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

Approved March 11, 1875.

CHAPTER CXXXVII.

An Act to repeal acts relative to the publication of laws in the newspapers of this State.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all acts and parts of acts in anywise authorizing or directing the laws of each session of the legislature to be printed in the newspapers of this State be and the same are hereby repealed. Repealer.

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

Approved March 16, 1875.

CHAPTER CXXXVIII.

An Act authorizing the cession of jurisdiction and conveyance of lands of this state, under tidal waters, to the United States, to be used as sites for light houses, beacons, and other aids to navigation.

Governor empowered to convey title, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That whenever the United States desires to acquire title to land belonging to this state, and covered by tidal waters, for the site of a light house, beacon, or other aid to navigation, and application is made by a duly authorized agent of the United States, describing the site required for one of the purposes aforesaid, then the governor of this state is authorized and empowered to cause the riparian commissioners to make a survey of the lands required for that purpose, and report the same to him with maps and descriptions, and the governor shall convey the title of said lands to the United States, upon such terms and conditions as may be agreed upon, and shall cede to the United States jurisdiction over the same; *provided,* that no single tract conveyed shall contain more than ten acres; and that the state shall retain concurrent jurisdiction over the same, so that all process, civil or criminal, issuing under the authority of this state, may be executed by the proper officers thereof, upon any person or persons amenable to the same, within the limits of land so ceded, in like manner, and to like effect, as if this act had never been passed;

Proviso.

also provided, that no part of such lands shall be used for quarantine purposes; *and provided further,* that if the United States shall at any time cease to use said lands for any of the purposes aforesaid, the same shall revert and again become the property of this state.

Proviso.

Proviso.

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

Approved March 16, 1875.

CHAPTER CXXXIX.

An Act repealing sections one and two of an act entitled a supplement to the act entitled "An Act to make free the public schools of the state," and supplemental to the act entitled "An Act to establish a system of public instruction," approved March twenty-first, one thousand eight hundred and sixty-seven, approved March twenty-first, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That sections one and two of an act entitled a supplement to the act entitled "An Act to make free the public schools of the state," and supplemental to the act entitled "An Act to establish a system of public instruction," approved March twenty-first, one thousand eight hundred and sixty-seven, which said supplement was approved the twenty-first day of March, one thousand eight hundred and seventy-four, be and the same is hereby repealed. Repealer.

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

Approved March 17, 1875.

CHAPTER CXL.

An Act to authorize citizens of this state to take apprentices bound to them outside of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That citizens of this state may take and enter into indentures executed outside of this state whereby minors are bound to them to serve in this state, and that in all such cases parties binding said minors, and the Citizens of this state authorized to take apprentices bound to them, outside of this state.

masters or mistresses of said apprentices, and said apprentices shall be entitled to the same remedies against each other as if the said indentures had been duly executed in this state.

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

Approved March 17, 1875.

CHAPTER CXLI.

A Supplement to an act entitled "An Act to amend and consolidate the several acts relating to Game and Game Fish," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Preamble. WHEREAS, doubts exist as to the meaning of the sixteenth and twentieth sections of said act, therefore,

Where set lines may be placed. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any person or persons to place set lines for the taking of fish in the waters of the Delaware river, north of Reiglesville Delaware bridge; anything in the act to which this is a supplement to the contrary notwithstanding.

Repealer. 2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed, and this act shall be deemed and taken to be a public act, and shall effect immediately.

Approved March 17, 1875.

CHAPTER CXLII.

A Supplement to an act entitled "An Act constituting Courts for the trial of Small Causes," approved March twenty-seventh one thousand eight hundred and seventy-four.

Justices of the peace whose term of office has expired, may determine any cause undetermined before him, and grant appeal.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any justice of the peace whose term of office has expired or may hereafter expire, or who has resigned or may hereafter resign, to proceed to the investigation and determination to judgment of any cause then undetermined before him, and it shall be the duty of every such justice to grant, when demanded, an appeal from any such judgment, and also from the judgment by him rendered in any cause theretofore brought before him, and also to make return to all writs, orders or rules to him directed issuing out of any court in this state, in the same manner and as fully as though his commission had not expired or he had not resigned.

May issue writs to revive unsatisfied judgments.

2. *And be it enacted*, That every such justice shall and may, when required so to do, issue writs of scire facias to revive any judgment then remaining unsatisfied upon his docket or dockets, and to issue all and any final process of execution upon any such judgment so revived, or upon any other judgment then remaining unsatisfied as aforesaid; and such writs and process shall be returnable before such justice, and shall have the same force and effect and be liable to the same legal objections as though the said justice was still in commission; *provided*, that the docket or dockets of such justice then remain lawfully in his possession.

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

Approved March 17, 1875.

CHAPTER CXLIII.

A Supplement to an act entitled "An Act concerning Mortgages [revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Fees for registering mortgages.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, the clerks and registers of the several counties of this state shall charge the sum of seventy-five cents for the registration of each and every mortgage by them registered.

Repealer.

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

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

Approved March 17, 1875.

CHAPTER CXLIV.

A Further Supplement to "An Act to incorporate Trustees of Religious Societies," approved April seventeenth, one thousand eight hundred and forty-six.

Provisions of original act extended to Reformed Episcopal Church.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act to which this is a supplement, and the supplements thereto, with all the penalties, privileges, and advantages thereof, shall be, and they are hereby extended to and for the benefit of any religious society, or church, designating itself as the Reformed Episcopal Church, and that any religious society or church so designating itself, shall further have extended to it all the rights, privileges and

advantages by said act accorded to the Protestant Episcopal Church of this state, as set forth in sections twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth, thirtieth, thirty-first, thirty-second, thirty-third, thirty-fourth, and thirty-fifth of said act.

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

Approved March 17, 1875.

CHAPTER CLXXII.

An Act to provide for an investigation into the origin of fires.

Coroner, sheriff, or justice of the peace, shall make investigation in affidavit of a creditable witness.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever it shall be made to appear by the affidavit of a creditable witness, that there is ground to believe that any building has been maliciously set on fire or attempted to be, any coroner, sheriff or justice of the peace of the county in which such crime is supposed to have been committed, to whom such affidavit shall be delivered, and who shall be requested by the president, secretary or agent of any insurance company, to investigate the truth of such belief, shall do so forthwith.

General powers.

2. *And be it enacted*, That for the purpose of such investigation, such officers shall possess all the powers now conferred by law upon coroners, in regard to inquests upon dead bodies.

Jury to be sworn, and hear testimony.

3. *And be it enacted*, That the jury, after being duly sworn, shall, with the officer holding the investigation, inspect the place where the fire was, or was attempted, and shall hear the testimony, and after so doing, shall deliver to the officer holding such investigation, their inquisition in writing, signed by them, in which they shall find and certify how and in what manner such fire happened or was attempted, and all the circumstances attending the same, and who was or were guilty thereof,

either as principal or accessory, and in what manner; if the jury are unable to ascertain the origin or circumstances of such fire, they shall find and certify accordingly.

Officer holding investigation shall have power to issue process for arrest of party charged.

4. *And be it enacted,* That if the jury find that any building has been designedly set on fire, or has been attempted so to be, the officer holding such investigation, shall have power to issue process for the arrest of the party charged with such offense, and to commit him to await the action thereon of the next grand jury of that county; *provided,* he be not already in custody; and shall also have power, when in his judgment necessary, to bind over the witnesses to appear and testify at the next criminal court of said county.

Proviso.

Powers of officer issuing process.

5. *And be it enacted,* That the officer issuing such process, shall have the same power to examine the party arrested as is now possessed by justices of the peace in criminal arrests, and shall proceed in like manner.

Testimony shall be reduced to writing.

6. *And be it enacted,* That the testimony of all witnesses examined before the jury under this law, shall be reduced to writing, by or under the direction of the officer holding the investigation, and shall be returned by him, together with the inquisition of the jury, and all recognizances and examinations taken under his hand and seal, to the next criminal court of record to be held in said county.

Costs and expenses, how paid.

7. *And be it enacted,* That the costs and expenses of such investigation shall be ascertained and taxed in the same manner as it is now provided by law for like services by coroners when holding inquests upon dead bodies, and shall be paid by the insurance company whose president, secretary or agent has requested such investigation; and any such officer may, before he proceeds to the business of the inquiry, require of the said insurance company a bond in the sum of one hundred dollars, conditioned for the payment of said fees after the conclusion of said inquest.

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

Approved March 18, 1875.

CHAPTER CLXXIII.

A Further Supplement to 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.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act to which this is a supplement shall be extended to such persons as may associate themselves into a company for the purpose of manufacturing butter and cheese, the purchase and sale of milk, and the business incident thereto. Provisions of act extended.

2. *And be it enacted*, That any company organized for the purpose of manufacturing butter and cheese, and the purchase and sale of milk, organized by virtue of this act, may organize with a capital stock of five thousand dollars, and may commence business with a paid up capital stock of one thousand dollars. Amount of capital under which company may organize.

3. *And be it enacted*, That all companies that may be established under this act shall possess all the general powers given by the act to which this is a supplement. General powers.

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

Approved March 18, 1875.

CHAPTER CLXXIV.

A Further Supplement to an act entitled "An Act to appoint commisioners to erect an addition and make repairs to the State House," approved March thirty-first one thousand eight hundred and seventy-one.

Appropriation for addition and alterations.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners named in the act to which this is a supplement, shall be and they are hereby authorized to make such alterations in the state house as they and the joint committee on public buildings may deem necessary, to enable the several officers of the state government to properly and conveniently transact the business of their several departments; and the necessary amount is hereby appropriated to pay for said alterations, not exceeding the sum of fifteen thousand dollars, for which sum the comptroller of the state shall draw his warrant on the treasurer upon the requisition of the commissioners from time to time, in such amounts as the commissioners may require for the prosecution of the work: *provided, however*, that no alterations as aforesaid shall be made, until the plans, and the contracts for the same shall have been first submitted to the governor, the president of the senate, and the speaker of the house of assembly, and shall have been approved by them; *provided further*, that such contract or contracts shall be awarded to residents of the state of New Jersey.

Proviso.

Proviso.

Accurate accounts to be kept.

2. *And be it enacted*, That the said commissioners shall cause all their accounts in relation to the aforesaid alterations, to be accurately kept and stated; they shall deliver a copy thereof with their vouchers to the comptroller, to be filed in his office and audited according to law.

Vacancies, how filled.

3. *And be it enacted*, That the governor may fill any vacancies that exist, or may hereafter occur in the board of said commissioners.

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

Approved March 18, 1875.

CHAPTER CLXXVII.

Supplement to an act entitled "An Act for regulating Public Shows," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section second of the act to which this is a supplement be amended by striking out the words "three justices of the peace" in the first line before the words "shall have authority," and inserting in the place thereof "any two judges of the court of common pleas;" also, that the word "justices," in the fifth line, be stricken out, and the word "judges" be inserted in the place thereof; also, strike out all words after the word "same" in tenth line of said section. Amendm

2. *And be it enacted*, That section three of the act to which this is a supplement be amended by striking out words "justices of the peace," in third line, and word "justices," in fourth line, and inserting in the place thereof the words "any two judges of the court of common pleas." Amendment.

3. *And be it enacted*, That it shall be the duty of any constable, justice of the peace, or sheriff, to seize and take possession of all the goods and chattels of any person or persons offending against the provisions of this act, and hold the same until the determination of the action of debt mentioned in section fourth of the act to which this is a supplement, and in case the penalty mentioned in said section is not paid, to expose the same to public sale, and out of the proceeds, after deducting the sum of one hundred dollars, and all reasonable costs and charges, to pay over the balance to the owner or owners of the said goods and chattels. Penalty, how collected.

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

Approved March 22, 1875.

CHAPTER CXCV.

A Supplement to the act entitled "An Act respecting Conveyances," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Acknowledgments authorized and legalized.

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

Proviso.

state or territory, which said last named certificate shall have been or be recorded with such deed or conveyance.

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

Approved March 24, 1875.

CHAPTER CCX.

A Supplement to an act passed November twenty-fourth, one thousand seven hundred and ninety-four, entitled "An Act to prevent the burning of woods, marshes and meadows."

Penalty for firing woods, forests, &c.

1. BE IT ENACTED *by the Senate and General Assembly of New Jersey*, That if any person or persons shall burn or smoke out, or attempt to burn or smoke out any squirrel or squirrels, or any animal or species of game whatsoever, in any woods, forests, marshes or meadows, or other lands in this state, belonging to any other person or corporation, or if fire originates from any such burning or smoking as aforesaid, by any person whatsoever, by means of which any other person or corporation shall be damnified in his or her houses, buildings, fences, woods or other property whatsoever, whether the same be enclosed or not, such person or persons so offending in any of the premises aforesaid shall be deemed to be guilty of a misdemeanor, and on conviction thereof shall be punished by fine not exceeding one hundred dollars, or imprisonment at hard labor not exceeding twelve months, or both, at the discretion of the court having jurisdiction thereof (one half of said fine to be paid to the person or persons entering the complaint), and also shall yield and pay double damage to the party injured thereby, to be recovered by action on the case, with cost of suit, in any court having cognizance thereof.

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

Approved March 24, 1875.

CHAPTER CCXI.

A Further Supplement to the act entitled "An Act to incorporate benevolent and charitable associations," approved March ninth, one thousand eight hundred and fifty-three.

Provisions extended to subordinate councils of the Junior Order of American Mechanics.

1. BE IT ENACTED *by the Senate and General Assembly of New Jersey*, That the provisions of the act entitled "An Act to incorporate benevolent and charitable associations," approved March ninth, one thousand eight hundred and fifty-three, excepting the fifth section of said act, shall be, and they are hereby extended to subordinate councils of the Junior Order of American Mechanics, now formed or to be formed; *provided*, that no part of the funds of any council incorporated under this act shall be used for banking purposes.

Proviso.

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

Approved March 24, 1875.

CHAPTER CCXII.

A Supplement to an act entitled "An Act for the prevention of cruelty to animals," approved April first, one thousand eight hundred and seventy-three.

Proceedings may be instituted before any justice of the peace in the county where the offence is cognizable.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the proceedings mentioned in the thirteenth section of the act to which this is a supplement, may be instituted before any justice of the peace in and for the county where the offence or offences is or are cognizable, and such justice shall have competent

jurisdiction for such purpose; and the amount of the forfeiture or penalty so to be recovered as in said section provided for, shall be determined and judgment rendered for the same, in like manner as in actions for the recovery of money or damages in the court for the trial of small causes; and execution may thereupon issue against the body or goods of the defendant; and all proceedings in said section mentioned, shall, except as otherwise specially provided, conform to the course and practice of the court for the trial of small causes.

Member, officer or agent shall have like powers, as if specially deputized by the sheriff.

2. *And be it enacted*, That any member, officer or agent of The New Jersey Society for the Prevention of Cruelty to Animals, may exercise and perform the like powers and duties as of an agent of said society who has been specially deputized by the sheriff of any county in this state.

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

Approved March 25, 1875.

CHAPTER CCXXXV.

An Act concerning the sale of railroads, canals, turnpikes, bridges, and plank roads.

Rights, powers, and restrictions conferred and imposed on purchasers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any railroad, canal, turnpike, bridge, plank road, of any corporation created by or under any law of this state, shall be sold and conveyed, under and by virtue of any process or decree of any court of this state, or the United States, or of any power or authority duly granted or conferred in and by any mortgage or deed in the nature thereof the person or persons for or on whose account such railroad, canal, turnpike, or plank road, may be purchased, shall be and are hereby constituted a body politic and corporate, and shall be vested with all the right, title, interest, property, possession, claim and demand in law and equity, of, in

and to such railroad, canal, turnpike, bridge or plank road, with its appurtenances, with all the rights, powers, immunities, privileges and franchises of the said corporation, which may have been granted to or conferred thereupon by statute or statutes, in force at the time of such sale and conveyance, and subject to all the restrictions imposed upon such corporation by any such act or acts, except so far as the same are modified hereby.

New corporation, how organized.

2. *And be it enacted*, That the person or persons for or on whose account any such railroad, canal, turnpike, bridge, or plank road, may have been purchased, shall meet within thirty days after the conveyance made by virtue of said process or decree shall have been delivered, at the county town of any one of the counties through which the said railroad, canal, turnpike, bridge, or plank road may run, public notice of the time and place of such meeting having been given at least once a week for two weeks, in at least one newspaper published in each of the counties in or through which the said railroad, canal, turnpike, bridge or plank road may run, and organize said new corporation by electing a president and board of six directors, to continue in office until the first Monday of May succeeding such meeting, when, and annually thereafter, on the said day, a like election for a president and six directors shall be held, to serve for one year.

Amount of capital stock, to be in shares of fifty dollars each.

3. *And be it enacted*, That at such meeting so held, the said person or persons shall adopt a corporate name and corporate seal, determine the amount of the capital stock thereof, and shall have power and authority to make and issue certificates therefor, to the purchaser or purchasers aforesaid, to the amount of their respective interests therein, in shares of fifty dollars each.

May issue preferred stock, and interest bearing bonds.

4. *And be it enacted*, That the said corporation may then, or at any time thereafter, create and issue preferred stock to such an amount and at such times as they may deem necessary, and from time to time issue bonds at a rate of interest not exceeding seven per centum, to any amount not exceeding their capital stock.

Certificate of organization to be made, and filed of record in office of secretary of state.

5. *And be it enacted*, That it shall be the duty of such new corporation, within one month after its organization, to make a certificate thereof, under its common seal, attested by the signature of its president, specifying the date of such organization, the name so adopted, the

amount of capital stock, and the name of its president and directors, and transmit the said certificate to the secretary of state, at Trenton, to be filed in his office, and there remain of record; and a certified copy of such certificate so filed shall be evidence of the corporate existence of said new corporation; *provided*, that nothing contained in this act shall divest or in any manner impair the lien of any prior mortgage or other encumbrance upon the property or franchises conveyed under the sale of said property or franchises, when by the terms of the process or decree under which the sale has been made, or by operation of law, the said sale is made subject to the lien of any such prior mortgage or other encumbrance. Proviso.

Approved March 25, 1875.

CHAPTER CCLV.

Supplement to the act entitled "An Act for the relief of Joseph I. Thompson," approved March twenty-seventh, eighteen hundred and seventy-four.

WHEREAS, Joseph I. Thompson, in the execution of his duty as sheriff of the county of Monmouth, did in the year eighteen hundred and sixty-two, seize certain vessels for violating the laws of the state of New Jersey, and three suits were thereupon brought against him in the state of New York; *and whereas*, by joint resolution approved on the eighteenth day of March, Anno Domini eighteen hundred and sixty-three, it was directed that said Thompson should be defended in said suits by this state; *and whereas*, one of the suits has been tried and a judgment rendered therein against said Thompson in the Supreme Court of the United States, which judgment has been paid out of the treasury of this state; *and whereas*, the other two suits are still pending undetermined; *and whereas*, it is important that said suits should be disposed of and terminated, therefore— Preamble.

The governor, attorney-general and comptroller, empowered to act.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor, attorney-general and comptroller of this state are hereby empowered to take the necessary steps to have the said remaining suits tried or settled as to them may seem best for the interest of the state, and they are hereby authorized, (if in their judgment said suits should be compromised,) to agree to a settlement and final determination of the same, upon such terms as they may deem expedient.

The state treasurer authorized to pay costs, charges, &c.

2. *And be it enacted*, That the treasurer of this state shall pay to the person or persons authorized by law to receive the same, the amount or amounts (if any) which may hereafter be recovered against said Thompson in said suits or either of them, and all costs and charges incurred or to be incurred, necessary to the defence of the same; or, if settled without further prosecution, any amount or amounts which may be agreed upon with the person or persons entitled to the same upon such settlement, by the governor, attorney-general and comptroller; *provided*, the gross amount paid for the purposes aforesaid, and the expenses incurred in all of said suits unpaid do not exceed the appropriation made by the act to which this is a supplement.

Proviso.

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

Approved March 30, 1875.

CHAPTER CCLXXIII.

Supplement to an act, entitled "An Act to incorporate the Chosen Freeholders in the respective counties of the state," approved April sixteenth, one thousand eight hundred and forty-six.

Special meetings of any board of chosen freeholders of this state, how convened.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever it shall be necessary to convene a special meeting of any board of chosen freeholders of this state, as is directed by the tenth

section of the act to which this is a supplement, it shall and may be lawful for the clerk of said corporation, upon receiving notice in writing as required by said tenth section of said original act, to do so by writing under his hand, directed to the respective members of said board and mailed to the post office nearest to the respective places of abode, which said mailing done by said clerk as aforesaid, shall be at least ten days prior to the day of meeting.

2. *And be it enacted*, That such parts of the original act as are inconsistent with or repugnant to this supplement, be and the same is hereby repealed, and that this act is hereby declared to be a public act and shall take effect immediately. Repealer.

Approved March 31, 1875.

CHAPTER CCLXXIV.

An Act for the relief of Corporations organized under general laws.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the original certificate of incorporation, filed by any association under any general act for the formation of incorporated companies, is or shall be defective by reason of the omission of any matter required by law to be therein stated, or by reason of defective proof or acknowledgment, or by reason of the same not having been filed in all the offices required by law, the corporators or directors of such association are hereby authorized to make and file an amended certificate in conformity with the law under which such association was or shall have been organized, and upon such filing and upon due recording of such amended certificate, if required by law, said association shall be deemed and taken to be, and to have been a corporation from the time of filing such original certificate. Amended certificate of incorporation may be filed.

2. *And be it enacted*, That nothing herein shall affect any suit or proceeding, at the time of filing such amended

Pending suits or rights of action to be affected.

certificate pending against said corporation, or impair any rights of action accrued against the stockholders, corporators or directors.

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

Approved March 31, 1875.

CHAPTER CCLXXV.

A Further Supplement to an act entitled "An Act to incorporate Benevolent and Charitable Associations," approved March ninth, one thousand eight hundred and fifty-three.

Provisions extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act to which this is a supplement be, and the same are hereby extended to all associations of persons which now are or may be hereafter organized in this state, whose object is or shall be to promote social intercourse among their members, or to provide for them a library and reading room, or a place and the means for engaging in lawful amusements and physical exercise; *provided*, that the fifth and sixth sections of the said act shall not apply to corporations formed under this supplement.

Proviso.

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

Approved March 31, 1875.

CHAPTER CCLXXVI.

A Supplement to an act entitled "An Act relative to oaths and affidavits," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An Act relative to oaths and affidavits," approved March twenty-seventh, one thousand eight hundred and seventy-four, be and the same is hereby amended by inserting the words "or any commissioner of deeds" after the words "notary public" in section one of said act. Commissisners of deeds authorized to administer oaths.

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

Approved March 31, 1875.

CHAPTER CCLXXVII.

Supplement to an act, entitled "An Act to regulate the manufacture and sale of fertilizers," approved March twenty-fourth, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the penalty or penalties prescribed in section five of that act, may be sued for and recovered, in an action of debt, in any court of competent jurisdiction in this state, in the name of any person who will sue for the same, one-half thereof for his own use and the other half to be paid to the county superintendent of public schools of the county in which such suit or Penalty may be sued for and recovered in an action of debt, in any court of competent jurisdiction.

suits shall be brought, for the use of the public schools in their county.

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

Approved March 31, 1875.

CHAPTER CCLXXVIII.

A Supplement to an act entitled "An Act to provide for the drainage of lands," approved March eighth, eighteen hundred and seventy-one.

Amounts received from assessments, shall be applied to the redemption and cancellation of bonds for which the assessment was pledged.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any portion of the assessment made by the commissioners appointed to carry out and execute the drainage of any tract of land, by virtue of the act to which this is a supplement, or of the supplement to said act, approved March nineteenth, eighteen hundred and seventy-four, shall be called for and collected, the said commissioners shall apply the amount thus received to the redemption and cancellation of bonds, for the payment of which the said assessment was pledged in pursuance of the act to which this is a supplement, or as the case may be, they may decrease or withhold from issuing bonds to the same amount;

Proviso.

provided, that if it becomes necessary to sell the bonds authorized to be issued by section five of the act to which this is a supplement, at less than par, they shall not be sold at a discount of more than ten per centum.

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

Approved March 31, 1875.

CHAPTER CCXCII.

A Further Supplement to the "Act to fix the salaries of the officers of the Senate and General Assembly of the State of New Jersey," approved February twenty-fifth, eighteen hundred and sixty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be paid to the secretary of the senate an annual salary of two thousand dollars; to the assistant secretary an annual salary of fourteen hundred dollars; to the journal clerk an annual salary of fourteen hundred dollars; to the engrossing clerk an annual salary of fifteen hundred dollars; to the sergeant-at-arms an annual salary of eight hundred dollars; to the assistant sergeant-at-arms an annual salary of five hundred dollars; to each doorkeeper an annual salary of two hundred and fifty dollars; to each calendar clerk an annual salary of six hundred dollars; to the clerk of the committee on engrossed bills an annual salary of six hundred dollars; to the president's private secretary an annual salary of six hundred dollars; and to each senate page an annual salary of two hundred dollars; and that in no case shall any additional compensation be allowed or paid to any of said officers. Amounts to be paid as salaries.

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

Approved April 1, 1875.

CHAPTER CCXCIII.

A Further Supplement to the "Act to fix the salaries of the officers of the Senate and General Assembly of the State of New Jersey," approved February twenty-fifth, one thousand eight hundred and sixty-one.

Amount to be paid as salaries, clerk.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be paid to the clerk of the house of assembly an annual salary of two thousand two hundred dollars, and no other compensation whatever.

Assistant clerk.

2. *And be it enacted*, That there shall be paid to the assistant clerk of the house of assembly an annual salary of fifteen hundred dollars, and no other compensation whatever.

Engrossing clerk.

3. *And be it enacted*, That there shall be paid to the engrossing clerk of the house of assembly an annual salary of two thousand dollars, and no other compensation whatever.

Journal clerk and assistant.

4. *And be it enacted*, That there shall be paid to the journal clerk and assistant journal clerk of the house of assembly an annual salary of one thousand two hundred and fifty dollars each, and no other compensation whatever.

Clerk to the speaker.

5. *And be it enacted*, That there shall be paid to the clerk of the speaker of the house of assembly an annual salary of five hundred dollars, and no other compensation whatever.

Sergeant-at-arms.

6. *And be it enacted*, That there shall be paid to the sergeant-at-arms of the house of assembly an annual salary of eight hundred and fifty dollars, and no other compensation whatever.

Assistant sergeant-at-arms.

7. *And be it enacted*, That there shall be paid to the assistant sergeant-at-arms of the house of assembly an annual salary of eight hundred and fifty dollars, and no other compensation.

8. *And be it enacted*, That there shall be paid to the keeper of the ladies' gallery of the house of assembly an annual salary of four hundred and fifty dollars, and no other compensation whatever. Keeper of the ladies' gallery.

9. *And be it enacted*, That there shall be paid to the keeper of the gentlemen's gallery an annual salary of four hundred and fifty dollars, and no other compensation whatever. Keeper of the gentlemen's gallery.

10. *And be it enacted*. That there shall be paid to each of the pages of the house of assembly an annual salary of two hundred and fifty dollars each, and no other compensation whatever. Pages.

11. *And be it enacted*, That so much of all acts or parts of acts as are inconsistent with the provisions of this act, be and the same is hereby repealed. Repealer.

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

Approved April 1, 1875.

CHAPTER CCXCIV.

Supplement to "An Act concerning Crimes," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person shall kidnap or steal or forcibly take away any man, woman or child, bond or free, and send or carry or with intent to send or carry such man, woman or child from this state into another state or county, or shall spirit, persuade or entice any child within the age of fourteen years to leave his or her father, mother or guardian, or other person or persons intrusted with the care of such child, and the said child shall secrete and conceal, then the person so offending in any of the premises, and his or her procurers shall be adjudged to be guilty of a high misdemeanor, and on conviction shall be punished by a fine not ex- Penalty for kidnapping.

ceeding five thousand dollars, or imprisonment at hard labor, not exceeding twenty years, or both.

Repealer.

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

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

Approved April 1, 1875.

CHAPTER CCCVII.

A Supplement to an act entitled "An Act to amend the law relating to the property of married women," approved the twenty-seventh day of March, eighteen hundred and seventy-four.

When married woman may convey real property in like manner as if unmarried.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any married woman who is living in a state of separation from her husband under and by virtue of the final judgment or decree of any court, when such judgment or decree is founded upon her application for such separation, may, at any time during the continuance of such separation, convey, mortgage, and lease or devise any interest, estate, or right that she may have in any real property, such as came to her by gift through or from her said husband, in the same manner and with the like effect as if she were sole and unmarried.

When married man may convey real property, except such as came by, through, or from his wife.

2. *And be it enacted*, That any married man who is living in a state of separation from his wife under and by virtue of the final judgment or decree of any court, when such judgment or decree is founded upon his application for such separation, may, at any time during the continuance of such separation, convey, mortgage, and lease, or devise any interest, estate, or right that he may have in any real property, except such as came to him by gift through or from his said wife, in the same

manner, and with like effect as if he were sole and unmarried.

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

Approved April 5, 1875.

CHAPTER CCCVIII.

A Further Supplement to an act entitled "An Act to ascertain the rights of the State and Riparian Owners in the lands lying under the waters of the Bay of New York and elsewhere in this State," approved April eleventh, one thousand eight hundred and sixty-four.

Preamble.

WHEREAS, Applications are frequently made to the riparian commissioners for grants of lands under tide-water in various parts of the state, requiring surveys to be made and maps to be prepared and filed with the secretary of state, and some provision should be made to have these surveys extended from time to time as the citizens of the state may require, and in order to provide the necessary means for carrying on this work without any additional tax on the treasury of the state, therefore,

Riparian commissioners may retain and expend a per centum of the amounts named in the grants or leases made to riparian owners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That the riparian commissioners may and shall at the request of shore owners extend their surveys over the tide-waters of this state, and prepare maps and have the same filed as now provided by the act to which this is a supplement and the supplements thereto, and to provide the necessary means to pay the expenses incurred by them in this work without charge to the treasury; they may retain and expend for this purpose not to exceed in the aggregate five per centum of the amounts named in the grants or leases made to riparian owners; rendering in their annual report a detailed statement of the amount so retained and disbursed under this act.

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

Approved April 5, 1875.

CHAPTER CCCXII.

A Supplement to an act entitled "An Act relative to the Supreme and Circuit Courts," approved March twenty-seventh, eighteen hundred and seventy-four.

Court to consist of a chief and eight associate judges.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the supreme court shall consist of a chief justice and eight associate justices.

Additional judicial districts.

2. *And be it enacted*, That there shall be created two additional judicial districts to be known as the eighth and ninth judicial districts; that the fourth judicial district shall be composed of the counties of Middlesex and Monmouth; the sixth judicial district shall be composed of the counties of Bergen and Passaic; the seventh judicial district shall be composed of the county of Essex; the eighth judicial district shall be composed of the county of Hudson; and the ninth judicial district shall be composed of the counties of Union and Ocean.

Time of holding regular terms of court.

3. *And be it enacted*, That after the fourth day of July next, the regular terms of the respective courts mentioned in the act to which this is a supplement, shall be held at the times following, and not otherwise, that is to say, in the county of Middlesex on the first Tuesday of April, September, and December, respectively; in the county of Monmouth on the first Tuesday of May, October, and January, respectively; in the county of Bergen on the first Tuesday of April, September, and December, respectively; in the county of Passaic on the fourth Tuesday of April, and September, and the third Tuesday of December, respectively; in the county of Essex on the first Tuesday of April, September, and December, respectively; in the county of Hudson on the first Tuesday of April, September, and December, respectively; in the county of Union

on the first Tuesday of April, September, and December, respectively; and in the county of Ocean on the first Tuesday of May, October, and January, respectively.

Proceedings to conform to times hereby established.

4. *And be it enacted*, That all proceedings in the said several courts shall commence and be continued in conformity to the terms and times hereby established.

Justices to assign one of their numbers to each district.

5. *And be it enacted*, That the justices of the supreme court shall assign one of their number to hold the courts in each of the districts embraced in this act.

Repealer.

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

Approved April 6, 1875.

CHAPTER CCCXIX.

An Act for the support of the State Industrial School for Girls.

Appropriation to be paid to trustees.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the support of the said school, the instruction and maintenance of its pupils, the sum of six thousand dollars be and the same is hereby appropriated, which sum the treasurer of the state is hereby directed to pay to the trustees of said school upon the warrant of the comptroller.

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

Approved April 6, 1875.

CHAPTER CCCXX.

An Act concerning sealed instruments.

Instruments executed with a scroll, shall be deemed a sealed instrument.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in every action upon a sealed instrument, or where a set-off is founded upon a sealed instrument, the seal thereof shall be only presumptive evidence of a sufficient consideration, which may be rebutted as if such instrument was not sealed; and that all instruments executed with a scroll, or other device by way of a scroll, shall be deemed a sealed instrument.

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

Approved April 6, 1875.

CHAPTER CCCXXI.

An Act to confirm the proofs and acknowledgments of deeds and other writings of James A. Falkner, commissioner for New Jersey in New York.

Preamble.

WHEREAS, it is represented that James A. Falkner, of the city of New York, and state of New York, commissioner as aforesaid, appointed and duly commissioned to take the proof and acknowledgments of deeds and other writings, sent his oath of office and impression of his official seal, as by the law required, on the tenth day of February, eighteen hundred and seventy-three, by mail to the secretary of state at Trenton, New Jersey, immediately after his re-appointment as commissioner aforesaid, and the same having been mislaid either on its way to the post office at New York, or on its way to

Trenton, it never having been received by the said secretary of state, he was notified of the fact, and sent another oath of office and impression of his official seal on the eighteenth day of September, eighteen hundred and seventy-four, which latter was duly received and acknowledged by the said secretary of state, therefore—

Acknowledgments, &c., declared valid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all acknowledgments of deeds and other writings taken and certified by the said James A. Falkner, from the tenth day of February, eighteen hundred and seventy-three, to the eighteenth day of September, eighteen hundred and seventy-four, be and the same are hereby declared and made valid and effectual in law, and shall in all courts be held, taken and adjudged to have the same force and effect as if the same had been taken after the filing of the said oath of office.

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

Approved April 6, 1875.

CHAPTER CCCXXVIII.

A Further Supplement to an act entitled "A Further Supplement to an act entitled 'An Act constituting Courts for the trial of small causes,'" approved April sixth, eighteen hundred and seventy-one.

Fees of constables.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the constables of the several counties of this state shall be entitled to receive from the collector of the said county their lawful fees for serving any criminal warrant, together with all and any expenses by them incurred in conveying any offender to the county jail for commitment to the custody of the sheriff, whether any such offender shall be indicted or not for the offence for which such offender may have been so committed.

Repealer.

2. *And be it enacted*, That all acts and parts of acts

inconsistent with this act be and the same are hereby repealed.

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

Approved April 7, 1875.

CHAPTER CCCXXXIII.

An Act to prevent the adulteration of milk, and to prevent traffic in impure and unwholesome milk.

Penalty for selling or exposing for sale, impure milk.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person or persons who shall knowingly sell or exchange, or expose for sale or exchange any impure, adulterated or unwholesome milk, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than fifty dollars for each and every offence, and if the fine is not immediately paid, shall be imprisoned for not less than thirty days in the county jail, or until said fine shall be paid.

Penalty for adulterating milk.

2. *And be it enacted*, That any person or persons who shall adulterate milk, with the view of offering the same for sale or exchange, or shall keep cows for the production of milk for market, or for sale or exchange, in a crowded or unhealthy condition, or feed the same on food that produces impure, diseased, or unwholesome milk, or who shall sell or exchange, or offer to sell or exchange any milk as pure milk, from which the cream or any portion thereof has been taken, except as hereinafter provided, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not less than fifty dollars for each and every offence, and if the fine is not immediately paid, shall be imprisoned for not less than thirty days in the county jail, or until said fine shall be paid.

3. *And be it enacted*, That the addition of water, or any substance, is hereby declared an adulteration; any milk

that is obtained from animals that are fed on distillery waste, usually called "swill," or upon any substance in a state of putrefaction, is hereby declared to be impure and unwholesome, and any person or persons offending as aforesaid, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than fifty dollars for each and every offence, and if the fine is not immediately paid, shall be imprisoned for not less than thirty days in the county jail, or until said fine shall be paid.

Addition of water or any substance declared an adulteration.

Penalty.

4. *And be it enacted*, That nothing in this act contained, shall be construed to prevent the sale of skimmed milk, provided the person or persons selling the same shall first make known the fact that it is skimmed milk and shall sell it as such; and any person or persons who shall violate the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be subject to the penalties prescribed in section two of this act.

Penalty for sale of skimmed milk.

5. *And be it enacted*, That the penalties hereinbefore provided for shall be recoverable before any court having jurisdiction of the same, one half of such fine or penalty shall be paid to the person or persons who shall make the complaint and prosecute the same, and the other half shall be paid over to the poor-master or overseer of the poor of the township or ward where the offence was committed.

Penalties, how recoverable.

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

Approved April 7, 1875.

CHAPTER CCCXLIV.

A Supplement to an act entitled "An Act to provide for the organization of the New Jersey home for disabled soldiers," approved April fourth, eighteen hundred and sixty-six.

Appropriation

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the appropriation for the support of the home for disabled soldiers, now authorized by law, the further sum of twenty-five thousand dollars is hereby appropriated for the object contemplated in the act to which this is a supplement.

Treasurer to pay on warrant of comptroller.

2. *And be it enacted*, That the above sum shall be expended under the direction of the managers of said home, and the state treasurer is hereby authorized to pay the same for the purpose aforesaid, to the treasurer of said home, on the warrant of the comptroller, out of any moneys in the treasury not otherwise appropriated.

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

Approved April 8, 1875.

CHAPTER CCCXLV.

An Act for the preservation of fish in certain waters within the state of New Jersey.

Fishing in certain waters prohibited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall not be lawful for any person or persons, at any time whatever, either by day or night, to put, place or haul any gill, drift, fike or other net or nets, or any eel pot or pots, basket or

baskets, or other contrivances whatever, for the taking or catching of fish in any of the waters of the Passaic, above the Little Falls, or in any part of the Pompton or Rockaway rivers, or in any of the tributaries to said Passaic, Pompton or Rockaway rivers, or in any water or waters caused by the overflow of any of said rivers or their tributaries, below any now existing mill-dam or mill-dams erected across the same; or to keep any gill, drift, fike or other net or nets, or any eel pot or pots, basket or baskets, or other contrivance whatever, for the taking or catching of fish so put or placed in any of said waters mentioned; and any person or persons who shall take or catch any fish in any such waters, before mentioned, and in manner aforesaid, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any justice of the peace of the county in which said offence is committed, shall be punished by imprisonment in the common jail of the county, for a term not less than ten nor more than thirty days, or by a fine of not less than ten nor more than fifty dollars for each and every offence; one-half of said fine to be paid into the treasury of the state, (one-quarter of said fine to be paid to the warden arresting such offender, and one-quarter to any person who may furnish material evidence toward the conviction of any such offender or offenders); *provided always*, that such penalty shall not apply to the catching of fish in manner aforesaid, by any person or persons, on their own lands, if none of the fish so caught are sold or exposed for sale; but in case they are sold or exposed for sale, then said penalty shall remain in full force and effect; *and provided further*, that said penalty shall not apply to the legitimate taking or catching of fish with hook and line, or with hook, line and rod.

Penalty.

Proviso.

Proviso.

2. *And be it enacted*, That one person shall be appointed in each of the three following counties adjoining the rivers Passaic, Pompton and Rockaway; that is to say, in the counties of Passaic, Essex and Morris, to be fish wardens, the jurisdiction of each of said wardens to extend through all or any of the above mentioned counties of Passaic, Essex and Morris, and it shall be the duty of said wardens, on view or information, to enforce the fishing laws within all or any of said counties by arresting and prosecuting the offender or offenders; said officers

Appointment of fish wardens.

Their powers and duties.

shall be entitled to their pay as witnesses in such cases, although they be complainants; and such officers shall have a right to remove and destroy any fike, net, eel pot, fish basket, or brush net, illegally placed in the aforementioned waters of the Passaic, Pompton and Rockaway rivers; the said officers may, in the discharge of their duties, call in the aid of any persons or persons when necessary, and such person or persons shall not be liable to prosecution for rendering such aid; any person neglecting or refusing to aid, when thus called upon, shall forfeit ten dollars, to be recovered by action of debt, before any justice of the peace of the county; the said special officers thus appointed, shall hold office for three years, unless sooner removed, or until their successors are appointed and qualified, and shall be duly sworn before any justice of the peace, or a judge of the common pleas, to the performance of their duties; they shall make an annual report to the commissioners of fisheries, on or before the first day of November in each year, and shall receive three dollars for each day they are occupied in their special duties, and that said per diem compensation shall be paid by the treasurer of the state, upon an authenticated statement of the commissioners of fisheries; *provided*, that in no case, shall any special officer receive more than fifty dollars for his services in any one year.

Compensation.

Proviso.

Penalty for neglect of duties.

3. *And be it enacted*, That any warden who shall wilfully neglect the performance of the duties imposed upon him by this act, shall forfeit the sum of fifty dollars, to be recovered by any person who shall sue for the same, in an action of debt, before any justice of the peace of the county in which said warden resides.

Governor to appoint.

4. *And be it enacted*, That the governor shall appoint the fish wardens required by this act; and the said fish wardens so appointed, shall be subject to the orders, rules and regulations adopted by the fish commissioners of this state.

Repealer.

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

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

Approved April 8, 1875.

CHAPTER CCCXLVI.

A Supplement to the act entitled "An Act to establish a system of public instruction," approved March twenty-first, eighteen hundred and sixty-seven.

Preamble

WHEREAS, it is required by section eighty of the act to which this is a supplement, that all district school taxes shall be assessed, levied and collected at the time and in the manner that other township taxes are assessed, levied and collected; and whereas, by section thirty of the act entitled "A further supplement to the act concerning taxes," approved April eleventh, eighteen hundred and sixty-six, it is provided that the several assessors and collectors of the townships and wards of this state shall be entitled to receive twelve cents, and no more, for each name on their respective duplicates for assessing, levying and collecting all the taxes by them assessed and collected; *provided*, that no name occurring on the duplicate more than once be counted more than as one man; therefore,

Compensation to assessors and collectors.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the several assessors and collectors of the townships and wards of this state shall be entitled to receive five cents and no more for each name for assessing, levying and collecting district school taxes.

Compensation, how paid in cities and towns where boards of education are established.

2. *And be it enacted*, That in the cities and towns of this state, where boards of education are established under their charters or by special acts, when the assessors or persons appointed by the board of education, are required to take the census of children within the school age, the said assessors or persons appointed by the board of education shall be allowed at the rate of five cents per name for taking said census, to be paid by the board of education of said city or town.

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

Approved April 8, 1875.

CHAPTER CCCXLVII.

Supplement to the "Act for the organization of the National Guard of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine.

Providing for one hospital steward.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section four of the act to which this is a supplement be, and the same is hereby amended by inserting after the words "one commissary sergeant" the words "one hospital steward."

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

Approved April 8, 1875.

CHAPTER CCCXLVIII.

A Supplement to an act entitled "An Act Concerning Roads," approved March the twenty-seventh, in the year of our Lord one thousand eight hundred and seventy-four.

When surveyors shall refuse to make returns that they think the road proposed to be laid out, vacated or altered, is necessary, there shall be no application concerning the same under the term of one year after such appointment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where surveyors of the highways have been heretofore or shall be hereafter appointed by virtue of the provisions of the act entitled "An Act concerning roads," approved on the twenty-seventh day of March, in the year of our Lord one thousand eight hundred and seventy-four, to lay out a public or private road, or to vacate or alter any public or private road, according to the provisions and requirements of said act; and the said surveyors so having been appointed, shall have met heretofore, or shall here-

after meet, by virtue of said appointment, and have refused or shall refuse to make return that they think the public or private road which has been or shall be proposed to be laid out, vacated or altered, is necessary, then and in every such case there shall be no application touching or concerning the same under the term of one year after such appointment.

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

Approved April 8, 1875.

CHAPTER CCCXLIX.

An Act entitled an act to exempt soldiers and sailors who served in the war of one thousand eight hundred and twelve, from poll tax.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the soldiers of the war of one thousand eight hundred and twelve, shall be and they are hereby exempt from paying poll tax. Exemption from poll tax.

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

Approved April 8, 1875.

CHAPTER CCCLXV.

An Act to defray the incidental expenses of the New Jersey Legislature for the session of one thousand eight hundred and seventy-five.

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 of New Jersey to pay, upon the Certain incidental expenses to be paid.

warrant of the comptroller, to the several persons hereinafter named the following amounts, viz:

Item No. 1. A. H. Rickey, for parchment rolls and preparing oaths for governor, members of the senate and general assembly, and one extra for the new clerk of assembly fifty dollars, $50 00

Item No. 2. To George T. Dudley for stationery furnished to the sergeant-at-arms of the house of assembly, session of one thousand eight hundred and seventy-four, certified to by Alexander Jacobus, sergeant-at-arms, eighteen dollars and thirty cents, $18 30

Item No. 3. To George T. Dudley, for stationery for senate, certified to by the engrossing clerk, one hundred and twelve dollars and one cent, $112 01

Item No. 4. To George T. Dudley, for bill files furnished for senate, certified to by the sergeant-at-arms, fifty-two dollars and fifty cents, $52 50

Item No. 5. To George T. Dudley, for stationery for senate, as certified to by the sergeant-at-arms, two hundred and thirteen dollars and fifty cents, $213 50

Item No. 6. To the clergy of the city of Trenton, each ten dollars, for services in opening the sessions of the legislature with prayer, in the year one thousand eight hundred and seventy-five,

Item No. 7. To Alpaugh & Anderson, for stationery furnished the engrossing clerk of the house of assembly, three hundred thirty-four dollars and seventy-five cents, $334 75

Item No. 8. To Naar, Day & Naar, for stationery furnished the house of assembly, as per resolution, two hundred and eighty-four dollars and seventy-five cents, $284 75

Item No. 9. To Naar, Day & Naar, for stationery furnished stationery committee of the house of assembly, seventy-one dollars and thirty-five cents, $71 35

Item No. 10. To Naar, Day & Naar, for making calendar and die for stamping, for speaker of

the house of assembly, seventeen dollars and fifty cents, $17 50

Item No. 11. To Naar, Day & Naar, for stationery furnished John Carpenter, junior, clerk of the house of assembly, seventy-eight dollars and sixty-five cents, $78 65

Item No. 12. To Naar, Day & Naar, for stationery furnished sergeant-at-arms of the house of assembly, ninety-four dollars and fifty-five cents, $94 55

Item No. 13. To Naar, Day & Naar, for stationery furnished A. H. Patterson, clerk of the house of assembly, twenty-four dollars and forty-five cents, $24 45

Item No. 14. A. Hammer, for making keys, repairing locks, &c., for senate and house of assembly, thirty-five dollars and eighty cents, $35 80

Item No. 15. To E. A. Kingsland & Co., for stationery furnished engrossing clerk of the house of assembly, one hundred and thirty-one dollars and seventy-five cents, $131 75

Item No. 16. John P. Lansing, for services rendered the joint committee on treasurer's accounts, as approved by the committee, one hundred dollars, $100 00

Item No. 17. To Delaware Ice Company, for ice furnished senate chamber, session of one thousand eight hundred and seventy-five, eight dollars and forty cents, $8 40

Item No. 18. To Ivins & Lalor, for carriages for use of legislature to visit state prison by order of committee, forty dollars, $40 00

Item No. 19. To Ivins & Lalor, for carriages for committee on normal school, by order of chairman, eight dollars, $8 00

Item No. 20. To Ivins & Lalor, for carriages for state prison committee, by order of the chairman, fifteen dollars, $15 00

Item No. 21. To Ivins & Lalor, for carriages for committee on industrial school for girls, by order of the chairman, thirty-six dollars, $36 00

Item No. 22. To Ivins & Lalor, for sleigh and carriage hire for committee on lunatic asylum, by order of the chairman, twenty-one dollars, $21 00

Item No. 23. To Ivins & Lalor, for carriage hire for committee on soldiers' children's home, by order of committee, one hundred and fifty dollars, $150 00

Item No. 24. To David M. Campbell, for services attending the electrical gas machine in the senate and general assembly chambers, during the session of one thousand eight hundred and seventy-five, one hundred dollars, $100 00

Item No. 25. To John P. Lansing, for advertising notice of incidental committee, in Trenton daily papers, six dollars, $6 00

Item No. 26. To Ellen Meley, for cleaning senate and assembly chambers, session of one thousand eight hundred and seventy-five, two hundred dollars, $200 00

Item No. 27. To Richard Sutphin, for carriages for committee on soldiers' children's home, by order of the committee, eighteen dollars, $18 00

Item No. 28. To Richard Sutphin, for carriage for committee on normal school, by order of the committee, four dollars, $4 00

Item No. 29. To Richard Sutphin, for sleighs furnished committee on state lunatic asylum, by order of the committee, twelve dollars, $12 00

Item No. 30. To William S. Sharp, for calendar of senate and assembly bills, and books furnished for senate by order of the president, forty dollars, $40 00

Item No. 31. To John P. Lansing, for services as clerk to incidental committee, session of one thousand eight hundred and seventy-five, fifty dollars, $50 00

Item No. 32. To Alpaugh & Anderson, for stationery furnished engrossing clerk of the house of assembly, sixteen dollars, $16 00

Item No. 33. To Alpaugh & Anderson, for stationery furnished the clerk of the house of assembly, forty-nine dollars and five cents, $49 05

Item No. 34. To M. H. Houghton, for clerical services in senate for session of one thousand eight hundred and seventy-five, three hundred dollars, $300 00

Item No. 35. To Alpaugh & Anderson, for stationery furnished speaker of the house of assembly, one dollar and sixty cents, $1 60

Item No. 36. To H. W. Casper, for services rendered the committee on engrossed bills, as approved by said committee, four hundred dollars, $400 00

Item No. 37. To Margaret Cody, for washing towels and spittoons for senate chamber, session of one thousand eight hundred and seventy-five, sixty dollars, $60 00

Item No. 38. To Margaret Clancy, for washing towels and spittoons for house of assembly, session of one thousand eight hundred and seventy-five, sixty dollars, $60 00

Item No. 39. To John Carpenter, juuior, for services as clerk of the house of assembly, as agreed upon by committee, five hundred dollars in full for all compensation for services as clerk of assembly, $500 00

Item No. 40. To. J. Herbert Potts, for services rendered in the house of assembly during the session of one thousand eight hundred and seventy-five, as agreed upon by committee, three hundred dollars, $300 00

Item No. 41. To Joseph B. Carman, for towels, tumblers, soap, matches, and other incidental expenses for the house of assembly, for the session of one thousand eight hundred and seventy-five, one hundred and seventy-five dollars, $175 00

Item No. 42. William S. Sharp, for printing done for the clerk of the house of Assembly, twelve dollars and fifty cents, $12 50

Item No. 43. To William S. Sharp, for diagrams, check lists, and other matter printed for senate, forty-three dollars and twenty-five cents, $43 25

Item No. 44. To A. E. Vanderbilt, for extra services as secretary to speaker of the house of assembly, one hundred dollars, $100 00

Item No. 45. To Samuel Bell, for services, waiting and attending on committees, fifty dollars, $50 00

Item No. 46. To Charles J. Parker, for services waiting and attending on committees, fifty dollars, $50 00

Item No. 47. To Murphy & Bechtel, for stationery, rough minute books, &c., furnished to the house of assembly, by order of John Carpenter, late clerk of the house of assembly, seventy-nine dollars, $79 00

Item No. 48. To Murphy & Bechtel, for stationery furnished to the secretary of the senate, two hundred and eighty-five dollars and forty-five cents, $287 45

Item No. 49. To George T. Dudley, for stationery furnished to the secretary of the senate, nine dollars and twenty-six cents, $9 26

Item No. 50. To Jordan Brothers for stationery furnished house of assembly, $266 95

Item No. 51. To George T. Dudley, for bill files, ordered by the house. $175 00

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

Approved April 8, 1875.

CHAPTER CCCLXVI.

An Act to authorize the appointment of a Centennial Board for this state, and to define its duties.

Appointment of centennial board.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be appointed for this state, on nomination by the governor, to be confirmed by the Senate, seven persons, who shall be residents of the state, who with the United States centennial commissioner and alternate from New Jersey, shall constitute "The New Jersey State Centennial Board."

Duty of the board.

2. *And be it enacted*, That it shall be the duty of "The New Jersey State Centennial Board" to co-operate with the United States centennial commission in encouraging and forwarding the objects of the international exhibition of eighteen hundred and seventy-six, authorized by the congress of the United States, to be held in the city of

Philadelphia, and especially to organize, prepare, superintend and have the general management of the New Jersey department of the said centennial exhibition.

Further duties of the board.

3. *And be it enacted*, That to accomplish the objects stated in the next preceding section, it shall be the duty of "The New Jersey State Centennial Board" to disseminate throughout this state information regarding said proposed exhibition; to take measures to secure the co-operation of scientific, agricultural, mechanical, manufacturing and other associations in the several counties; to appoint co-operative local committees (where the people of the locality do not appoint) representing the respective industries of the state; to stimulate local action designed to make the New Jersey department of the exhibition worthy the state; to encourage the production of articles suitable for exhibition; to render assistance in furthering the finance and other interests of the exhibition and furnishing information to the United States centennial commission and to the people of the state on all subjects connected with the success thereof.

Continuance of the board limited.

4. *And be it enacted*, That the said board shall continue until such time after the close of the said exhibition as will be necessary to complete and settle the business connected therewith, not later than the first day of January, Anno Domini eighteen hundred and seventy-seven.

No compensation to be allowed.

5. *And be it enacted*, That the members of said board shall not receive any compensation for their services.

Appropriation for expenses.

6. *And be it enacted*, That to pay the necessary expenses attending and consequent upon the discharge of their duties and to enable the state geologist to prepare and arrange for exhibition specimens of the minerals of the state and other articles belonging to his department, and for such aid and assistance as shall be necessary to carry out the objects of this act, there be hereby appropriated the sum of ten thousand dollars, and that out of the same there shall be paid so much as shall be necessary to defray the expenses as aforesaid, to be paid by the treasurer of the state upon the warrant of the comptroller, upon being certified by the president of said board; the whole amount paid not to exceed ten thousand dollars.

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

Approved April 8, 1875.

CHAPTER CCCLXVII.

An Act to provide for submitting proposed Amendments to the Constitution of this State, to the people thereof.

Preamble.

WHEREAS, Certain proposed amendments to the constitution of the state of New Jersey were, at the session of the legislature of this state in the year eighteen hundred and seventy-four, agreed to by a majority of the members elected to each of the two houses thereof, and entered on the journals of each of said houses, with the yeas and nays taken thereon, and referred to the legislature then next to be chosen; *and whereas*, the said proposed amendments were published as required by the constitution; *and whereas*, in the legislature then next chosen, being the legislature now in session, such proposed amendments have been agreed to by a majority of all the members elected to each house; *and whereas*, the constitution of this state requires the legislature to submit such proposed amendments as have been agreed to as aforesaid to the people at a special election to be held for that purpose only, therefore,

Time of holding election.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That on Tuesday, the seventh day of September next, an election shall be held in the several townships and wards of this state, at the place or places in each of said townships or wards where the last election for governor was held, to enable the electors qualified to vote for members of the legislature to vote for or against each of such proposed amendments to the constitution.

Manner of holding election.

2. *And be it enacted*, That the judges of election in the several townships and wards who shall be in office on the seventh day of September next, shall be the judges of said election, and the polls shall be opened and closed at the times now fixed by law for opening and closing of polls at the annual election in this state, and the said election shall be conducted by the same officers and in the manner now required by law in conducting the an-

nual elections in this state, unless otherwise directed in this act.

3. *And be it enacted*, That at such election each voter may present a ballot on which shall be written or printed, or partly written or partly printed, in the form following, namely: Ballots to be voted.

For all propositions on this ballot which are not cancelled with ink or pencil, and against all which are so cancelled;

For the proposed amendment, designated paragraph nineteen to article one, relative to "Rights and privileges;"

For the proposed amendment, designated paragraph twenty, article one, relative to "Rights and privileges;"

For the proposed amendment, designated section one of article two, relative to "Right of suffrage;"

For the proposed amendment, designated section two of article two, relative to "Right of suffrage;"

For the proposed amendment, designated paragraph three of section one, article four, relative to "Legislative;"

For the proposed amendment, designated paragraph seven of section four of article four, relative to "Legislative;"

For the proposed amendment, designated paragraph four, section seven of article four, relative to "Legislative;"

For the proposed amendment, designated paragraph six, section seven of article four, relative to "Legislative;"

For the proposed amendment, designated paragraph eight, section seven of article four, relative to "Legislative;"

For the proposed amendment, designated paragraph nine, of section seven of article four, relative to "Legislative;"

For the proposed amendment, designated paragraph eleven, section seven of article four, relative to "Legislative;"

For the proposed amendment, designated paragraph twelve, section seven, of article four, relative to "Legislative;"

For the proposed amendment, designated paragraph

two, of section eight, of article four, relative to "Legislative;"

For the proposed amendment, designated paragraph six, of article five, relative to "Executive;"

For the proposed amendment, designated paragraph seven, of article five, relative to "Executive;"

For the proposed amendment, designated paragraph eight, of article five, relative to "Executive;"

For the proposed amendment, designated paragraph five, of section one, of article seven, relative to "Appointing power and tenure of office;"

For the proposed amendment, designated paragraph nine, of section one, of article seven, relative to "Appointing power and tenure of office;"

For the proposed amendment, designated paragraph one, section two, of article seven, relative to "Appointing power and tenure of office;"

For the proposed amendment, designated paragraph two, section two, of article seven, relative to "Appointing power and tenure of office;"

For the proposed amendment, designated paragraph three, section two, of article seven, relative to "Appointing power and tenure of office;"

For the proposed amendment, designated paragraph four, section two, of article seven, relative to "Appointing power and tenure of office;"

For the proposed amendment, designated paragraph five, of section two, of article seven, relative to "Appointing power and tenure of office;"

For the proposed amendment, designated paragraph six, of section two, of article seven, relative to "Appointing power and tenure of office;"

For the proposed amendment, designated paragraph seven, section two, of article seven, relative to "Appointing power and tenure of office;"

For the proposed amendment, designated paragraph eight, section two, of article seven, relative to "Appointing power and tenure of office;"

For the proposed amendment, designated paragraph nine, section two, of article seven, relative to "Appointing power and tenure of office;"

For the proposed amendment, designated paragraph

ten, section two, of article seven, relative to "Appointing power and tenure of office;"

4. *And be it enacted*, That each of said ballots shall be counted as a vote cast for each proposition thereon not cancelled with ink or pencil, and against each proposition so cancelled, and return thereof shall be made accordingly by the judges of election. Ballots, how counted.

5. *And be it enacted*, That all persons entitled to vote in this state for members of the legislature, at the time of said election, shall, in their respective townships and wards, be entitled to vote at the poll where they would be entitled to vote for members of the legislature. Who may vote.

6. *And be it enacted*, That after finally closing the polls of such election, the judges of election shall count and canvass the ballots given, relative to each of the said proposed amendments to the constitution, and thereupon shall set down in writing the whole number of votes given for each of the said proposed amendments in the words in which the said proposed amendment is hereinbefore given, and the whole number of votes given against each of the said proposed amendments as hereinbefore given, and shall certify and subscribe a statement of the result of the same, and cause the same certified to be delivered by a messenger appointed by them to the secretary of state of this state within one week after said election, who shall forthwith file the same in his office as an official paper. Canvassing the votes.

7. *And be it enacted*, That it shall be the duty of the governor to summon to attend him, on the twenty-first day after such election, four or more of the members of the senate, who shall meet on the last named day in the senate chamber, in the city of Trenton, at the hour of two o'clock P. M., and they, with the governor, shall constitute a board of state canvassers to canvass and estimate the votes given for and against each of said amendments, and the said board of state canvassers shall proceed to organize and determine the result according to the provisions of the act entitled "An act to regulate elections," approved April sixteenth, eighteen hundred and forty-six, so far as they are applicable, and shall determine and declare which of said proposed amendments have been adopted, and shall forthwith deliver a statement of the result as to each amendment Governor to summon state board of canvassers.

to the secretary of state of this state, to be filed in his office as an official paper, and any proposed amendment which by said certificate and determination of the board of state canvassers shall appear to have received in its favor a majority of all the votes cast in the state for and against said proposed amendment shall, from the time of filing said certificate, be and become an amendment to and part of the constitution of this state, and it shall be the duty of the governor of this state forthwith, after such determination, to issue a proclamation declaring which of said proposed amendments have been adopted by the people.

Act and proposed amendments to be published in newspapers.

8. *And be it enacted*, That this act, together with the said proposed amendments, shall be published in all the newspapers which were authorized by law on the first day of January, eighteen hundred and seventy-five, to publish the laws of this state, and the same shall be published in the said newspapers for four weeks next preceding said election once in each week, and no other publication shall be made in said newspapers, but neglect or failure to publish as aforesaid shall not impair the validity of such election, and the secretary of state shall furnish a copy of this law to each of said newspapers.

Notice of election.

9. *And be it enacted*, That the same notice of the election provided for by this act in the townships and wards of the state shall be given as is now required by law in case of the annual election for members of the legislature.

Compensation to election officers.

10. *And be it enacted*, That all officers of election who shall assist in conducting said election shall receive the same compensation and be paid in the same manner as is now provided by law in case of the annual election.

Registry not required.

11. *And be it enacted*, That no law respecting the registration of voters shall be applicable to the election provided for by this act.

Duty of the secretary of state, and of clerks of counties.

12. *And be it enacted*, That it shall be the duty of the secretary of state to prepare and have printed a sufficient number of the ballots provided for in this act in the form herein provided for the use of the voters of the state, and shall, at least two weeks before the time fixed herein for said election, transmit to the clerk of each county in this state a sufficient number for the use of the voters of that county, and it shall be the duty of the clerk of each county, at least one week before said election, to transmit

to the judges of election in each polling district of his county a sufficient number for the use of the voters of such polling district.

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

Approved April 8, 1875.

CHAPTER CCCLXVIII.

A Supplement to the act entitled "An act constituting Courts for the trial of Small Causes," [revision,] approved March twenty-seventh, eighteen hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section eighty-six of the act entitled "An Act constituting Courts for the trial of Small Causes," [revision,] approved March twenty-seventh, eighteen hundred and seventy-four, be amended so as to read as follows: Amendment.

86. Upon the trial of an appeal the same and no other documents, proofs, and witnesses, (except as hereinafter provided,) shall be produced and examined in the said court of common pleas, as had been previously produced and examined in the court below, except where the justice shall have admitted illegal or rejected legal evidence, or for any cause shall have deemed any witness incompetent to testify, and then such court of common pleas on the hearing of the said appeal shall reject such illegal evidence so admitted, and admit such legal evidence so rejected by the said justice, and shall admit such witness so rejected, if in the judgment of the said court of common pleas such witness shall be competent to testify; and if either party to an appeal shall desire to produce upon the trial thereof any witness or witnesses not produced or sworn in the court below, or any documentary evidence not offered or admitted in the court below, the said party shall be at liberty to do so, and the same shall be admitted by the court, if otherwise legal

and competent, the court being satisfied that the said evidence was not withheld on the trial below for any unfair or fraudulent purpose; *provided*, that the party first offering such new evidence shall have given the opposite party, or his attorney, ten days' notice thereof in writing previous to the day of trial, setting forth the substance of such evidence if documentary, and the names of the witnesses intended to be produced at the time of the trial, and upon the production of such new evidence, the opposite party may produce new evidence in rebuttal of the same, without notice; and upon the trial of such appeal the transcript from the docket of the justice shall be conclusive evidence of what witnesses were produced, and of what documents, papers, and proofs were offered in the trial below.

Proviso.

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

Approved April 8, 1875.

CHAPTER CCCLXIX.

A Supplement to the act entitled "An Act in respect to insurance for lives for the benefit of married women," approved February nineteenth, one thousand eight hundred and fifty-one.

Married woman may transfer policy of insurance.

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, any married woman holding a policy of insurance on the life of her husband or other person may transfer and assign the same to her husband or to any other person or persons with his assent as if she was at the time of making such transfer and assignment a single female, and the assignee or assignees of such policy or policies shall hold the same in as full and ample a manner as if the assignor at the time of making such assignment, had been sole and unmarried.

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

Approved April 8, 1875.

CHAPTER CCCLXX.

A Supplement to an act entitled "An Act to amend and consolidate the several acts relating to Game and Game Fish," approved March twenty-seventh, eighteen hundred and seventy-four.

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 with net, seine, trap, fyke, gilling-net, set-net, pot or gun, to take or catch fish in the south branch of Rancocas creek, in the county of Burlington, commencing at Lumberton and extending up said branch of said creek to its beginning, including the coves and branches belonging to it; any person or persons who shall take or catch any fish in such part or parts of the Rancocas creek, or in any of its coves, shall be guilty of a misdemeanor, and upon conviction thereof, before any court having jurisdiction of such offence, shall be imprisoned in the county jail for a term not less than three months, or by fine not less than twenty-five dollars, nor exceeding one hundred dollars, or by both such fine and imprisonment, at the discretion of the court before which such conviction shall be had; *provided always,* that such penalty shall not apply to legitimate fishing with hook, line and rod.

Fishing in Rancocas creek and branches prohibited

Penalty.

Proviso.

2. *And be it enacted,* That it shall not be lawful for any person or persons to take or catch with hook and line, or with hook, line and rod, any fish whatsoever, from any part of the south branch of the Rancocas creek, in the county of Burlington, commencing at Lumberton and extending up said branch of said creek to its beginning, including the coves and branches belonging to it; from

Fishing with hook and line prohibited.

the time said creek has been or may hereafter be stocked by the Fish Commissioners of this state, or by any company, or by any private individual or individuals, for three years, said three years to date from the time the stock-fish or spawn is introduced into said creek, and any person or persons who shall violate the provisions of this section, shall be punished as provided in the preceding section.

Fishing prohibited between the first day of March and the first day of June.

3. *And be it enacted*, That it shall not be lawful for any person or persons to take or catch from said part of said Rancocas creek or coves, any salmon, black bass or perch, between the first day of March and the first day of June, in each year, and whoever shall be convicted of violating the provisions of this section or of the preceding section, shall be punished as in the first section of this act provided.

Notice to be given of the date of stocking with fish.

4. *And be it enacted*, That any person or persons who have heretofore or who may hereafter stock said part of said Rancocas creek or coves with any variety or varieties of fish as a public improvement or as a private enterprise, shall also give notice in one or more of the newspapers published in the county of Burlington, of the date of such stocking, the variety or varieties of the fish with which the same has been stocked, and also of the penalties prescribed by this act; and shall also file in the office of the clerk of said county, a certified copy or copies of such published notice, with an affidavit of the true publication thereof, and such notice so filed, with the affidavit or affidavits of the publication thereof, shall be presumptive evidence before any court of this state of the facts therein contained.

Copy of notice to be filed with the county clerk.

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

Approved April 8, 1875.

CHAPTER CCCLXXI.

An Act to provide ways and means to defray the state expenditures.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be assessed, levied and collected, on the inhabitants of this state, and upon the real and personal property, as exhibited by the abstract of ratables from the several counties, made out by the several boards of assessors, for the year one thousand eight hundred and seventy-four, and filed in the office of the comptroller of the treasury, a state tax of one and a half mills on each dollar of the valuations contained in said abstracts, and the proceeds of the said tax is hereby appropriated and shall be applied as follows, to wit: there shall be paid to the commissioners of the sinking fund one hundred thousand dollars to pay that portion of the principal falling due on the first day of January, one thousand eight hundred and seventy-six, of a loan authorized by an act entitled "An act authorizing a loan for the purposes of war," etc., approved May tenth, one thousand eight hundred and sixty-one, and the several supplements thereto; and there shall also be paid to the said commissioners the necessary amount to pay such portion of the interest due upon the said loan on the first day of January, one thousand eight hundred and seventy-six and on the first day of July, one thousand eight hundred and seventy-six, as the income of the sinking fund for the then current year shall not suffice to pay, and the residue (of the proceeds) of the said tax shall be paid into the state fund and shall be appropriated for and applied to the purpose of defraying the necessary expenses of the state, which tax and the sums required to be raised for county, city, township, or other public purposes, shall be levied, assessed and collected on the persons and property and in the manner directed by an act entitled "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six, and the several supplements

State tax of one and a half mills to be levied.

Amount appropriated to sinking fund.

Balance to be appropriated to state fund.

How assessed and collected.

thereto, and the laws of the state which shall be in force at the time the said taxes shall be assessed, regulating the assessment and collection of taxes, except as in and by this act otherwise ordered and directed.

Comptroller to apportion tax among counties.

2. *And be it enacted*, That it shall be duty of the comptroller aforesaid, to apportion the said tax, and at the rate aforesaid among the several counties, in proportion to the amount of real and personal estate in said counties respectively, as shown by the abstracts respectively as aforesaid; and it shall be his duty to transmit within thirty days after the approval or passage of this act, to the county collector of each county, a statement of the amount of said tax apportioned to said county; and said county collector shall lay said statement before the assessors of the townships or wards within his county, at their next meeting to apportion the township taxes; and the said assessors shall thereupon proceed to assess said tax according to law.

Comptroller to furnish form for reports of ratables in the several counties.

3. *And be it enacted*, That it shall be the duty of the comptroller to furnish to the collectors of the several counties, printed forms on which the boards of assessors shall make their returns of the amount of ratables of their respective counties; upon which forms there shall be printed the oath required to be taken by the assessors, as provided by section twelve of an act entitled "A Further Supplement to an act entitled 'An Act concerning taxes,'" approved April fourteenth, one thousand eight hundred and forty-six, which supplement was approved April eleventh, one thousand eight hundred and sixty-six; and no abstract of the amount of ratables from any county shall be deemed to have been made according to law, unless said oath shall have been taken and subscribed by each member of the board of assessors; and no assessor shall be entitled to receive compensation for his services until he shall have taken and subscribed the said oath as herein provided.

Assessors to swear to reports.

Acts to apply to this act

4. *And be it enacted*, That the provisions of the act entitled "A further supplement to the act entitled 'An act concerning taxes,'" approved April fourteenth, one thousand eight hundred and forty-six, which said further supplement was approved April first, one thousand eight hundred and sixty-nine, shall be and the same are

hereby held to apply and be in force so far as they do not conflict with the provisions of this act.

The governor, comptroller and treasurer, authorized to dispose of securities to meet demands upon the treasury.

5. *And be it enacted*, That the governor, comptroller and treasurer of this state be and they are hereby authorized to dispose of or pledge any securities now in the state fund, whenever it may be in their judgment, or in the judgment of a majority of them, expedient or necessary to do so in order to meet the legal demands upon the treasury, and the proceeds of any securities so disposed of or pledged, shall be applied to the purpose of paying appropriations made by the legislature, and to defraying the other necessary and lawful state expenditures.

Repealer.

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

Approved April 8, 1875.

CHAPTER CCCLXXII.

An Act to provide additional improvements and accommodations for the State Normal School buildings.

Appropriation to supply heating apparatus, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in order to enable the trustees of the state normal school to furnish the additional heating apparatus, light and other accommodations needed for the buildings connected with the institution, that the sum of seven thousand five hundred dollars be and the same is hereby appropriated to be paid by the treasurer of the state on warrant of the comptroller, which shall be drawn on the requisition of the treasurer of the said trustees.

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

Approved April 8, 1875.

CHAPTER CCCLXXVII.

A Supplement to an act entitled "An Act respecting Conveyances," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Acknowledgments taken by a commissioner outside of the county for which he is appointed, declared valid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any acknowledgment or proof of any deed or other instrument which shall hereafter be taken by any commissioner of deeds, duly appointed and commissioned under the laws of this state, shall be good and available at law, for all purposes, notwithstanding such acknowledgment or proof may be taken by such commissioner out of the county for which he has been or shall be appointed; *provided*, that nothing in this act shall be held to apply to foreign commissioners of deeds, or to authorize any commissioner of deeds appointed for any county within this state to act as such commissioners outside of this state.

Proviso.

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

Approved April 9, 1875.

CHAPTER CCCLXXVIII.

An Act for an appropriation for the support and maintenance of the Soldiers' Children's Home.

Additional appropriation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the appropriation for the support of the Soldiers' Children's Home, directed by the act approved April first, eighteen hundred and sixty-nine, the sum of four thousand dollars is hereby appropriated for the object designated by the title of this

act, to be expended under the direction of the managers of said home, and the treasurer of the state is hereby directed to pay to the treasurer of the said children's home, on the warrant of the comptroller, out of any moneys in the treasury not otherwise appropriated, the said sum of money for the purposes aforesaid.

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

Approved April 9, 1875.

CHAPTER CCCLXXIX.

An Act to incorporate Building Companies.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That any number of persons not less than three, may associate themselves together for the erection of any building or buildings in this state, to be used for any lawful purpose whatever, and for that purpose they shall be deemed a corporation, with all the rights, powers and privileges, and subject to all the restrictions and liabilities contained in an act entitled "An Act concerning corporations," and the several supplements thereto, upon making a certificate under their respective hands, duly proved or acknowledged, setting forth their corporate name, the places where and the purposes for which the buildings are to be erected, the capital stock and the shares into which the same is divided, any lawful provision restricting the powers of the corporation and its officers, and the name, residence and number of shares of each stockholder; the said certificate to be recorded in the office of the county clerk where the buildings are to be erected, and filed in the office of the secretary of state before any corporate act is done by said corporation.

Certificate of incorporation to be recorded in the office of the clerk of the county where the buildings are to be erected, and filed in the office of secretary of state before any corporate act is done.

2. *And be it enacted,* That said corporation, with the assent of two-thirds of its stockholders, at any time may, by its president, execute, record and file as aforesaid, a supplemental certificate, changing its name, increasing

Supplemental certificate may be executed, recorded and filed.

or decreasing its capital stock, changing or adding to the places where and the purposes for which the buildings are to be erected, and adding to or modifying any existing provision restricting the powers of said corporation and its officers.

Liable to taxation.

3. *And be it enacted*, That the real and personal estate of all such corporations shall be liable to taxation the same as if owned by an individual resident in the place where the real estate of said corporation is situate.

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

Approved April 9, 1875.

CHAPTER CCCLXXX.

An Act to provide for stocking the lakes, ponds and streams of this state with food fishes.

Appropriation for stocking streams, &c., with food fish.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of two thousand and five hundred dollars be and the same is hereby appropriated, to be used in stocking the lakes, ponds and streams of this state, with food fishes, and the further sum of one thousand dollars to be used in the artificial propagation of shad in the Delaware river, said sums to expended under the directions and drawn upon the requisition of the commissioner of fisheries of this state.

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

Approved April 9, 1875.

CHAPTER CCCLXXXI.

An Act to repeal "A Further Supplement to an act entitled 'An Act to fix the Salaries of the Officers of the Senate and General Assembly of the State of New Jersey,' approved February sixth, one thousand eight hundred and sixty-seven," approved April third, one thousand eight hundred and seventy-three.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the act entitled "A Further Supplement to the act entitled 'An Act to fix the Salaries of the Officers of the Senate and General Assembly of the State of New Jersey,' approved February sixth, one thousand eight hundred and sixty-seven," which further supplement was approved April third, one thousand eight hundred and seventy-three, as authorizes the appointment of a person as clerk to the committee on engrossed bills in the house of assembly, be and the same is hereby repealed. Repealer.

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

Approved April 9, 1875.

CHAPTER CCCLXXXII.

A Supplement to an act entitled "An Act for the punishment of crimes," approved March twenty-seventh, eighteen hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any member of any board of chosen freeholders, or of any township committee, or

Direct or indirect interest in any agreement or contract, a misdemeanor.

of any board of aldermen or common councilmen, or any board of commissioners of any county, township, city, town or borough in this state, shall be directly or indirectly concerned in any agreement or contract for the construction of any bridge or building of any kind whatsoever, or any improvement whatever to be constructed or made for the public use or at the public expense, or shall be a party to any contract or agreement, either as principal or surety, between the county, township, city, town or borough, as the case may be, and any other party; or shall be directly or indirectly interested in furnishing any goods, chattels, supplies, or property of any kind whatsoever, to or for the county, township, city, town or borough, as the case may be, shall be deemed guilty of a misdemeanor, and on being thereof convicted, shall be punished by fine, not exceeding one thousand dollars, or imprisonment at hard labor, for any term not exceeding three years, or both, at the discretion of the court.

Penalty.

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

Approved April 9, 1875.

CHAPTER CCCLXXXIII.

A Supplement to the act entitled "An Act to establish a system of public instruction," approved March twenty-seventh, eighteen hundred and seventy-four.

Trustees for the support of public schools, may purchase and hold lands and premises sold to satisfy claim, held by them.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the "Trustees for the support of public schools" be and they are hereby authorized and empowered to bid for and purchase any lands and premises exposed to sale under the order and decree of any court, for the payment and satisfaction of any mortgage encumbrance thereon held by the said trustees, and to take and hold the title to the lands and premises so purchased in and by their official name, style and title, and

as part of the assets of the school fund of New Jersey; *provided*, that said trustees shall not bid a higher price for such lands and premises than shall be sufficient to save the amount due upon their said mortgage encumbrance and costs, the taxed costs attending such proceedings and sale, if any, to be paid by the treasurer of this state out of the state funds, on warrant of the comptroller, and not out of the school fund. Proviso.

2. *And be it enacted*, That the said "Trustees for the support of public schools," be and they are hereby empowered and directed to sell and convey to any purchaser any lands and premises by them acquired under the provisions of this act, at such time, for such prices and on such terms of payment as the governor of this state for the time being shall, in writing under his hand, approve, and the consideration received therefor shall be assets of the school fund of this state. May sell and convey any lands and premises so purchased.

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

Approved April 9, 1875.

CHAPTER CCCLXXXIV.

An Act amendatory of the act entitled "An Act relative to sales of land under a public statute or by virtue of any judicial proceeding," approved March twenty-seventh, eighteen hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the advertisements directed to be published by the first section of the act to which this is a supplement shall be published in two of the newspapers printed and published in the county in which the lands are situate, of which one shall be a newspaper printed and published at the county seat of said county, if a newspaper be published at such county seat, and if no newpaper be published at the county seat, then in any Advertisements to be published in two newspapers.

two newspapers published in the county and circulating in the neighborhood of said lands.

Repealer.

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

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

Approved April 9, 1875.

CHAPTER CCCLXXXV.

An Act in relation to the distribution of the laws of this state and other documents published under the authority thereof.

Treasurer directed to send laws, &c., to congressional library, at Washington.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the treasurer of the state, in the distribution of the laws, law and equity reports, the minutes and proceedings of either branch of the legislature, and other documents published under the authority or patronage of this state, and in his hands from time to time for distribution, shall transmit, at the expense of the state, to the librarian of the congressional library, at Washington, for the said library, four well bound sets of each of such publications.

Laws, &c., heretofore published to be transmitted.

2. *And be it enacted*, That the said treasurer shall also forthwith transmit to said librarian for said library, at the expense of the state, as many well bound copies or sets, not exceeding four of each, of all laws, law and equity reports and other documents of the nature aforesaid, heretofore published under the authority or patronage of this state, and in his hands, as may be spared or furnished without inconvenience.

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

Approved April 9, 1875.

CHAPTER CCCLXXXVI.

An Act to amend certain errors in the Revised Laws, passed last session.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the word freeholders in the seventy-second section of the act entitled "An act regulating proceedings in criminal cases," being one of the revised laws passed at the last session, and the same word in the seventy-third section of said act, be and the same is hereby changed to the word "persons;" that the ninetieth section of the same act be and the same is hereby repealed, and in lieu thereof the following is hereby substituted and enacted, viz.: "that the two hundred and forty-second, the two hundred and forty-third, the two hundred and forty-fourth, the two hundred and forty-fifth, and the two hundred and forty-sixth sections of the act entitled "An act to regulate the practice of courts of law," passed the last session, shall be deemed, taken, and adjudged to extend to trials of indictments for crimes and misdemeanors, which by law are punishable by imprisonment at hard labor; that the word "first" in the ninety-first section of said act, be and the same is hereby altered into the words "next preceding." Amendments.

2. *And be it enacted*, That the words "forty-five," in the last line of the forty-eighth section of the act entitled "An act constituting courts for the trial of small causes," passed last session, be and the same is hereby altered into the words "forty-sixth." Amendments.

3. *And be it enacted*, That so much of the two hundred and sixty-third section of the act entitled "An act to regulate the practice of courts of law," passed at the last session, as declares that judges of the courts of this state shall not practice as attorneys-at-law, or counsellors in any court of this state, shall not apply to such of the judges of the court of errors and appeals as are specially appointed judges of that court. Not to apply to judges of court of errors and appeals specially appointed judges of that court.

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

Approved April 9, 1875.

CHAPTER CCCLXXXVII.

A Supplement to an act entitled "An Act Respecting Conveyances," [revision,] approved March twenth-seventh, one thousand eight hundred and seventy-four.

Commissions to foreign commissioners of deeds for New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That the persons designated in said act as "Foreign Commissioners of Deeds for New Jersey," may be commissioned by the governor in the same manner and form, as before the said revision, (approved March twenty-seventh, one thousand eight hundred and seventy-four,) commissioners for taking the acknowledgment or proof of deeds for New Jersey in other states, territories and the District of Columbia, were commissioned without in terms mentioning them as "Foreign Commissioners of Deeds for New Jersey."

Official acts declared valid.

2. *And be it enacted,* That all commissions issued since said revision to commissioners in any other state, territory or the District of Columbia, without the designation of "Foreign Commissioners of Deeds for New Jersey," and all official acts heretofore performed by persons holding such commissions shall be and are hereby made valid and effectual, the same as if the words "Foreign Commissioners of Deeds for New Jersey" had been inserted in said commissions, and such persons holding said commissions had described themselves in any certificates by such designation.

Official certificates declared

3. *And be it enacted,* That all official certificates made since such revision, or that shall hereafter be made, shall be valid and effectual in law, whether the commissioner shall have described himself or shall describe himself as a commissioner for taking the acknowledgment or proof of deeds for New Jersey in any other state, territory or

the District of Columbia, or as "Foreign Commissioner of Deeds for New Jersey," or in any manner that was legal immediately before said revision.

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

Approved April 9, 1875.

CHAPTER CCCXC.

A Further Supplement to an act entitled "An Act to amend the law relating to the property of married women," approved the twenty-seventh day of March, one thousand eight hundred and seventy-four.

Married woman living separate from her husband may release or bar her dower, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any married woman living in a state of separation from her husband and entitled by the final decree of any court to alimony or separate maintenance, may by her deed to him or any other person, executed with or without his concurrence, acknowledged by her in the manner required by law in case of husband and wife joining in a conveyance of lands, release or bar her dower in any lands in this state whereof her husband is seized at the execution of such deed or of which he may thereafter become seized.

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

Approved April 9, 1875.

CHAPTER CCCXCI.

A Supplement to the act entitled "An act to complete the Geological Survey of the State," approved March thirtieth, eighteen hundred and sixty-four.

Board of managers, how constituted.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of managers authorized by section four of said act are hereby authorized to increase the number of their members from eleven to fifteen, one of whom shall be the governor of the state, who shall be president of the board, and two members from each of the seven congressional districts of the state; and the powers and duties of the board thus constituted shall be the same as defined in the act to which this is a supplement.

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

Approved April 9, 1875.

CHAPTER CCCXCII.

A Supplement to an act entitled "An Act for the more easy partition of lands held by coparceners, joint tenants, and tenants in common," approved March twenty-seventh, eighteen hundred and seventy-four.

Amendment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the words "the next or any subsequent," in section ten of said act, be stricken out, and the word "any" inserted in their place.

Amendment.

2. *And be it enacted*, That the words "the next," in

section seventeen of said act, be stricken out, and the word "any" inserted in their place.

Partitions and sales heretofore confirmed, declared valid.

3. *And be it enacted*, That all partitions and sales of real estate heretofore confirmed by the prerogative court, or by any orphans court of any county in this state, at any term of said court, shall be valid and effectual in law, though the same were confirmed at the same term during which such partition or sale was made; *provided*, said partition or sale was otherwise legal.

Proviso.

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

Approved April 9, 1875.

CHAPTER CCCXCIII.

A Supplement to "An Act concerning Wills," approved March twenty-seventh, eighteen hundred and seventy-four.

Legacy or legacies to be paid into the court of chancery on the order of the chancellor, under certain contingencies.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any legacy or legacies are by any last will and testament made or shall hereafter be made a charge upon lands and real estate, and said legacy or legacies now are or hereafter may be wholly or in part limited over to infants or persons not *in esse*, or who cannot be ascertained till the happening of some event named in the will, or in such manner that the vesting of said legacy may be contingent, it shall be lawful for the chancellor, upon application of the executor or executors, or any person interested in said lands, to order that said legacy or legacies be paid into the court of chancery, and for that purpose to inquire into the situation and the merits of the said application, either in term-time or vacation.

Notice of application and petition to be given.

2. *And be it enacted*, That said petition shall set forth the said will, and describe the lands charged, and shall state the persons interested in said legacy or legacies, whether such interest is vested or prospective, if they

can be ascertained, and twenty days' notice of the application shall be given to those who reside in this state; if any reside out of this state, or they cannot be ascertained, such notice shall be published for twenty days in a newspaper printed in the county where the lands lie; such notices may be served personally, or by leaving the same at the place of abode of such person, and in case such person be an infant, the same shall be served on his or her father, mother or guardian, if any reside within this state.

Chancellor may refer to a master, who shall make report.

3. *And be it enacted*, That upon proof of notice the chancellor shall refer such petition to a master to inquire into the merits of the application, who shall proceed to hear the petitioner and other parties touching the same, on eight days' notice to all who shall have entered an appearance with the clerk; said master may adjourn from time to time, and shall reduce to writing all evidence before him, and return the same with his report.

Lands to be clear and discharged from lien created by will.

4. *And be it enacted*, That upon such report the chancellor may order the said legacy or legacies to be paid into the court together with such additional sum or sums as the chancellor shall think reasonable to cover the expense of investing and taking charge thereof; and upon such payment into court, said lands shall be wholly clear and discharged from the lien created by said will.

Moneys paid into the court of chancery to be placed at interest.

5. *And be it enacted*, That said moneys shall be paid into the court of chancery and deposited with the clerk of the court; and all such moneys shall be kept at interest on security by bond and mortgage on real estate within this state, worth, besides destructible improvements, double the amount invested, and the interest thereof, or such part of the interest as the chancellor may direct, shall be paid to the person or persons who would for the time being be entitled to the interest in proportion to their respective shares therein; and such securities shall be taken in the name of the chancellor of New Jersey,

Interest, how applied.

and the interest shall be paid on the same half yearly or otherwise, directly to the persons entitled to the same, unless otherwise directed by the chancellor, who shall from time to time make such order for the investing of said money and the payment of the interest thereon as equity and justice may require.

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

Approved April 9, 1875.

CHAPTER CCCCXXVI.

A Supplement to "An Act in relation to the census or enumeration of the inhabitants of this state," approved March twenty-fourth, eighteen hundred and fifty-five.

WHEREAS, It is desirable that a complete exhibit of New Jersey's population, wealth, and other elements of prosperity should be submitted at the centennial exposition to be held next year at Philadelphia; *and whereas*, the desired statistics can be procured with the least expenditure of time and money this year, while the assessors are collecting the decennial state census of population, as required by the act to which this is a supplement; *and whereas*, if the collection of such statistics be deferred till next year, the expense will be much greater, and the data cannot be compiled and arranged in time for the centennial exposition; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the assessors in the several wards and townships of this state to collect the statistics hereinafter named, and make returns thereof at the same time and in the same manner as they are required, by the act to which this is a supplement, to collect the decennial state census. Duties of assessors.

2. *And be it enacted*, That the said assessors shall, in the manner aforesaid, collect statistics in their several wards and townships showing, as to— Assessors to collect statistics.

I. AGRICULTURE.

1, The number of acres of land improved, and the number of acres unimproved; 2, the value per acre of the Relative to agriculture.

improved and of the unimproved land; 3, the quantities of the principal products raised, including small fruits and garden truck, and the value of each product; 4, the number and value of live stock on farms or employed in agriculture; 5, the total value of farm and dairy products during the year preceding the assessor's inquiry; 6, the value of farming implements; 7, the number of farmers, and the number of persons in their employ.

II. MANUFACTURES.

Relative to manufactures.

1, The number of persons, firms or corporations carrying on manufactures or mill operations of any kind; 2, the capital invested; 3, the value of the property, real and personal, held and used by such persons, firms or corporations for their business; 4, the value of the raw material consumed yearly; 5, the value of the yearly products; 6, the number and sex of the employees, and the number of employees under eighteen, and under twelve years of age; 7, the average weekly wages of employees; 8, the value of manufactured products during the year ending September first, eighteen hundred and seventy-three; 9, the number of persons employed, and their average weekly wages during the said year.

III. MINING.

Relative to mines and mining.

1, The kinds and quantities of ore mined during the preceding year, and the value of such ore; 2, the capital invested; 3, the value of the machinery employed; 4, the number of hands employed; 5, the average weekly wages paid such hands; 6, the foregoing statistics enumerated in this clause, for the year ending September first, eighteen hundred and seventy-three.

IV. COMMERCE.

Relative to commerce.

1, The number, class and tonnage of river and sea-going craft owned in New Jersey; 2, the number and value of vessels engaged in oyster-fishing; 3, the number and tonnage of canal boats owned in New Jersey; 4, the number of tons of merchandise and freight of all kinds transported in sea-going or river craft, and in canal boats

from New Jersey ports, or through the canals of this state, and the number of tons of merchandise and freight carried on vessels propelled through said canals by steam.

Blanks to be furnished.

3. *And be it enacted*, That at the same time and in the same manner as he is required by law to provide the assessors with blanks for taking the census of population, the secretary of state shall furnish the said assessors with the necessary blanks for entering the statistics herein required to be collected.

Compensation to assessors.

Proviso.

4. *And be it enacted*, That the said assessors shall be entitled to five cents for each line filled up by them with the said statistics on the said blanks; *provided*, that not more than one line or one blank shall be occupied with the statistics relating to any person, firm or corporation; their bills of the assessors for the work required to be done by this act shall be audited and paid at the same time, and in the same manner as their bills for taking the census of population are audited and paid.

Secretary of state to compile tables, &c., and report to the legislature.

5. *And be it enacted*, That whenever the returns of the aforesaid statistics of population, agriculture, manufactures, mining, and commerce shall have been reported to the secretary of state, he shall cause them to be collated and tabulated by wards, townships, cities, and counties; and he shall compile tables of the population of New Jersey by counties, as shown by every official census to and including the present year; he shall also compare the special statistics required by this act to be taken, with the corresponding data of New Jersey, furnished by the United States census taken in the year eighteen hundred and seventy; and he is hereby authorized to request, in behalf of this state, the superintendent of said census to supply him with such data; the secretary of state shall report such tables of statistics to the next legislature of this state, with such recommendations as he may deem proper.

Compensation.

6. *And be it enacted*, That the secretary of state shall be entitled to receive, and the state treasurer is hereby authorized to pay to him, upon the warrant of the comptroller of the state treasury, the sum of five hundred dollars for the services required of him by this act.

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

Approved April 9, 1875.

CHAPTER CCCCXXVII.

A Supplement to an act entitled "An Act respecting the Court of Chancery," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Persons making search shall certify amount of expenses paid or incurred.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section seventy-nine of the act entitled "An Act respecting the Court of Chancery," approved March twenty-seventh, one thousand eight hundred and seventy-four, be amended by inserting after the words "provided however," and before the word "that," the following words: "that the person making such search shall certify on the same the amount of such expenses paid or incurred; *and provided also.*"

Allowance of per centage on amount of decree.

2. *And be it enacted*, That section one hundred and thirteen of the act entitled "An Act respecting the Court of Chancery," approved March twenty-seventh, one thousand eight hundred and seventy-four, be amended by inserting after the word "sum" and before the word "as," the following words: "not less than one nor more than five per centum of the amount of such decree."

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

Approved April 9, 1875.

CHAPTER CCCCXXVIII.

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 in all cases where public notice for a specified time is required by law to be given, before proceedings are had for the public sale of lands for unpaid taxes, no certificate of sale or tax title shall be set aside and holden for naught by reason of any variance between the date of such notice, and the actual publication thereof; *provided*, that notice shall have been or shall be actually given for the specified number of days prior to such proceedings for public sale. Certificate of sale not to be set aside for variance between date of notice and actual publication. Proviso.

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

Approved April 9, 1875.

CHAPTER CCCCXXIX.

An Act respecting railroads sold under mortgage.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any railroad in this state, of any corporation created by or under any law or laws of this state, shall be sold or conveyed under or by virtue of any decree or decrees of the court of chancery of this state, or of the circuit court of the United States, in and for the district of New Jersey, sitting in equity, and execution or executions issued thereon, to Proceedings when any railroad is sold or conveyed under the decree of the court of chancery to form a new corporation.

satisfy any mortgage debt or debts or other incumbrances thereon, and the purchaser or purchasers thereof shall, in the manner provided by the statute in such cases made and provided, have formed a new body politic and corporate, and shall have made, and filed with the secretary of state at Trenton, a certificate of the organization of such corporation, and whenever the new corporation so formed shall have acquired title to the railroad property and franchises aforesaid, pursuant to any plan or agreement for the readjustment of the respective interests therein of the mortgage creditors, other creditors and stockholders of the company theretofore owning such property and franchises, and for the representation of such interests of the creditors and stockholders in the bonds, debts or stock of the new corporation so formed, then and in such case the said new corporation shall be authorized and have the power to issue its bonds and stock in conformity with the provisions of such plan or agreement; and the said new corporation may, at any time within six months after its organization, compromise, settle, or assume the payment of any debt, claim or liability of the former company, upon such terms as may be approved by a majority of the agents or trustees entrusted with the carrying out of the plan or agreement of reorganization aforesaid; and for the purposes of such plans and of such settlements, the said new corporation may and shall be authorized to establish preferences in respect to the payment of dividends in favor of any portion of its said capital stock, and to divide such stock into classes; *provided nevertheless*, that nothing herein contained shall be held to authorize the issue of capital stock by the said new company to an aggregate amount exceeding the maximum amount of such stock mentioned in the certificate of incorporation filed by such new corporation.

Proviso.

Charter and franchises to enure to benefit a purchaser of mortgaged property, during the pendency of proceedings.

2. *And be it enacted*, That the charter and franchises of any railroad company in this state, whose property shall have been mortgaged, and against whom proceedings shall have been or shall be taken to foreclose such mortgage, and to sell the mortgage property, shall subsist and continue during the pendency of such proceedings, and shall enure to the benefit of the purchaser or purchasers of the mortgaged property, under decree in such pro-

ceedings, any provision of law heretofore made to the contrary notwithstanding.

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

Approved April 9, 1875.

CHAPTER CCCCXL.

A Supplement to an act entitled "An Act to establish a State Industrial School for Girls," approved April fourth, eighteen hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the seventeenth section of the act to which this is a supplement, to wit, "That the county collector of any county from which any girl shall have been committed by a justice of the supreme court to said industrial school, shall pay quarterly to the treasurer or superintendent of said school, on the order of the president or chairman of the board of trustees, at the rate of three dollars per week for the board, clothing, and tuition of said pupil," be and the same is hereby repealed. Repealer.

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

Approved April 9, 1875.

CHAPTER CCCCXLI.

An Act to repeal or abrogate certain francises granted by the state of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the third section of an act entitled "A Supplement to an act entitled 'An Act to Repealer.

incorporate the New York and Long Branch Railroad Company,'" passed April eighth, eighteen hundrod and sixty-eight," which act was filed by the governor in the office of the secretary of state, without his approval, on the twenty-third day of February, eighteen hundred and seventy-five, be and the same hereby is repealed and abrogated, except so far as it may authorize and empower the said the New York and Long Branch Railroad Company to lease their road, or any portion thereof to the Central Railroad of New Jersey, or to consolidate their capital stock with the capital stock of said Central Railroad of New Jersey, or to connect their railroad with the New Jersey Southern Railroad at or near Long Branch or with any railroad that may intersect their said road.

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

Approved April 9, 1875.

CHAPTER CCCCXLII.

A Supplement to an act entitled "An Act for the punishment of crimes," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Persons who commit or attempt to commit assaults and batteries upon each other, may be jointly indicted.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That if any two or more persons shall fight together, or shall commit or attempt to commit assaults and batteries upon each other, or shall be present aiding, assisting or abetting the same either in a public or a private place, in this state, they shall be guilty of a misdemeanor and may be jointly indicted, and be punishable in the same manner and to the same extent as persons are now punishable by law upon a conviction for assault and battery.

Verdict of jury.

2. *And be it enacted,* That upon the trial of any indictment for the offence or offences described above, the jury may render a verdict of guilty or not guilty against any one or more persons charged in the said indictment.

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

Approved April 9, 1875.

CHAPTER CCCCXLIII.

A Supplement to the act entitled "An Act relative to the attendance of children at School," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Children shall attend school twelve weeks in each year, or be instructed at home for same period.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every parent, guardian or other person having control and charge of any child between the ages of eight and fourteen years, shall cause such child to attend some public or private school, at least twelve weeks in each year, six weeks at least of which attendance, shall be consecutive; or to be instructed at home at least twelve weeks in each year, in the branches of education commonly taught in the public schools, unless the physical or mental condition of the child is such as to render such attendance inexpedient or impracticable.

Penalty for non-compliance.

2. *And be it enacted*, That any person failing to comply with the provisions of this act shall, on written notice of such failure from the district clerk of the school district, or the person designated by the board of education of the city where such offense has occurred, forfeit for the first offence, and pay to the township collector or city treasurer, the sum of two dollars; and after such first offense, shall, for each succeeding offense in the same year, forfeit and pay to the township collector or city treasurer, the sum of three dollars for each and every week, not exceeding twelve weeks in any one year, during which they, after written notice as aforesaid, shall have failed to comply with the provisions of this act.

3. *And be it enacted*, That it shall be the duty of the district clerk of each school district, and of some person

Duties of the district clerk of each school district.

in each city be selected by the city board of education, to report to the township collector of the township, or city treasurer of the city where the offense has occurred, the names of all parents, guardians or other persons who fail to comply with the provisions of this act; and the officer to whom such report is made, shall proceed to collect the penalties imposed by this act, in any court of competent jurisdiction, in the county in which such city, town, township or school district may be situated; the said penalties when paid, to be added to the public school money of said school district in which the offense occurred; *provided*, this law shall not be operative in those school districts of the state where there are not sufficient accommodations to seat the children compelled to attend school under the provisions of this act.

Proviso.

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 take effect immediately.

Approved April 9, 1875.

CHAPTER CCCCXLIV.

Supplement to an act entitled "An Act to encourage the establishment of Mutual Savings Associations," approved March four, one thousand eight hundred and forty-seven.

Savings banks may hold deposits made by married women or single women who may afterward marry, free and clear from the control of the husband of such depositor.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case any savings bank within this state, existing under special statute, or by virtue of an incorporation under the general statute to which this is a supplement, shall hereafter receive any deposit or deposits from any married woman or from any single woman who may afterward marry, it shall be lawful for the said corporation to hold the same, together with the interest or dividends which may accrue thereon, as the sole and separate property of such woman, as though she were single; not subject to the control, nor

liable for the debts of her husband; and to repay the same, and the interest and dividends, or any part thereof upon her check, order, receipt or demand, without the concurrence of her husband, and such payment shall exonerate and discharge the said corporation from any further liability by reason thereof.

May pay deposit to any depositor, being minor, who acquired the deposit by his or her own labor.

2. *And be it enacted*, That it shall hereafter be lawful for any savings bank incorporated by special statute or under the general statutes of this state, at its discretion to pay to any depositor, being a minor, and orphan or half orphan, who made the deposit or deposits personally, and who acquired said deposits by his or her own labor, and who supports himself or herself by his or her own labor, and has no guardian by appointment of the surrogate or testamentary guardian; such sum as may be due to such depositor, and the receipt or acquittance of such minor shall be as valid as though the same were made by his or her guardian by appointment.

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

Approved April 9, 1875.

CHAPTER CCCCXLVII.

A Further Supplement to an act entitled "An Act to prevent frauds by incorporated companies," approved April fifteenth, one thousand eight hundred and forty-six.

Lease of railroad made by a trustee or receiver must be approved by the court of chancery, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no lease of any railroad shall be made by any trustee or receiver appointed by the court of chancery or the chancellor, except upon a rental, and adequate security for the payment of the same, both to be first approved by said court and a majority of stockholders of said railroad in interest, upon such public notice to the parties in interest, as said court shall direct.

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

Approved April 9, 1875.

CHAPTER CCCCXLVIII.

A Further Supplement to an act entitled "An Act to regulate the business of fire, life, accident, marine and live stock insurance, by companies or associations not incorporated by this State," approved April ninth, eighteen hundred and sixty-seven.

Insurance companies of other states not to open or maintain an office in this state, without previous compliance with the insurance law.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any insurance company of any kind whatsoever, not incorporated under or by virtue of the laws of this state, itself or by its agents, surveyors, canvassers, or other representative of whatever designation, nor for any such agent, canvasser or representative of, nor for any person on behalf of any such insurance company to open or maintain any office, or in any manner, directly or indirectly, transact any business of insurance within this state, notwithstanding such business may be transacted wholly with citizens of other states, without having previously complied with the provisions of the act to which this is a supplement, and the various supplements thereto.

Proceedings when any certificate of the secretary of state of this state relating to the business or condition of any insurance company of this state is refused or not recognized.

2. *And be it enacted*, That if by virtue of the law of any state or nation, or by any rule, regulation or requirement of the officer charged with the execution of the insurance laws of any such state or nation, any certificate of the secretary of state of this state, in any wise relating to the business or condition of any insurance company of this state transacting business or applying for authority to transact business in any such state or nation, shall be refused or not recognized, then it shall be the duty of the secretary of state of this state, to refuse to accept any certificate of such officer of another state

or nation, in any wise relating to the business or condition of any insurance company of such state or nation, transacting business or applying for authority to transact business in this state, and any insurance company of such other state or nation, transacting business or applying for authority to transact business in this state, shall be subject to the same rules, regulations, exactions, examinations, and, in the case of life insurance companies, to the same valution of policies, and in every other respect to the same requirements as by the act to which this is a supplement and the various supplements thereto, are imposed upon insurance companies of this state; and it shall not be lawful for any insurance company of such other state or nation, itself or by its agents, or otherwise, or by any person on behalf thereof, directly or indirectly, to transact any business of insurance within this state, without having fully complied with the provisions of this act.

3. *And be it enacted*, That the penalty for every violation of this act shall be five hundred dollars, to be sued for and collected, on complaint, in the name of the state, by the prosecutor of the pleas for the county where the offence shall have been committed; and the person or persons against whom a judgment shall be obtained, shall be committed to the county jail until such fine and costs are paid or otherwise discharged; and one-half of said penalty, when recovered, shall be paid to the charitable fund of any fire department in said county, and the other half to the complainant. Penalty.

Approved April 9, 1875.

CHAPTER CCCCXLIX.

A Supplement to "An Act relating to the Stevens Battery," approved March twenty-seventh, eighteen hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case no sale is completed

New Jersey State Library

May re-advertise and sell the Stevens battery.

and carried out under the bids already received, that the governor, the vice chancellor, and the executors of Edwin A. Stevens, deceased, or a majority of said executors, are hereby authorized to re-advertise for bids and to sell the Stevens battery, according to the provisions of said act, notwithstanding the time therein mentioned for the receipt of bids may have elapsed.

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

Approved April 9, 1875.

CHAPTER CCCCL.

An Act to confirm the sale of the Stevens Battery.

Preamble.

WHEREAS, By an act entitled "An act relating to the Stevens Battery," approved March twenty-seventh, eighteen hundred and seventy-four, the governor, vice-chancellor, and a majority of the executors of the late Edwin A. Stevens, were directed to sell the Stevens battery, by inviting bids therefor, and opening said bids on the first day of July, eighteen hundred and seventy-four; *and whereas*, the said the governor, vice-chancellor, and a majority of said executors of Edwin A. Stevens met on the twenty-second day of April, A. D. eighteen hundred and seventy-four, and resolved that it was impracticable to effect the object of the act within the time specified therein, and at the times at which they were instructed to open bids and consummate a sale were to be considered as directory and should not be allowed to defeat the substantial purposes intended to be accomplished, and did give notice that they would receive bids up to twelve o'clock, noon, on the second day of November, A. D. eighteen hundred and seventy-four; *and whereas*, on said second day of November, A. D. eighteen hundred and seventy-four, the bids for said vessel were by them opened at the state house, in the city of Trenton, and John Roach, of the city of New York, was found to be the highest unconditional bidder, his bid being the sum of one

hundred and five thousand dollars for said vessel as an entirety, and was also higher than the highest bids for the several parts when combined; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That the said action of the said the governor, vice-chancellor, and the executors of Edwin A. Stevens be hereby ratified and declared valid, and that the sale of said vessel be and the same is hereby confirmed, and that a deed or bill of sale for said vessel from the governor, vice-chancellor, and the majority of the executors of Edwin A. Stevens, deceased, to the said John Roach, shall pass the title of said vessel to him upon his performing the conditions of sale. Sale confirmed.

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

Approved April 9, 1875.

JOINT RESOLUTION.

NUMBER I.

Joint Resolution relative to Law and Equity Reports.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the state treasurer after he receives copies ordered by the state, of the digest of the law and equity reports of New Jersey prepared by Bennington F. Randolph, shall deliver a copy thereof to each of the following officers, namely: the governor, chancellor, vice chancellor, chief justice and associate justices of the supreme court, the lay judges of the court of errors and appeals, attorney general, secretary of state, assistant secretary of state, state comptroller, state treasurer, clerk in chancery, clerk of the supreme court, reporter of the supreme court, reporter of the court of chancery, the members of the senate and of the general assembly, the secretary and engrossing clerk of the senate, and the clerk and engrossing clerk of the general assembly, and the reading and journal clerks of both houses; in distributing said digest, one who has received a copy from the state is not to receive another copy, although reelected to office; the state treasurer shall also deliver to the state librarian for use in the library, and for use in the courts which hold their sessions in the state house, so many copies as the commissioners of the library may direct, the same not to be used for the purpose of exchange for other books; also forty-six copies for exchanges with the librarians of other states and territories; the state treasurer shall keep a correct account of the copies delivered by him, and report the same in the annual statements made by him.

Distribution of law and equity reports

Same person not to receive two copies.

Approved April 9, 1875.

PROCLAMATIONS

BY JOEL PARKER, GOVERNOR.

PROCLAMATIONS

BY JOEL PARKER, GOVERNOR OF NEW JERSEY.

PROCLAMATION BY THE GOVERNOR.

STATE OF NEW JERSEY, EXECUTIVE DEPARTMENT,
TRENTON, October 13, 1874.

WHEREAS, on the thirty-first day of March, in the year of our Lord one thousand eight hundred and seventy-one, the Legislature of this State passed an act relative to bribery, whereby it was enacted that, in addition to any punishment then imposed by statute or the common law, any person convicted of the offences named in said act should be deprived of the right of suffrage; that any corporation whose managers, officers and agents, with the consent of said corporation, should use its money or property for the unlawful purposes therein specified, should forfeit its charter; and that the party to an act of bribery who first complained of the other party should be exempt from the pains and penalties of law; *and whereas*, the maintenance of the purity of the elective franchise is necessary to the preservation of a republican form of government;

Therefore I, Joel Parker, Governor of the State of New Jersey, enjoin upon all officers of the law within this State the utmost vigilance in enforcing the statutes relative to bribery at elections, by promptly causing the arrest and prosecution of all who shall violate the same; and I exhort all good citizens to give their influence and assistance to the public authorities in their efforts to maintain the purity of the ballot.

Given under my hand and seal at the Executive Chamber, in the city of Trenton, this thirteenth day of October, in the year of our Lord one thousand eight hundred and seventy-four.

[L. S.]

JOEL PARKER.

Attest:

JOHN A. HALL, Private Secretary.

PROCLAMATION BY THE GOVERNOR OF NEW JERSEY.

I hereby designate Thursday, the 26th day of November, A. D. 1874, as a day of public thanksgiving and prayer; and I recommend the people of this State to observe the same by assembling on that day in their respective houses of public worship, there to give thanks to Almighty God for the blessings bestowed during the year now drawing to a close, and to pray for the continuance of similar blessings.

Given under my hand and seal, at the Executive Chamber, in the city of Trenton,
[L. S.] the sixteenth day of November, A. D. eighteen hundred and seventy-four, and of the Independence of the United States the ninety-ninth.

Attest: JOEL PARKER.

JOHN A. HALL, Private Secretary.

PROCLAMATION BY THE GOVERNOR.

I, JOEL PARKER, Governor of the State of New Jersey, by authority of law, do proclaim and make known that, in conformity to the sixth section of the act entitled "An Act providing for declaring and making known that certain laws and joint resolutions have become inoperative and void," approved March third, eighteen hundred and seventy-three, the Comptroller of the Treasury of this State has duly reported to me the following named bills, a list of which is hereto attached and making part of this Proclamation, with the date of approval or passage of each, all which bills were approved or passed during the session of eighteen hundred and seventy-four; and that each of said bills has become inoperative and void, for the reason that the parties interested

therein have failed to pay the sum assessed thereon, and declared to be payable thereon, according to the requirements of the act entitled "An Act to increase the revenue of the State of New Jersey," approved March sixth, eighteen hundred and fifty-eight, and the supplement thereto, approved March eighteenth, eighteen hundred and fifty-nine.

Given under my hand and the Great Seal of the
[SEAL.] State of New Jersey, at Trenton, this eighth day of September, A. D. eighteen hundred and seventy-four.

JOEL PARKER.

By the Governor:

HENRY C. KELSEY, *Secretary of State.*

TITLES OF ACTS

PROCLAIMED INOPERATIVE.

TITLES OF ACTS AND DATE OF APPROVAL.

An act to incorporate the Jersey City Curling Club; approved February fifth, one thousand eight hundred and seventy-four.

A supplement to an act entitled "An Act to incorporate the City Fire Insurance Company, of Jersey City," approved April second, one thousand eight hundred and seventy-three; approved February sixteenth, one thousand eight hundred and seventy-four.

An act to change the name of Deborah W. Brant; approved February sixteenth, one thousand eight hundred and seventy-four.

An act to incorporate the Union Mutual Fire Insurance Company of Elizabeth, New Jersey; approved February sixteenth, one thousand eight hundred and seventy-four.

An act to incorporate the Camden City Fertilizer and Utilization Company; approved February seventeenth, one thousand eight hundred and seventy-four.

An act to incorporate the Northern Insurance Company; approved February eighteenth, one thousand eight hundred and seventy-four.

An act to incorporate the Newark Stove Platform Company; approved February eighteenth, one thousand eight hundred and seventy-four.

An act to incorporate the Mechanics' Hall Association, of Jersey City; approved February eighteenth, one thousand eight hundred and seventy-four.

An act to authorize Samuel Birdsall to build wharves, piers and bulkheads in front of his lands on Barnegat Bay, Ocean county, New Jersey; approved February twenty-fourth, one thousand eight hundred and seventy four.

An act to authorize Hannah A. Summervill, or her

agent, to build a wharf or wharves in front of her lands on Salem Creek, in the township of Upper Penns Neck, Salem county, New Jersey; approved February twenty-sixth, one thousand eight hundred and seventy-four.

An act to authorize Ebenezer Westcott to build and construct a bridge over Charley Creek, in Weymouth township, Atlantic county; approved February twenty-seventh, one thousand eight hundred and seventy-four.

An act to incorporate the Harper Hand Flouring Mill Manufacturing Company, of Burlington, New Jersey; approved March fifth, one thousand eight hundred and seventy-four.

An act to incorporate the Newfield Hall Association; approved March fifth, one thousand eight hundred and seventy-four.

An act to incorporate the Master Bricklayers' Society, of the city of Camden, New Jersey; approved March fifth, one thousand eight hundred and seventy-four.

An act to incorporate the Jersey City Printing Company; approved March twelfth, one thousand eight hundred and seventy-four.

An act to incorporate the Burlington Insurance Company of Burlington City, New Jersey; approved March twelfth, one thousand eight hundred and seventy-four.

An act to incorporate the Passaic Club, of the city of Passaic, in the county of Passaic; approved March twelfth, one thousand eight hundred and seventy-four.

A supplement to the act entitled "An act to incorporate the Eatontown and Sea Shore Turnpike Company," approved February ninth, eighteen hundred and sixty-five; approved March seventeenth, one thousand eight hundred and seventy-four.

An act to incorporate the Ocean Paper Manufacturing Company; approved March seventeenth, one thousand eight hundred and seventy-four.

A supplement to an act entitled "An act to incorporate the Stafford Mutual Insurance Company," approved March twenty-sixth, eighteen hundred and seventy-two; approved March seventeenth, one thousand eight hundred and seventy-four.

An act to incorporate the South Jersey Telegraph Company; approved March seventeenth, one thousand eight hundred and seventy-four.

A further supplement to an act entitled "An act to incorporate the Newark and South Orange Horse Car Railroad Company," approved April sixth, one thousand eight hundred and sixty-five; approved March eighteenth, one thousand eight hundred and seventy-four.

An act to incorporate the New Jersey, New York, Albany and Troy Steam Navigation Company; approved March nineteeth, one thousand eight hundred and seventy-four.

An act for the relief of the Tubular Transit Company, of Staten Island; approved March nineteenth, one thousand eight hundred and seventy-four.

An act to incorporate the Hudson and Hackensack Roadway Company; approved March nineteenth, one thousand eight hundred and seventy-four.

A supplement to an act approved April fifth, one thousand eight hundred and seventy-one, entitled "An act to incorporate the New Jersey Real Estate Loan Company;" approved March twenty-first, one thousand eight hundred and seventy-four.

An act to incorporate the Essex Passenger Railway Company; approved March twenty-fourth, one thousand eight hundred and seventy-four.

An act to incorporate the Industry Fire Insurance Company, of the city of Camden, in the state of New Jersey; approved March twenty-fourth, one thousand eight hundred and seventy-four.

An act to incorporate the Mutual Loan and Guarantee Association; approved March twenty-fourth, one thousand eight hundred and seventy-four.

An act to incorporate the Shillinger Artificial Stone Company; approved March twenty-fourth, one thousand eight hundred and seventy-four.

An act to incorporate the Hoboken Ship Canal Company; approved March twenty-sixth, one thousand eight hundred and seventy-four.

An act to incorporate the Union Publishing Association; approved March twenty-sixth, one thousand eight hundred and seventy-four.

A supplement to the "Act to incorporate the Caldwell and Millburn Railway Company," providing for a change in the name of the same, and for other purposes;

approved March twenty-seventh, one thousand eight hundred and seventy-four.

An act to incorporate the Camden Building, Manufacturing and Improvement Company; approved March twenty-seventh, one thousand eight hundred and seventy-four.

An act to incorporate the New Jersey Mining and Manufacturing Company; approved March twenty-seventh, one thousand eight hundred and seventy-four.

An act to incorporate the East New Jersey Mining and Manufacturing Company; approved March twenty-seventh, one thousand eight hundred and seventy-four.

An act to incorporate the Central Insurance Company, of New Jersey; approved March twenty-seventh, one thousand eight hundred and seventy-four.

List of Acts Revived by Act approved March twenty-fourth, one thousand eight hundred and seventy-four, upon condition that the Assessments be paid before the first day of May, one thousand eight hundred and seventy-four, which assessments have not been paid.

An act to renew the charter of the Farmers' and Mechanics' Bank of Rahway, and to increase the capital stock thereof; approved February second, one thousand eight hundred and sixty.

An act to incorporate the Morristown, Hanover and Pequannock Canal Company; approved February twenty-first, one thousand eight hundred and sixty.

A further Supplement to the act entitled "An act to incorporate the Sussex Mine Railroad Company," approved March ninth, eighteen hundred and forty-eight; approved February twenty-first, one thousand eight hundred and sixty.

An act to confirm certain deeds made by Joseph L. Corey, surviving executor of the last will and testament of Joseph Line, late of the township of New Providence, in the county of Essex (now Union), deceased; approved February twenty-ninth, one thousand eight hundred and sixty.

An act to incorporate the Citizens' Gas Light Company,

of Freehold; approved March fourteenth, one thousand eight hundred and sixty.

A supplement to an act entitled "An act to incorporate the Highstown and Perrinesville Turnpike Company," approved March ninth, eighteen hundred and fifty-nine; approved March fourteenth, one thousand eight hundred and sixty.

An act to confirm the conveyance of a lot of land in the city of Newark, in the county of Essex, from Thomas C. Hunt and Mary, his wife, to Joseph Booth; approved March seventeenth, one thousand eight hundred and sixty.

A further supplement to the act entitled "An act for establishing a turnpike road from the town of Hackensack to Hoboken, in the county of Bergen," passed November thirtieth, eighteen hundred and two; approved March seventeenth, one thousand eight hundred and sixty.

An act to vest in the heirs-at-law of Ann Johnson, deceased, certain land and real estate in the county of Burlington, whereof William Ashton died seized; approved March twenty-first, one thousand eight hundred and sixty.

An act to incorporate the Mendham and Chester Railroad Company; approved March twenty-second, one thousand eight hundred and sixty.

A further supplement to the act entitled "An act to incorporate the Cape Island Turnpike Company," approved March first, eighteen hundred and fifty-one; approved March twenty-second, one thousand eight hundred and sixty.

An act to amend an act entitled "An act to incorporate the Hoboken Fire and Marine Insurance Company," passed March twenty-third, eighteen hundred and fifty-nine; approved March twenty-second, one thousand eight hundred and sixty.

A further supplement to the act entitled "An act to enable the owners of the swamps and bog meadows lying on the east and west branches of the Pauling's Kill, in the township of Newton, in the county of Sussex, to drain the same," passed March first, eighteen hundred and thirty-six; approved February sixteenth, one thousand eight hundred and sixty-one.

An act to incorporate the Stockholders of the Beverly and Mount Holly Turnpike or Plank Road, by the name of "Beverly and Mount Holly Turnpike Company;" approved March fourteenth, one thousand eight hundred and sixty-one.

An act to enable Michael Mullone to convey and dispose of his property; approved March fifteenth, one thousand eight hundred and sixty-one.

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

An act to incorporate the Boonton Protective Union, in the county of Morris; approved March fifteenth, one thousand eight hundred and sixty-one.

An act to incorporate the Madison Aqueduct Company; approved March thirteenth, one thousand eight hundred and sixty-two.

An act to authorize the Thomas Iron Company to construct a railroad from their Iron Mines and other mines in the vicinity thereof, in the county of Morris, to the Morris Canal and the Morris and Essex Railroad; approved March twenty-seventh, one thousand eight hundred and sixty-two.

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; approved February fourth, one thousand eight hundred and sixty-three.

A supplement to an act entitled "An act to incorporate the Manufacturers' Fire and Marine Insurance Company of Newark, New Jersey," approved February twenty-fourth, eighteen hundred and fifty-two; approved February ninth, one thousand eight hundred and sixty-three.

An act supplementary to the act entitled "An act to incorporate the Moorestown and Mount Laurel Turnpike Company;" approved February eleventh, one thousand eight hundred and sixty-three.

An act to incorporate the Camden County Manufacturing Company; approved March twenty-fifth, one thousand eight hundred and sixty-three.

An act to vest in the devisees under the will of Margaret Curtis, deceased, land and real estate in the county

of Burlington, of which Emma Curtis died seized; approved March twenty-fifth, one thousand eight hundred and sixty-three.

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; approved March seventeenth, one thousand eight hundred and sixty-four.

A supplement to the act entitled "An act to incorporate the Camden County Manufacturing Company," approved March twenty-fifth, eighteen hundred and sixty-three; approved March twenty-second, one thousand eight hundred and sixty-four.

An act to incorporate the New Jersey Glass Manufacturing Company, in the county of Camden; approved March twenty-second, one thousand eight hundred and sixty-four.

A supplement to the act entitled "An act to incorporate the Elizabethport Manufacturing Company," passed February seventeenth, eighteen hundred and thirty-six; approved March twenty-second, one thousand eight hundred and sixty-four.

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; approved March twenty-third, one thousand eight hundred and sixty-four.

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; approved March twenty-third, one thousand eight hundred and sixty-four.

A supplement to the act entitled "An act to incorporate the Washington Aqueduct Company," approved January twentieth, Anno Domini eighteen hundred and thirty-one; approved March twenty-fourth, one thousand eight hundred and sixty-four.

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; approved March twenty-ninth, one thousand eight hundred and sixty-four.

An act to incorporate the Union Club, of Orange, in the county of Essex; approved March twenty-ninth, one thousand eight hundred and sixty-four.

An act for the relief of James N. Lawrence; approved April fourteenth, one thousand eight hundred and sixty-four.

An act to incorporate the Congress Hall Hotel Company; approved April fourteenth, one thousand eight hundred and sixty-four.

An act to incorporate the South Jersey Cranberry Company; approved March tenth, one thousand eight hundred and sixty-five.

An act to incorporate the Schooley's Mountain Turnpike Company; approved March twenty-second, one thousand eight hundred and sixty-five.

An act to incorporate the Bordentown and Buffalo Creek Oil and Mining Company; approved April fifth, one thousand eight hundred and sixty-five.

An act to incorporate the Hudson County Aqueduct Company; approved April sixth, one thousand eight hundred and sixty-five.

A further supplement to an act entitled "An act to incorporate the Camden, Moorestown, Hainesport and Mount Holly Horse Car Railroad Company," approved March fifteenth, eighteen hundred and fifty-nine; approved April sixth, one thousand eight hundred and sixty-five.

A further supplement to the act entitled "An act to incorporate the Gloucester Turnpike Company," approved March fifth, eighteen hundred and fifty; approved April third, one thousand eight hundred and sixty-six.

Supplement to an act entitled "An act to incorporate the Jersey City Gas Light Company," approved March first, eighteen hundred and forty-nine; approved April second, one thousand eight hundred and sixty-six.

An act to incorporate the Middlesex Building and Land Improvement Company; approved March seventh, one thousand eight hundred and sixty-six.

An act to incorporate the Hudson Warehousing Loan and Insurance Company; approved April third, one thousand eight hundred and sixty-seven.

An act to incorporate the Jersey City Steamboat Com-

pany; approved April fourth, one thousand eight hundred and sixty-seven.

An act to incorporate the Sussex Valley Railroad Company; approved March fourteenth, one thousand eight hundred and sixty-seven.

An act to incorporate the Jersey City Workingmen's Co-operative Association; approved March twenty-seventh, one thousand eight hundred and sixty-eight.

An act to incorporate the Belleville Land Improvement Company; approved April seventh, one thousand eight hundred and sixty-eight.

An act to incorporate the Texas Mills and Spotswood Turnpike Company; approved April ninth, one thousand eight hundred and sixty-eight.

A supplement to the act entitled "An act to incorporate the Gloucester Turnpike Company," approved March fifth, eighteen hundred and fifty; approved April sixteenth, one thousand eight hundred and sixty-eight.

An act to incorporate the Woodside Co-operative Grocery Store Association; approved April seventeenth, one thousand eight hundred and sixty-eight.

An act to incorporate the Friendly Sons of Ireland, of Hudson county; approved March seventeenth, one thousand eight hundred and sixty-nine.

A further supplement to an act entitled "An act to incorporate the Hightstown and Perrinesville Turnpike Company," approved the ninth day of March, Anno Domini eighteen hundred and fifty-nine; approved March seventeenth, one thousand eight hundred and sixty-nine.

A supplement to the act entitled "An act to incorporate the Middlesex and Monmouth Turnpike Company," approved March thirteenth, eighteen hundred and sixty-three; approved March, thirty-first, one thousand eight hundred and sixty-nine.

An act to incorporate the Camden Fire insurance Company; approved April first, one thousand eight hundred and sixty-nine.

Supplement to an act entitled "An act to incorporate the Mendham and Chester Railroad Company," approved March twenty-second, eighteen hundred and sixty, and its several supplements; approved April first, one thousand eight hundred and sixty-nine.

A further supplement to the act entitled "An act for

the establishing a turnpike road from the town of Hackensack to Hoboken, in the county of Bergen"; approved April second, one thousand eight hundred and sixty-nine.

A supplement to the act entitled "An act to incorporate the Spotswood and Old Bridge Turnpike Company"; approved April second, one thousand eight hundred and sixty-nine.

An act to incorporate the Union Hall Association of Belleville; approved April second, one thousand eight hundred and sixty-nine.

An act to incorporate the Forked River and Barnegat Turnpike Company; approved February twenty-third, one thousand eight hundred and seventy.

An act to incorporate the Morris County Ice Company; approved March eighth, one thousand eight hundred and seventy.

Supplement to an act entitled "An act to incorporate the Pavonia Horse Railroad Company," approved April fourth, eighteen hundred and sixty-eight; approved March fifteenth, one thousand eight hundred and seventy.

A further supplement to the act approved March twenty-third, eighteen hundred and fifty-nine, entitled "An act to incorporate the Jersey City and Hoboken Horse Railroad Company"; approved March seventeenth, one thousand eight hundred and seventy.

An act to incorporate the Hightstown and Princeton Turnpike Company; approved March seventeenth, one thousand eight hundred and seventy.

An act to incorporate the Caledonian Club, of Hudson county; approved March seventeenth, one thousand eight hundred and seventy.

A supplement to "An act to incorporate the Ocean Cranberry Company," approved March fourteenth, eighteen hundred and sixty-seven; approved March seventeenth, one thousand eight hundred and seventy.

An act to authorize the building of a private wagon bridge over the North Branch of the Rancocas Creek, at Mount Holly, Burlington county; approved March seventeenth, one thousand eight hundred and seventy.

An act to incorporate the Peoples' Freight and Trans-

portion Company; approved March thirty-first, one thousand eight hundred and seventy-one.

An act to authorize Henry Barber to build wharves, piers and bulkheads in front of his lands on the Delaware River, in the township of Upper Penns Neck, Salem county, New Jersey; approved March twenty-third, one thousand eight hundred and seventy-one.

A supplement to "An act to charter the Passaic Valley and Peapack Railroad Company," approved March twenty-ninth, one thousand eight hundred and sixty-five; approved April fourteenth, one thousand eight hundred and seventy-one.

A supplement to the act entitled "An act to incorporate the Caldwell Railroad Company," approved March tenth, one thousand eight hundred and sixty-nine; approved April fifth, one thousand eight hundred and seventy-one.

A further supplement to the act entitled "An act to incorporate the Peoples' Mutual Fire and Marine Insurance Company, of Newark, New Jersey," approved March fifth, eighteen hundred and sixty-six; approved February fifteenth, one thousand eight hundred and seventy-two.

An act to confirm to the grantees thereof the title of certain land and premises in the township of Belleville, in the county of Essex, sold and conveyed by the Executors of the last will and testament of John Williams, deceased, late of said township; approved March fifth, one thousand eight hundred and seventy-two.

An act to incorporate the Hudson County German Publishing Association; approved March eighth, one thousand eight hundred and seventy-two;

An act to incorporate the Union Hall Association, of Barnegat, New Jersey; approved March eighth, one thousand eight hundred and seventy-two.

An act to incorporate the Burlington Land and Improvement Company; approved March twenty-second, one thousand eight hundred and seventy-two.

An act to incorporate the New Jersey Trust and Safe Deposit Company; approved March twenty-sixth, one thousand eight hundred and seventy-two.

A further supplement to an act entitled "An act to incorporate the Hudson County Gas Light Company," approved March sixth, eighteen hundred and sixty-

three; approved March nineteenth, one thousand eight hundred and seventy-two.

An act to repeal an act entitled "An act to incorporate the Beverly and Charleston Turnpike Company," approved the second day of April, one thousand eight hundred and sixty-eight; approved April third, one thousand eight hundred and seventy-three.

An act to incorporate the High Bridge Co-operative Company; approved March fifth, one thousand eight hundred and seventy-three.

An act to incorporate the Hackettstown Iron Company; approved April fourth, one thousand eight hundred and seventy-three.

An act to incorporate the Point Pleasant Land and Improvement Company; approved April fourth, one thousand eight hundred and seventy-three.

An act for the protection of the Morrisville Water Power; approved April fourth, one thousand eight hundred and seventy-three.

An act to repeal "An act to incorporate the Mount Holly and Eayrestown Turnpike Company," approved March twenty-fourth, one thousand eight hundred and fifty-five; approved March twenty-sixth, one thousand eight hundred and seventy-three.

Supplement to the act incorporating the Woodstown and Mantua Railroad Company; approved March twenty-eighth, one thousand eight hundred and seventy-three.

A further supplement to the act entitled "An act to incorporate the Schooley's Mountain Turnpike Company," approved March twenty-second, Anno Domini one thousand eight hundred and sixty-five; approved March twenty-eighth, one thousand eight hundred and seventy-three.

An act to change the name of Joseph B. Seward to Joseph B. Winters; approved February twelfth, one thousand eight hundred and seventy-three.

A supplement to an act entitled "An act to incorporate the Spotswood and Old Bridge Turnpike Company," approved February twenty-fifth, one thousand eight hundred and sixty-seven; approved April fourth, one thousand eight hundred and seventy-three.

Supplement to "An act to incorporate the Union Hall Association, of Barnegat, New Jersey," approved March

eighth, one thousand eight hundred and seventy-two; approved April fourth, one thousand eight hundred and seventy-three.

An act to authorize Samuel Hilliard to build wharves, piers and bulkheads in front of his land on Maurice River, Cumberland county, New Jersey; approved February twelfth, one thousand eight hundred and seventy-three.

A supplement to an act entitled "An act to incorporate the Freehold and Smithville Turnpike Company," passed February twenty-sixth, eighteen hundred and fifty-eight; approved February fourteenth, one thousand eight hundred and sixty.

An act to incorporate the Citizens' Gas Light Company, of Freehold; approved March fourteenth, one thousand eight hundred and sixty.

A supplement to an act entitled "An act to incorporate the Hightstown and Perrinesville Turnpike Company," approved March ninth, eighteen hundred and fifty-nine; approved March fourteenth, one thousand eight hundred and sixty.

An act to incorporate the Middletown Point Gas Light Company; approved March fifteenth, one thousand eight hundred and sixty.

An act to incorporate the Matawan and Holmdel Turnpike Company; approved March eleventh, one thousand eight hundred and sixty-two.

An act to incorporate the Red Bank and Rumson Neck Railroad Company; approved March twenty-third, one thousand eight hundred and sixty-five.

An act to incorporate the Long Branch Reservoir and Water Power Company; approved April eleventh, one thousand eight hundred and sixty-seven.

An act to incorporate the Long Branch Spring Company; approved April ninth, one thousand eight hundred and sixty-seven.

A supplement to an act entitled "An act to incorporate the Long Branch and Deal Turnpike Company"; approved February thirteenth, one thousand eight hundred and sixty-eight.

An act to renew the charter of the Smithville and Blue Ball Turnpike Company, of the county of Monmouth, incorporated February seventh, eighteen hundred and

sixty-six, and a supplement thereto; approved April first, one thousand eight hundred and sixty-eight.

An act to incorporate the Manchester Fruit Preserving and Manufacturing Company, in the county of Ocean; approved April sixteenth, one thousand eight hundred and sixty-eight.

A further supplement to an act entitled "An act to incorporate the Highstown and Perrinesville Turnpike Company," approved the ninth day of March, Anno Domini eighteen hundred and fifty-nine; approved March seventeenth, one thousand eight hundred and sixty-nine.

An act to incorporate the New Egypt and Farmingdale Railroad Company; approved March seventeenth, one thousand eight hundred and sixty-nine.

An act to incorporate the Forked River and Barnegat Turnpike Company; approved February twenty-third, one thousand eight hundred and seventy.

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An act to incorporate the Freehold Cranberry and Land Improvement Company; approved February twenty-ninth, one thousand eight hundred and seventy-two.

An act to incorporate the Farmingdale Manufacturing Company; approved March twenty-second, one thousand eight hundred and seventy-two.

A supplement to "An act to incorporate the Allentown Railroad Company;" approved March fifth, one thousand eight hundred and seventy-three.

Supplement to "An act to incorporate the Farmingdale Manufacturing Company;" approved April third, one thousand eight hundred and seventy-three.

An act to incorporate the Point Pleasant Land and Improvement Company; approved April fourth, one thousand eight hundred and seventy-three.

A supplement to an act entitled "An act to incorporate the Toms River and Waretown Railroad Company, of Ocean county, New Jersey," approved March seventeenth,

one thousand eight hundred and seventy; approved April fourth, one thousand eight hundred and seventy-three.

An act entitled "A supplement to and amendatory to an act entitled 'An act to incorporate the Tuckerton and Atlantic Railroad Company,'" approved March twenty-third, one thousand eight hundred and sixty-nine; approved April third, one thousand eight hundred and seventy three.

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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; approved March twenty-third, one thousand eight hundred and sixty-four.

An act to incorporate the Savings Bank of South Amboy; approved April sixth, one thousand eight hundred and sixty-five.

An act to incorporate the Bergen Savings Institution; approved April eleventh, one thousand eight hundred and sixty-seven.

An act to incorporate the Newark Sparverein, of Newark, New Jersey (Newark Savings Association); approved February thirteenth, one thousand eight hundred and sixty-eight.

An act to incorporate the Dime Savings Bank of the city of Hoboken; approved April third, one thousand eight hundred and sixty-eight.

Supplement to the act entitled "An act to incorporate the Citizens' Savings Institution of Jersey City," approved April third, eighteen hundred and sixty seven; approved April fourteenth, one thousand eight hundred and sixty-eight.

An act to amend an act entitled "An act to incorporate the Hoboken Bank for Savings, of the city of Hoboken," approved March twentieth, eighteen hundred and fifty-seven; approved April sixteenth, one thousand eight hundred and sixty-eight.

An act to incorporate the Dime Savings Bank, of the city of Hudson; approved February tenth, one thousand eight hundred and sixty-nine.

An act to incorporate the Mechanics' and Laborer's

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An act to incorporate the Englewood Savings Bank; approved March twenty fourth, one thousand eight hundred and sixty nine.

An act to incorporate the Union County Dime Savings Bank; approved March fifteenth, one thousand eight hundred and seventy.

An act to incorporate the Bayonne City Savings Bank; approved March seventeenth, one thousand eight hundred and seventy.

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An act to incorporate the People's Savings Bank, of the City of Trenton; approved March seventeenth, one thousand eight hundred and seventy.

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A supplement to an act entitled "An act to incorporate the Union County Dime Savings Bank," approved March fifteenth, eighteen hundred and seventy; approved February fourteenth, one thousand eight hundred and seventy-one.

An act to incorporate the Germania Mutual Savings Institution; approved March fourteenth, one thousand eight hundred and seventy-one.

An act to incorporate the Sussex County Savings Institution; approved March twenty-first, one thousand eight hundred and seventy-one.

An act to incorporate the Germania Savings Bank, of Jersey City; approved March twenty-ninth, one thousand eight hundred and seventy-one.

An act to incorporate the Home Savings Bank, of New Brunswick, New Jersey; approved April fifth, one thousand eight hundred and seventy-one.

An act entitled "An act to incorporate the Citizens' Savings Bank, of Passaic;" approved April fifth, one thousand eight hundred and seventy-one.

A supplement to the act entitled "An act to incorporate the Mechanics' and Laborers' Savings Bank, of Jersey City," approved March third, one thousand eight hundred and sixty-nine; approved April fifth, one thousand eight hundred and seventy-one.

An act to incorporate the Lambertville Savings Bank; approved April sixth, one thousand eight hundred and seventy-one.

A supplement to an act entitled "An act to incorporate the Germania Mutual Savings Institution, of Newark, New Jersey," approved March fourteenth, eighteen hundred and seventy-one; approved March first, one thousand eight hundred and seventy-two.

Supplement to "An act to incorporate the Citizens' Savings Bank, of Passaic," approved April fifth, eighteen hundred and seventy; approved April third, one thousand eight hundred and seventy-two.

An act to incorporate the Chester Savings Bank; approved March twenty-seventh, one thousand eight hundred and seventy-three.

An act to incorporate the Franklin Building and Loan Savings Bank, of Metuchen; approved April fourth, one thousand eight hundred and seventy-three.

An act to incorporate the Madison Savings Bank; approved April fourth, one thousand eight hundred and seventy-three.

LETTER OF THE COMPTROLLER.

STATE OF NEW JERSEY,
OFFICE OF COMPTROLLER OF THE TREASURY,
TRENTON, July 31, 1874.

His Excellency JOEL PARKER,
Governor:

SIR:—Pursuant to the provisions of the sixth section of an act entitled "An Act providing for decreeing and making known that certain Laws and Joint Resolutions have become inoperative and void," approved March 3, 1873, I have the honor to transmit herewith a list of the titles and date of approval or passage of the private acts passed and approved during the session of 1874, upon which the assessments have not been paid as required by law.

The act above referred to (approved March 3, 1873,) provided that the Comptroller should, during the month of July, 1873, make a report to the Governor of the private acts approved since the 18th day of March, 1859, which had become inoperative and void by reason of the non-payment of the assessment required by law. Certain of the acts embraced in the report made in pursuance of the said act were conditionally revived by an act entitled "An Act to revive certain acts, and to legalize and ratify proceedings thereunder," approved March 24, 1874, the conditions being the payment, on or before the first day of May then next ensuing, of the original assessments due on the acts so revived, and the additional sum of twenty-five dollars on each act.

I transmit herewith a list of titles of the acts so conditionally revived, but concerning which the conditions have not been fulfilled, and which are, therefore, under the terms of the act, still inoperative and void.

Respectfully submitted,

A. L. RUNYON,
Comptroller.

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Special Public Acts.

SPECIAL PUBLIC LAWS

PASSED BY THE

NINETY-NINTH LEGISLATURE.

CHAPTER VII.

A Further Supplement to "An Act entitled 'An Act to incorporate the Plainfield Fire Department,'" approved March third, eighteen hundred and fifty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said corporation are hereby authorized to borrow the sum of five thousand dollars, in addition to the amount authorized by supplements approved March sixteenth, eighteen hundred and sixty-nine, and March eighth, eighteen hundred and seventy, and to issue bonds for the same under their corporate name and seal, for the purpose of providing an efficient fire alarm, and putting down additional fire wells, which said bonds shall be issued in sums of five hundred dollars each, with interest at the rate of seven per centum per annum, payable semi-annually; one thousand dollars of which bonds shall be payable in three years from the date of their issue, and one thousand dollars of said bonds shall annually thereafter become due, and be paid with the interest as above provided at maturity. Authorized to borrow money, and issue bonds therefor.

2. *And be it enacted*, That the amount of money as thus required by section first of this act to be paid annually after three years, being one thousand dollars, and interest on the said bonds, which shall not have matured, and the bonds and interest issued under former supplements, Amount of money to be added annually to the amount voted to be raised, &c.

which shall not have matured, shall be added annually to the amount voted to be raised for other purposes by the members of said corporation, according to the act to which this is a supplement, said several amounts not to exceed in any year (after three years) the sum of seven thousand dollars; and said aggregate amount of money shall be assessed, collected, and paid in the manner prescribed in the act, to which this act is a supplement for assessing and collecting money in said fire district, until all the bonds authorized by this and former acts shall be fully paid.

How assessed and collected.

Repealer.

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

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

Approved February 3, 1875.

CHAPTER XIV.

An Act for the preservation of Crabs in the waters of the North and South Shrewsbury rivers and their tributaries.

When unlawful to catch crabs.

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 catch or take from the waters of the North and South Shrewsbury rivers, or their tributaries, any of the species of shell fish, commonly called "crabs," between the first day of November and the first day of May, yearly and every year.

Penalty for violation.

2. *And be it enacted*, That every person or persons offending against the provisions of the foregoing section of this act, and being convicted of the same before any justice of the peace, of this state, shall be fined in any sum not less than twenty-five dollars, nor more than fifty dollars, for each and every offence, at the discretion of the justice before whom conviction is had; one-half

to the complainant and one-half to the county collector for the benefit of the county, and on non-payment of said fine, shall be committed to the common jail of the county for any period not exceeding thirty days, or until fine and costs are paid.

Actions may be made by summons or warrant.

3. *And be it enacted*, That it shall be lawful to proceed in any action under this act by summons or warrant at the option of the complainant.

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

Approved February 9, 1875.

CHAPTER XVII.

A Supplement to an act entitled "An Act to amend and consolidate the several acts relating to Game and Game Fish," approved March twenty-seventh, eighteen hundred and seventy-four.

Unlawful for any person to take or catch fish with net, &c.

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 with net, seine, trap, fyke, gilling-net, set-net, pot or gun, to take or catch fish in the north branch of the Rancocas creek, in the county of Burlington, commencing at the mill-dam at Mount Holly, and extending up said branch of said creek to its beginning, including the coves and branches belonging to it; any person or persons who shall take or catch any fish in such part or parts of the Rancocas creek, or in any of its coves, shall be guilty of a misdemeanor, and upon conviction thereof, before any court having jurisdiction of such offence, shall be imprisoned in the county jail for a term not less than three months, or by fine not less than twenty-five dollars, nor exceeding one hundred dollars, or by both such fine and imprisonment, at the discretion of the court before which such conviction shall be had; *pro-*

Penalty for violation.

Proviso.

vided always, that such penalty shall not apply to legitimate fishing with hook, line and rod.

Unlawful to take or catch fish with hook and line.

2. *And be it enacted*, That it shall not be lawful for any person or persons to take or catch with hook and line, or with hook, line and rod, any fish whatsoever, from any part of the north branch of the Rancocas creek, in the county of Burlington, commencing at the mill-dam at Mount Holly, and extending up said branch of said creek to its beginning, including the coves and branches belonging to it; from the time said creek has been or may hereafter be stocked by the Fish Commissioners of this state, or by any company, or by any private individual or individuals, for three years, said three years to date from the time the stock-fish or spawn is introduced into said creek, and any person or persons who shall violate the provisions of this section, shall be punished as provided in the preceding section.

Penalty.

When unlawful to take or catch salmon, black bass or perch, and the penalty

3. *And be it enacted*, That it shall not be lawful for any person or persons to take or catch from said part of said Rancocas creek or coves, any salmon, black bass or perch, between the first day of March and the first day of June, in each year, and whoever shall be convicted of violating the provisions of this section, or of the preceding section, shall be punished as in the first section of this act provided.

Notice to be published and filed of the date of stocking with fish, &c.

4. *And be it enacted*, That any person or persons who have heretofore or who may hereafter stock said part of said Rancocas creek or coves with any variety or varieties of fish as a public improvement or as a private enterprise, shall also give notice in one or more of newspapers published in the county of Burlington, of the date of such stocking; the variety or varieties of the fish with which the same has been stocked, and also of the penalties prescribed by this act; and shall also file in the office of the clerk of said county, a certified copy or copies of such published notice, with an affidavit of the true publication thereof, and such notice so filed, with the affidavit or affidavits of the publication thereof, shall be presumptive evidence before any court of this state, of the facts therein contained.

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

Approved February 10, 1875.

CHAPTER XVIII.

A Supplement to the act approved March thirteenth, one thousand eight hundred and seventy-two, and entitled "An Act to authorize the town of Newton, in Sussex county, to issue bonds."

WHEREAS, By virtue of the act, to which this is a supplement, the town of Newton, in the county of Sussex, did, on the fifteenth day of July, one thousand eight hundred and seventy-two, execute and deliver to the Sussex Railroad Company, in payment of the debt, mentioned in the preamble of the act, to which this is a supplement, its bonds, amounting in all to twenty-five thousand dollars, each dated July first, one thousand eight hundred and seventy-two, and payable with seven per cent. interest, semi-annually, and coupons annexed for each semi-annual payment of interest, and the principal payable in ten instalments, of twenty-five hundred dollars each, the first instalment payable on the first of January, one thousand eight hundred and seventy-four, and the others on each first of January thereafter; and, whereas, the said town has not paid any part of the principal or interest of said bonds, and doubts are expressed whether it can now legally assess and collect taxes to pay the principal and interest in arrears; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the town committee of the said town be and are hereby authorized and required to assess and collect, during the present year, as other assessments are made and collected in said town, a sum of money sufficient to pay the said arrears of principal and interest, and also the interest that will be due on the first day of July next, and also the principal and interest that will become due during the year one thousand eight hundred and seventy-six, and the said committee and Town committee authorized to assess and collect money for the payment of bonds, &c.

the collector of said town are hereby authorized and required to apply the money so assessed and collected, in payment of the principal and interest so due and to become due on said bonds, and shall, yearly, and every year thereafter, cause in like manner to be assessed and collected, money sufficient to pay, each year, the principal and interest of said bonds, that will be payable after the year one thousand eight hundred and seventy-six and apply the same in payment thereof.

Authority to issue bonds, and to dispose of the same.

2. *And be it enacted*, That if the said town committee shall deem it best so to do, they shall have power and authority to issue other bonds of the said town, at seven per cent. interest, with interest coupons annexed, payable semi-annually, sufficient in amount, to pay the principal and interest now in arrears on the said original bonds, and also the interest that will be due thereon on the first day of July next, and may negotiate and dispose of the same as they shall deem best for the interest of said town, and with the proceeds shall pay the said arrears of principal and interest on the said original bonds, and also the interest that will be due thereon on the first day of July next; the bonds to be issued by virtue of this section shall be dated the first of July, one thousand eight hundred and seventy-five, and not more than one thousand dollars of them shall be payable in any one year, the first payment to become due on the first day of January, one thousand eight hundred and eighty-four; and the said town committee shall have power and authority and are hereby required, yearly and every year, to cause to be assessed and collected, as other assessments are made and collected in said town, a sum of money, sufficient to pay the said bonds authorized by this section, and interest thereon, as the same shall become due and payable, and the money so raised shall be applied exclusively to that purpose.

Authority to assess and collect money for the payment of the bonds authorized.

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

Approved February 10, 1875.

CHAPTER XIX.

A Further Supplement to an act entitled "An Act to incorporate Dover," passed April first, eighteen hundred and sixty-nine.

Common council authorized to issue fire bonds, and the amount.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council of Dover be and is hereby authorized to issue bonds to an amount not to exceed thirteen thousand dollars, in sums not less than fifty dollars, and not more than one thousand dollars each, to be signed by the mayor, and countersigned by the town clerk, and sealed with the corporate seal of said town, and to have written or printed thereon the words, "fire bonds;" which said bonds shall be in addition to and over and above the amount of bonds authorized to be issued by the common council of Dover, in the first section of an act entitled "A further supplement to an act entitled an act to incorporate Dover," approved February eighteenth, eighteen hundred and seventy-four; one thousand dollars in amount of said bonds hereby authorized to be issued, shall be made payable each and every year, on and after the first day of March, in the year of our Lord one thousand eight hundred and eighty-six, so that the whole amount of said bonds hereby authorized to be issued shall be liquidated in thirteen years from the said year eighteen hundred and eighty-six; with interest on the same from the date of their respective issue, at the rate of seven per centum per annum, payable semi-annually; and the said bonds when issued shall not be sold for less than ninety-seven per cent, of their par value; and the said common council of Dover shall have power to raise the money by tax to pay the principal and interest of the said "fire bonds," as the same mature, in addition to the tax they are now authorized to raise, and in the same manner as other taxes are assessed and collected by said corporation.

Proceeds of sale of bonds, how appropriated.

2. *And be it enacted.* That the proceeds of the sale of said bonds shall be appropriated and used by said common council for the establishment and maintenance of the fire department of said town of Dover.

Interest on accruing bonds, how paid.

3. *And be it enacted,* That the interest accruing on the bonds authorized to be issued by the first section of an act entitled "A further supplement to an act entitled an act to incorporate Dover," approved February eighteenth, eighteen hundred and seventy-four, shall, on and after the passage of this act, be paid by the common council of Dover, semi-annually instead of annually, as in said act directed; and the common council of Dover shall have power to pledge the credit of the corporation by promissory note of the mayor or otherwise, for the purpose of raising temporary loans to meet the semi-annual payments of accruing interest on the said fire bonds issued in pursuant to the provisions of the first section of this act, and the first section of the act entitled "A further supplement to an act entitled an act to incorporate Dover," approved February eighteenth, eighteen hundred and seventy-four.

Power to raise money by temporary loans.

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

Approved February 10, 1875.

CHAPTER XXVII.

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

Trustees authorized to borrow money, and issue bonds therefor.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That for the purpose of funding indebtedness incurred in the purchase of land and in the erection of school house thereon and for furnishing the

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

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

Approved February 16, 1875.

CHAPTER XXVIII.

A Further Supplement to an act entitled "An Act to facilitate judicial proceedings in the county of Passaic," approved March twenty-eighth, one thousand eight hundred and seventy-one.

Salaries of judges of common pleas.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter each of the judges of the court of common pleas of the county of Passaic, except the president judge, shall receive a salary of twelve hundred dollars per annum, payable by the board of chosen freeholders of said county, in quarterly payments, in lieu of all fees, per diem, and compensation, now payable by law to said judges from any person or source whatever.

Fees to be paid to county collector, for use of county.

2. *And be it enacted*, That all fees and compensation now payable by law to said judges in criminal actions and for tavern licenses and naturalization, shall hereafter be paid to the collector of the said county of Passaic, for the use of said county, and that all other fees, per diem, and compensation of every kind whatever, now payable by law to said judges, be, and the same are hereby abolished.

Repealer.

3. *And be it enacted*, That the supplement to said act,

approved March eighteenth, one thousand eight hundred and seventy-four, be, and the same is hereby repealed.

How construed.

4. *And be it enacted*, That nothing in this act shall be so construed as to affect in any way the salary of the president judge of said court.

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

Approved February 16, 1875.

CHAPTER XXIX.

A Supplement to an act entitled "An Act to incorporate the Board of Education of the City of Camden," approved March fifth, Anno Domini, eighteen hundred and fifty.

Board authorized to raise money and issue bonds.

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 are hereby authorized to raise, by loan, a sum not exceeding fifty thousand dollars, and to secure the payment thereof by issuing bonds under their corporate seal, with the signature of their president and treasurer, which said money shall be used for the sole and exclusive purpose of erecting school houses in the city of Camden.

Denomination of bonds.

2. *And be it enacted*, That the said "The Board of Education of the City of Camden," shall issue such bonds for sums of not less than five hundred dollars each, and

When payable.

that the same shall be drawn payable at any time or times, not exceeding twenty years, as the said "The Board of Education of the City of Camden" shall determine, and the same shall draw seven per centum interest, payable half yearly.

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

Approved February 16, 1875.

CHAPTER XXXI.

An Act to authorize the inhabitants of Road Districts, numbers one and two, in the township of Raritan, in the county of Monmouth, to elect their own road overseers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the overseers of the highways for districts number one and number two, in the township of Raritan, in the county of Monmouth, shall be elected by the legal voters of each of said road districts, as they may be arranged from time to time by the township committee, and it shall be the duty of the township clerk to give public notice by advertisement put up in one or more of the most public places in each district, five days previous to the time and place of such meeting, which shall be some convenient place in each district, when and where the legal voters residing in the district, shall assemble for the purpose of such election, at which time and place such legal voters so assembled, having been called to order by any legal voter of the district, shall proceed viva voce, by holding up of hands or by count, to elect a moderator of such meeting by a plurality of votes, and being so organized, the meeting shall proceed as in the election of a moderator, to elect an overseer of the highway for one year for the district, being a resident in the district; the moderator of each district meeting shall immediately thereafter notify in writing, signed by himself as moderator of said meeting, the clerk of the township, who shall enter in the town book the name of the overseer so elected and also the number of his district; and in case of the failure of the person so elected to accept the appointment, the town committee shall fill such vacancy as in other cases; the overseer of the highway shall account to and settle with the town committee or collector of the township, as now required by law to do.

Overseers of highways, how elected.

Public notice to be given.

Duty of moderator and clerk.

Vacancies, how filled.

Compensation, and powers of overseer.

2. *And be it enacted*, That the said overseer shall be allowed the like compensation, and entitled to and invested with like powers and privileges, and subject to the same penalties and liabilities as other overseers of the highways under the laws of this state.

Elections to be held annually.

3. *And be it enacted*, That such election shall be held in each district annually, at such time and place, and upon such notice as shall be determined upon at the previous annual meeting, and that the first election shall be held at such time and place as shall be designated by the town clerk; notice of which shall be given by an advertisement for five days previous thereto, in one or more public places in each district.

Notices to be given.

Repealer.

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

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

Approved February 17, 1875.

CHAPTER XLVI.

A Further Supplement to the act entitled "An Act to authorize the inhabitants of the city of New Brunswick School District Number One, of the township of North Brunswick, county of Middlesex, to elect a Board of Education," approved March third, one thousand eight hundred and fifty-five.

Preamble.

WHEREAS, The board of education elected under the above recited act, propose to erect a school building upon their lot of land on Livingston avenue, in the city of New Brunswick, for the purposes of a public school; and whereas, it is necessary to raise the sum of fifty thousand dollars to defray the expenses thereof; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for

the said board of education for the purposes mentioned in the preamble to this act, to issue coupon bonds in the corporate name of "The New Brunswick Public School," to the aggregate amount of fifty thousand dollars, in denominations of one hundred, five hundred and one thousand dollars, respectively, with interest coupons attached; the said bonds to bear interest at the rate of seven per centum per annum; the said interest payable semi-annually; and which said bonds shall be signed by the president of the said board of education, countersigned by the treasurer thereof, and sealed with the corporate seal of the said "The New Bruuswick Public School." Board of education authorized to issue bonds.

2. *And be it enacted*, That the said bonds shall, by the terms thereof, be made due and payable as follows, viz: three thousand dollars thereof yearly, and every year for fifteen years after the issuing thereof, and five thousand dollars thereof in sixteen years after the issuing thereof. Bonds, when due and payable.

3. *And be it enacted*, That it shall be the duty of the assessor of taxes in and for the said city of New Brunswick, at the time he shall make the annual assessment of taxes, to assess yearly and every year, on the estates of the inhabitants of School District Number One, in the said act mentioned, and on all lands liable to be taxed therein, in the same manner as other taxes are assessed in the said city of New Brunswick, sufficient moneys to pay the principal and interest of the said bonds, as the same shall respectively become due, and until all of the said bonds shall have been paid, and which moneys so assessed, as aforesaid, shall be collected by the collector of taxes in and for the said city of New Brunswick, in the same manner as other taxes are collected in the said city of New Brunswick, and when collected shall be forthwith paid by the said collector to the treasurer of the said board of education, for the purposes aforesaid. Principal and interest of bonds becoming due, how assessed and collected.

4. *And be it enacted*, That it shall not be lawful for the said board of education to dispose of any of the said bonds at less than their par value, and that the moneys derived from the sale or disposition thereof, shall be applied to the construction and completion of the said school buildings and the necessary incidents thereto. Bonds, how disposed of and moneys applied.

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

Approved February 22, 1875.

CHAPTER LI.

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

Township committee, how elected.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That the persons qualified to vote at town meetings, shall have full power and authority, and shall be required at their annual meetings in the township of West Windsor, of Mercer county, to elect in said township five persons, only three of whom shall belong to the same political party, who shall be denominated the township committee, a majority of whom shall be a quorum, instead of five, as now authorized by law, and further, that no ballot cast at any annual election for said committee in said township shall contain the names of more than three persons of the same political party, in which case all such ballots shall be void and of no effect, and that all acts and parts of acts inconsistent with this act be and the same are hereby repealed.

Quorum.

Repealer.

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

Approved February 24, 1875.

CHAPTER LII.

Supplement to an act entitled "An Act to legalize loans made and bonds issued by the common council of the city of Trenton, to pay bounties to volunteers."

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 raise the amount required to pay the principal and interest of the bonds mentioned in the act to which this is a supplement, by general taxation and not by a per capita or poll tax; nothing in this act shall affect the assessment and collection of taxes for the year one thousand eight hundred and seventy four. Principal and interest of bonds to be raised by general tax.

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

Approved February 24, 1875.

CHAPTER LXI.

An Act to provide for the cession of the Newark and Clinton Plank Road Company, to the city of Newark and the township of Clinton.

WHEREAS, the city of Newark has recently been extended, so as to embrace a portion of the road of the Newark and Clinton Plank Road Company, formerly in the township of Clinton, and *whereas*, the successor to the said company has transferred to the "Mayor and Common Council of the city of Newark," all such portion of said road which is now part of a public street of said city; and whereas, the remainder of said road can no longer be operated as a toll road, Preamble.

and is to be surrendered to the township of Clinton, of which it was formerly a public highway; therefore,

When released from authority and control of road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the Newark and Clinton Plank Road Company or its successor shall have so transferred the remainder of said road, and shall file one copy of the deeds of cession or transfer, in the office of the secretary of state of this state, and another copy in the office of the clerk of said township, the Newark and Clinton Plank Road Company and its successor shall be released and discharged from all authority and control over said road, and from all liability or account of the same; and the same shall then be to all intents and purposes a public highway, and subject to the jurisdiction of the municipal authorities of the city and township through which it passes.

To be a public highway.

Road taxes, how expended.

2. *And be it enacted*, That after such cession, the road taxes raised upon the property, on the line of said road, outside of the city of Newark, shall be expended by the proper authorities in maintaining it as a macadamized road.

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

Approved February 25, 1875.

CHAPTER LXII.

A Further Supplement to the act entitled "An Act for the improvement of the town of Freehold, in the county of Monmouth," approved March twenty-fifth, one thousand eight hundred and sixty-nine.

Powers of commissioners to purchase and convey lot and engine house, &c.

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 Commissioners, of the town of Freehold," to purchase, hold and convey the lot upon which the engine house, for the accommodation of the fire-engine purchased for said town is erected, together with said en-

gine house, and that any conveyance heretofore made to them of said lot and engine house, or any contract heretofore entered into by them for the purchase of the same, or for the erection and construction of said engine house, with the fencing, paving and appurtenances thereunto belonging, are hereby legalized and confirmed, and said commissioners are hereby authorized to purchase and procure from time to time, proper and suitable furniture for the rooms of said engine house.

May issue bonds for payment of indebtedness.

2. *And be it enacted*, That it shall be lawful for the said the "Board of Commissioners, of the town of Freehold," to provide for the payment of the indebtedness incurred or to be incurred by the purchases so as aforesaid authorized to be made, and by the construction of the engine house aforesaid, and cisterns for supplying the said fire-engine with water, and in carrying out the objects and purposes of the further supplement to the act to which this is a further supplement, which further supplement was approved March fifth, one thousand eight hundred and seventy four, by further issuing bonds, with interest coupons attached, in the corporate name and under the corporate seal of said board, to be signed by the commissioner, and attested by the town clerk of said town, for a further amount not exceeding in the aggregate the sum of eight thousand dollars, and the said bonds to be for such sums and payable at such time or times as the said board shall deem proper, not exceeding fourteen years from the date of the approval of this act, and bearing interest at the rate of seven per centum per annum, payable annually, and to pledge the property and credit of the said town for the payment of the same, and the said board of commissioners of the town of Freehold, and their successors shall have power to sell or assign said bonds for any sum not less than the par value thereof.

Amount of bonds.

Payment of bonds, how provided for.

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

Proceeds of bonds, how to be applied.

4. *And be it enacted*, That the proceeds of the bonds issued under and by virtue of this act, shall be applied

by said board to the payment and satisfaction of the indebtedness aforesaid.

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

Approved February 25, 1875.

CHAPTER LXIII.

A Supplement to the act entitled "An Act for the improvement of the township of Kearney, in the county of Hudson, and to increase the powers of the township committee, in said township," approved April sixth, one thousand eight hundred and seventy-one.

Election of township committee.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at the next election to be held in said township for members of "The Board of Township Committee of the Township of Kearney," two persons as members thereof shall be elected to serve for the term of two years, and three persons as members thereof shall be elected to serve for the term of one year; and at all subsequent elections two persons shall be elected to serve for the term of two years, and one person to serve for the term of one year; and in case any vacancy or vacancies in said board are filled, as is provided for in the second section of said act, the person or persons filling such vacancy or vacancies shall serve for the unexpired term only.

Vacancies, how filled.

Advertisements, how published.

2. *And be it enacted*, That hereafter in all cases where by the act to which this act is a supplement, it is made necessary and required to advertise in one of the Hudson county daily newspapers, circulating in said township of Kearney; it shall and may be lawful to advertise in one of the Hudson county weekly newspapers, circulating in said township of Kearney, and all advertisements published in any such weekly newspaper once a week for three consecutive weeks, and posted up for three weeks in the meeting chamber of said township committee,

shall be as binding and effectual in law to all intents and purposes, as if the same had been published in a daily newspaper, as is directed and provided for in the act to which this act is a supplement.

Map and report of commissioners of assessments.

3. *And be it enacted*, That hereafter it shall not be necessary or required that the commissioners of assessments shall return a distinct map and report for each improvement embraced in any petition or ordinance for any improvement contemplated by the act to which this act is a supplement; and that it shall and may be lawful for said commissioners of assessment to embrace in their report and return any number of improvements upon the same street, road or avenue, or proposed street, road or avenue in one map and report.

Preamble.

WHEREAS, by reason of informalities in the proceedings taken for the improvement of Davis avenue and Kearney avenue, in said township of Kearney, and in awarding the contracts for the making of such improvements, doubts have arisen as to the power and authority of "The Board of Township Committee of the Township of Kearney," to make the improvements that are contemplated under the contracts entered into by "The Board of Township Committee of the Township of Kearney," with Bernard R. Lee and Philip Lee for Davis avenue, and with Bernard R. Lee for Kearney avenue; for remedy thereof,

Proceedings of committee, and contracts legalized.

4. *And be it enacted*, That all the proceedings taken by said "The Board of Township Committee of the Township of Kearney," in ordering such improvements, and in entering into said contracts shall be taken and held legal and binding only so far as to authorize the said township committee to pay by bond or otherwise for the work already done under said contracts for Kearney avenue, and as to Davis avenue said proceedings shall be legal and binding upon all persons concerned as fully and effectual in law to all intents and purposes, as if everything required by the act to which this act is a supplement, had been fully and strictly observed and complied with in regard to said Davis avenue.

Repealer.

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

Approved February 25, 1875.

CHAPTER LXIV.

A Supplement to an act entitled "An Act to authorize the township of Clinton, in the County of Essex, to appoint a receiver of taxes and for other purposes," approved March twenty-four, one thousand eight hundred and seventy-four.

Committee authorized to purchase lands offered for sale by receiver of taxes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the township committee, of the township of Clinton, in said act named, to purchase for any term not exceeding fifty years, any of the lands and premises offered for sale under the provisions of said act, by the receiver of taxes at the last adjournment of said sale; *provided*, that no person be present and bidding for said lands at said sale; and in such case the said receiver shall make, execute and deliver to the inhabitants of said township of Clinton, by their corporate name, a deed or deeds for such lands and premises, and by virtue of said deed or deeds the said township shall be vested with and have, hold, possess and enjoy any and all such estate, right, title and interest of, in and to such land and premises as any other purchaser or purchasers could or might under any other deed or deeds made under the provisions of said act.

Proviso.

Deeds made by receiver of taxes, how acknowledged.

2. *And be it enacted*, That all deeds made by the said receiver of taxes shall be acknowledged by the said receiver in the same manner as deeds for the conveyance of lands and real estate in this state, and when so acknowledged an abstract thereof may be recorded in the office of the clerk of said township, for which said clerk shall be entitled to the sum of twenty-five cents; and if the lands and premises mentioned in said deed or deeds so recorded shall be redeemed according to the provisions of said act, the said clerk shall, if requested so to do, cancel the record in his office of any deed or deeds for any lands and premises so redeemed, upon being paid

Duties and fees of clerk when lands are redeemed, &c.

the sum of twenty cents for each cancellation; but if said land and premises shall not be redeemed as aforesaid, then after the time of redemption shall have expired, the said deeds may be recorded in the office of the register of said county of Essex.

Fees of receiver of taxes.

3. *And be it enacted*, That the said receiver shall be entitled to receive and collect for his costs, fees and expenses, the following amounts: For executing said warrant, the sum of one dollar from each delinquent taxpayer; for collecting any moneys under said warrant, the sum of two cents on each dollar by him collected and paid over to the said town committee; for advertising any sale under the said warrant, the sum of one dollar for each description of any lot of land and premises; for advertising each adjournment of such sale, the sum of fifty cents from each delinquent for each lot of land so advertised, but no fees shall be allowed for more than two adjournments of such sale; and for each deed actually delivered, the sum of two dollars; and for the acknowledgment of each deed, the sum of fifty cents.

Repealer.

4. *And be it enacted*, That the eleventh section of the act, to which this is a supplement, be, and the same is hereby repealed.

Vacancy in office of receiver, how filled.

5. *And be it enacted*, That if any receiver appointed under this act, or the act to which this is a supplement, shall from death, resignation, or otherwise, cease or be unable to serve as such receiver, the said township committee shall have full power to appoint another receiver in his stead, who shall take the oath and give the bond prescribed by the first section of the act, to which this is a supplement, and who shall perform all such duties, be subject to such liabilities and penalties, and possess such rights and privileges as if he had been originally appointed; and, in such case, if any warrant or warrants shall remain unexecuted, the same shall be delivered to such newly appointed receiver for execution, who shall have the same power, in all respects, to all intents and purposes, to proceed with the execution of said unexecuted warrant or warrants, as if the same had been originally delivered to him for execution.

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

Approved February 25, 1875.

CHAPTER LXV.

An Act to enable the collector of the township of Belleville, in the county of Essex, for the year one thousand eight hundred and seventy-three, to pay to the collector of the township of Franklin, in the county of Essex, certain taxes in his hands assessed and collected illegally in the township of Belleville.

Preamble.

WHEREAS, there was illegally assessed and collected in the township of Belleville, in the county of Essex, in the year of our Lord one thousand eight hundred and seventy-three, a tax known and designated as township school tax, at the rate of twenty cents on every one hundred dollars valuation of the real and personal property of the then existing township of Belleville, in the county of Essex, which tax was unauthorized by any authority having power to order the same, amounting to the sum of three thousand nine hundred and seventy-three dollars, as reported by the township committee of the then existing township of Belleville, in their annual report to the inhabitants of the township of Belleville, dated April first, one thousand eight hundred and seventy-four, as being in the collector's possession of the township of Belleville, as part of the school fund of that township; and whereas, the senate and general assembly of the state of New Jersey did set off from the township of Belleville, in the county of Essex, a new township to be called the township of Franklin, approved February eighteenth, one thousand eight hundred and seventy-four; therefore,

Collector directed to pay over school tax.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the collector of the township of Belleville, in the county of Essex, for the year one thousand eight hundred and seventy-three, shall within ten days from the approval of this act, pay to the collector of the township of Franklin, the proportion of the aforesaid tax now in his possession, based upon the

division and apportionment of the school fund of Belleville township, for the year one thousand eight hundred and seventy-three, due the school districts of North Belleville and Franklin, and designated as such by the county superintendent of public schools for the county of Essex.

Collector to retain tax, &c.

2. *And be it enacted*, That the collector of the township of Franklin shall, upon receipt of the said illegal tax from the collector of the township of Belleville, retain the same in his possession separate from other township moneys until such time as he shall be ordered to disburse the same as hereafter provided, and render to the collector of the township of Belleville his receipt for the same, which shall be deemed good and valid protection for him against all claims for said part of said tax.

Collector to notify clerks upon receipt of tax.

3. *And be it enacted*, That the collector of the township of Franklin, upon receipt of aforesaid tax from the collector of the township of Belleville, shall within five days from receipt of the same, notify in writing the district clerks of the North Belleville and Franklin school districts the amount due each of their respective districts of the aforesaid tax, as received by him from the collector of the township of Belleville.

Clerks to call a meeting of inhabitants.

4. *And be it enacted*, That it shall be the duty of the district clerks of the North Belleville and Franklin school districts, upon receipt of said notification from the collector, to call a public meeting of the inhabitants of their respective districts, from whom the aforesaid tax was collected, after giving ten days' notice of the same in writing, signed by them in their official capacity, in five of the most public places in each of their respective districts, who, when assembled at said meetings, shall organize and decide by a majority vote of those present, for what purpose the aforesaid illegal tax collected from them shall be used, and to whom it shall be paid, which vote shall be final and decisive.

Copy of proceedings to be filed.

5. *And be it enacted*, That the presiding officers of said meeting shall, after the final decision of the people there assembled, file with the collector of the township of Franklin, a copy of the proceedings of said meetings within three days after the same was held, making their affidavits to the same.

6. *And be it enacted*, That upon the receipt of said copy

Collector to pay over tax.

by the collector of the township of Franklin, it shall be his duty to pay to the person or persons so designated to receive the same by the inhabitants, as before provided, the aforesaid tax in his possession, and obtain their receipt for the same, which receipt shall be considered his voucher for the same, and be deemed good and valid in law.

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

Approved February 25, 1875.

CHAPTER LXVI.

Supplement to the act entitled "An Act to incorporate the town of Absecon."

Real estate to be sold for non payment of tax.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the town council of the town of Absecon, in the county of Atlantic, shall have power to enforce the collection of all delinquent taxes assessed on real estate in said town during the year of our Lord one thousand eight hundred and seventy-four and thereafter, by exposing the same for sale, or so much thereof as may be sufficient to pay said taxes and the cost thereon, at public vendue, to the person or persons who will take the least quantity of said land, to be laid out in one body and to commence at some designated corner of the premises on which said delinquent taxes are claimed to be due; and in cases where the said council may deem it for the interest of the town they may authorize the treasurer or collector of the town to appear at such sale and bid on such lands as are offered for sale as aforesaid, in the name of the town; the land so sold to him, if any, to be the property of said town.

Town may become purchaser.

Collector of taxes to make return of delinquents.

2. *And be it enacted*, That no land shall be sold by virtue of this act, until the collector of taxes shall have made a return to the town council that the taxes assessed on said lands are unpaid and have by him been returned

as delinquent, and shall verify the same by his affidavit attached thereto; and the collector neglecting or refusing to make such return and affidavit on or before the annual town election shall be liable to the town for such unpaid and delinquent taxes not so returned.

Return to be recorded, and copy to be posted up.

3. *And be it enacted*, That within thirty days after the said return by the collector of the town, the town council shall cause a copy of said return to be recorded in the clerk's office, or book kept by the clerk of the town, a copy thereof to be posted in at least three public places in said town, the same to be certified to and signed by the clerk.

Return to be published, if delinquents do not pay, &c.

4. *And be it enacted*, That if any of said delinquents, at any time before the expiration of thirty days after the posting of said notices, shall pay to the clerk, said delinquent taxes with interest and costs, together with the additional sum of fifty cents as registry fee for said clerk, then in such case the clerk shall receive the same in the name of and for the town and give receipt therefor; but in case such delinquents do not appear and make payment within thirty days the town council shall cause a certified copy of the said return and affidavit of the collector to be published in one or more of the newspapers of the county at least six weeks, specifying the time and place when the property will be sold at public vendue as aforesaid, for the collection of said returned and delinquent taxes.

Lands to be sold.

5. *And be it enacted*, That on the day named in said notice, or on some adjourned day thereof, the chairman of the town council shall proceed to sell the several tracts or parcels of land returned and unpaid, and in order so returned, at public vendue as aforesaid, to the person or persons who will take the least quantity of said premises so offered and pay the amount of said delinquent taxes, with the cost of advertising and sale.

Town council to execute certificates of sale.

6. *And be it enacted*, That within thirty days after such sale, or at the next monthly meeting of the town council, they shall execute or cause to be executed, and, when called for, to be delivered to such person or persons who may become purchasers of said lands, a certificate of such sale, describing the piece or pieces so sold, as the case may be, together with the amount paid for the same, entitling the holder thereof to a deed of the premises so

Proviso.

sold; *providing*, that the owner or owners of said land or lands, do not, within one year from date of said certificate, appear and deposit with the town council, for the purchase of said land, the amount heretofore paid by the purchaser at time of sale together with fifteen per centum interest, in which case the said certificate shall be deemed to be cancelled, and the amount so received shall, within thirty days be paid to the party holding and owning such certificate.

Council to execute deed, if lands are not redeemed.

7. *And be it enacted*, That if, at the expiration of one year from the date of certificate, the owner or owners of any lands so sold, does not appear to redeem said lands as aforesaid, then the said town council shall execute to the holder and owners of said certificate a deed of the premises described therein, in their corporate name; the party receiving such deed to be at the expense of acknowledging the same, and on the delivery of said deed the sale shall be final, and the title of such lands pass in fee to the holder thereof.

Quorum.

8. *And be it enacted*, That a majority of said council shall constitute a quorum for purposes of this act, and may adjourn from time to time as they may judge proper.

Council may have power to lease, sell, and dispose of lands, &c.

9. *And be it enacted*, That in all cases when the town council shall or may hereafter become the owner of any lands or tenements, by virtue of this act, they shall have full power, and are hereby authorized to lease, sell and dispose of the same, to any person or persons, either at public or private sale, for such price and upon such terms as to them shall seem proper; and said town council shall have full power to convey the same unto the purchaser or purchasers thereof, by good and sufficient deed in fee simple or otherwise; the said deed thereof shall be made in the corporate name of the inhabitants of the town of Absecon, and signed by at least a majority of the town council; the funds arising from the sale of said lands to be paid over to the town collector and by him kept and paid out as other funds belonging to said town are kept and paid out.

Funds received to be paid to town collector.

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

Approved February 25, 1875.

CHAPTER LXVII.

An Act respecting the prosecutor of the pleas of the county of Hudson.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the prosecutor of the pleas of the county of Hudson, in addition to the fees now allowed by law, shall be paid such sum upon the trial of each case in which a defendant shall be convicted, as the presiding judge of the court in which such case shall be tried shall certify and fix to be paid by the collector of said county upon presentation of said certificate; *provided, however*, that no certificate shall be granted by said judge in any case in which the trial thereof shall be commenced and concluded within the same day. Prosecutor to receive fees, when defendant is convicted. Proviso.

2. *And be it enacted*, That the prosecutor of the pleas of the county of Hudson shall be paid such sum upon the trial of each case in which a defendant shall be acquitted, or in which the jury shall disagree, as the presiding judge of the court in which such case shall be tried shall certify and fix to be paid by the collector of said county upon the presentation of said certificate; *provided, however*, that the said prosecutor shall not receive any greater sum in the cases mentioned in this section than he would have received if the defendant had been tried and convicted. Prosecutor to receive fees, when defendant is acquitted, &c. Proviso.

3. *And be it enacted*, That the entire compensation to be paid to said prosecutor under this act shall not exceed in any one year two thousand dollars and this act shall take effect immediately. Compensation of prosecutor.

Approved February 25, 1875.

CHAPTER LXVIII.

A Further Supplement to "An Act entitled 'An Act to set off from the township of Belleville, in the county of Essex, a new township to be called the township of Franklin,'" approved February eighteenth, one thousand eight hundred and seventy-four.

Time of holding election.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the annual township election in the township of Franklin, county of Essex, shall hereafter be held on the second Tuesday of March, in each year, in the manner prescribed by law for holding such election, instead of the time now designated for holding the same.

Blanks to be furnished assessor.

2. *And be it enacted*, That it shall be the duty of the township committee to provide and furnish to the assessor of the township of Franklin, on or before the first Monday in June, of each year, blanks for each and every person owning property in the township of Franklin, on which blank they shall state the amount of their real and personal property liable to taxation, with a description of their real estate and value of their personal property.

Statement to be made by each person liable to taxation.

3. *And be it enacted*, That it shall be the duty of the assessor when he makes the annual assessment in the time prescribed by law for making the same, to cause each person liable to taxation, in the township of Franklin, to fill up one of the aforesaid blanks, as heretofore directed with a true statement of their real and personal property; and that it shall be the duty of the assessor when the owner or owners of any property, real or personal, in the township of Franklin cannot be found, to fill up one of the aforesaid blanks for such party or parties, in the manner as heretofore directed.

Duty of assessor.

Assessor to make assessment.

4. *And be it enacted*, That the assessor, upon the receipt of the aforesaid blanks, shall proceed without favor or partiality to make his assessment on the aforesaid property liable to taxation in said township as furnished him on the aforesaid blanks at its cash value, as in his judg-

ment said property would sell for on the day prescribed by law for commencing said assessment.

Duty of assessor when persons refuse to make statement.

5. *And be it enacted*, That if any person or persons in the township of Franklin refuse to fill up the aforesaid blanks, as directed when furnished them by the assessor, it shall then be the duty of the assessor to fill up the same to the best of his judgment and ability, in the manner heretofore directed, and base his assessment thereon, and furnish the commissioners of appeal, in cases of taxation, at their annual meeting with a list of the same.

Committee to retain assessor's duplicate, &c.

6. *And be it enacted*, That at the meeting of the township committee to revise the assessor's duplicate, the assessor shall furnish them with the aforesaid blanks upon which he has based his assessments, they to retain the same for reference, and upon their finishing the revision of the duplicate, it shall be the duty of the township clerk to file the aforesaid blanks arranged alphabetically and place among the township records.

Compensation of assessor.

7. *And be it enacted*, That the assessor, in addition to the compensation provided for him by law, shall receive for each of the aforesaid blanks furnished the township committee, the sum of five cents.

Act not to conflict with general tax law

8. *And be it enacted*, That nothing in this act shall in any way conflict with the manner of making assessments, or the penalties attached, to compel the owners of any real or personal property to make a true statement thereof to the assessor, as described in the general tax law of the state of New Jersey, and the several supplements thereto.

Working, &c., of roads, to be under the control of township committee.

9. *And be it enacted*, That the working and repairing of the public roads, streets, avenues and sidewalks, in the township of Franklin, in the county of Essex, shall hereafter be under the control, direction, and supervision of the township committee of said township, who shall designate and employ such and so many agents, and for such compensation as they shall deem expedient in the premises, and who shall also have the control and disposal of all moneys, raised or to be raised in said township for such purpose, and who shall also have the power, and it shall be their duty, on complaint of any citizen, to prosecute in any court of justice having jurisdiction of the same, all persons encroaching on or causing encroachments to be placed upon any public road,

May employ agents to have control, &c., of money, &c.

street, highway, or sidewalk, in the aforesaid township, after giving them five days' notice in writing to remove the same; *provided*, that nothing herein shall apply to Washington avenue, constructed by and under the control of the Essex public road board.

Proviso.

Penalty for not removing encroachments upon streets, &c.

10. *And be it enacted*, That any person or persons encroaching on, or causing encroachments to be placed upon any public street, road, highway, or sidewalk, in the township of Franklin, after receiving due notice thereof in writing from the township committee, do not within twenty-four hours remove such encroachments placed, or caused to be placed by them upon any public road, street, highway, or sidewalk in the aforesaid township, shall be deemed guilty of a misdemeanor and offense, and punished by fine in any court of justice having jurisdiction of the same, the sum of five dollars and costs for each and every offence, and shall be liable for all damages occuring through such encroachments or obstructions; the same fine to be applied by the township committee for the working and repairing of the public roads, streets, highways and sidewalks of the township of Franklin.

Collector to pay over moneys.

11. *And be it enacted*, That it shall be the duty of the township collector of the township of Franklin, to pay to the township committee all moneys directed to be assessed and collected for the repair of roads, streets, highways, and sidewalks in the said township out of the first moneys that shall come into his hands after the payment of the state, county and school tax, and the said township committee are hereby authorized and empowered to borrow money in anticipation of the amount to be assessed and collected for the repair and working of public roads, streets, highways and sidewalks in the township of Franklin.

Committee authorized to borrow money for repairs, &c., of roads.

Moneys raised as dog tax how used, &c.

12. *And be it enacted*, That all moneys collected by the township collector and designated as dog tax, remaining in the possession of the township committee after all claims for the killing and destruction of sheep by dogs for the year are paid, shall be used by them for the working and repairing of the streets, highways, roads and sidewalks in the township of Franklin.

Real estate to be sold for non-payment of tax

13. *And be it enacted*, That the township committee of the township of Franklin shall have power to enforce

the collection of all delinquent taxes assessed on any real estate in the said township, during the year of our Lord one thousand eight hundred and seventy-four, and thereafter by exposing the said real estate for sale, or so much thereof as may be sufficient to pay said tax and costs thereon at public vendue to the person or persons who will take the least quantity of said lands for the shortest time to be laid out in one body, and to commence at some designated corner of the premises, on which said delinquent taxes are claimed to be due, and in case when the said committee may deem it for the interest of the township, they may authorize the treasurer of the township to appear at and bid on such lands as are offered for sale as aforesaid, in the name of the township, the lands so sold to be the property of the township.

Treasurer may bid for township.

14. *And be it enacted*, That no land shall be sold by virtue of this act until the township collector shall have made a return to the township committee that the taxes assessed on said land are unpaid, and have by him been returned as delinquents, and verify the same by his affidavit attached thereto; and the collector neglecting or refusing to make such return and affidavit, on or before the first Tuesday of March, of each year ensuing, shall be liable to the township for all of said unpaid and delinquent taxes not so returned.

Return of delinquents to be made.

15. *And be it enacted*, That within five days after the said return is made by the collector of the township, the township committee shall cause a copy of said return to be recorded in the clerk's office of the township, and a copy thereof to be posted in at least three public places in said township, one of said places to be the place where the election of said township is held, the same to be certified to and signed by the township committee.

Return to be recorded, and copies posted.

16. *And be it enacted*, That after the expiration of twenty days the township committee shall cause five certified copies of the said return and affidavit of the collector to be set up in five of the most public places in the township, at least six weeks, specifying the time and place when the same will be sold for the collection of said return and delinquent taxes.

Copies of return, and time and place of sale, to be posted.

17. *And be it enacted*, That on the day mentioned, or some adjourned day thereof, the chairman of said committee shall, at the hour mentioned in said notice, proceed

Lands to be sold.

New Jersey State Library

to sell the several tracts or parcels of lands on which the taxes are returned and unpaid, and in the order so returned at public vendue to the person or persons who will take the least quanity of said premises so offered for the shortest time, and pay the amount of said delinquent taxes and interest due thereon, with costs of advertising and sale.

Certificate of sale, to be executed.

18. *And be it enacted*, That immediately after such sale the township committee, upon the receipt of the money from the purchasers of said lands, shall execute and deliver to such person or persons a certificate of such sale, describing the premises so sold, together with the amount paid for the same entitling the holder thereof to a deed of the premises so sold; *provided*, that the owner or owners of said land or lands, or their legal representatives, do not within five years from the date of said certificate, appear before the township committee, or deposit with the treasurer thereof, for the purchase of said lands, the amount paid by the purchaser, together with all taxes assessed on the same and interest at the rate of twelve per cent. per annum on the whole amount, in which case the said certificate shall be deemed to be cancelled, and the amount so received shall, on demand, be paid to the party holding and owning such certificate upon return of the same.

Proviso.

Deeds to be executed, if lands are not redeemed.

19. *And be it enacted*, That if, at the expiration of five years from the time of said sale, the owner or owners of any lands so sold, or their legal represenatives, do not appear to redeem said lands as aforesaid, the chairman of the township committee shall execute to the holders of said certificate, or their legal representatives, a deed of the premises described in their corporate name, the party receiving said deed to pay the expense of executing and acknowledging the same, and on delivery of said deed the sale shall be final, and the title of such lands pass to the holders thereof for the time they purchased the same, agreeing with the certificate entitling them thereto.

Quorum.

20. *And be it enacted*, That a majority present at any meeting of the township committee shall constitute a quorum for the purposes of this act, and they may adjourn from time to time as they may deem proper.

21. *And be it enacted*, That the treasurer of the township

committee shall, when elected to that office, execute to the inhabitants of the township of Franklin a bond for the faithful performance of his duties, in such an amount as the township committee may designate, the same to be held by the township clerk. Treasurer to give bonds.

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

Approved February 25, 1875.

CHAPTER LXX.

An Act relating to the township of East Orange, and the assessment and collection of taxes therein.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in making the valuation and assessment of real estate in the township of East Orange, in the county of Essex, for state, county and township taxes, no deduction shall be made therefrom on account of any personal indebtedness. No deduction allowed for personal indebtedness.

2. *And be it enacted*, That hereafter the meeting of the township committee of said township, for the purpose of examining, revising, and correcting the assessment of taxes, as provided in the supplement of April eleventh, one thousand eight hundred and sixty-seven, to "An Act concerning taxes," shall be held on the last Tuesday of June, instead of the third Tuesday in August, as directed in said act; that the assessor of said township shall attend said meeting, and lay before the committee his assessment; and that the said township committee shall complete the said examination, revision and correction, on or before the last Saturday of July in each year. Meeting of committee for examining, revising, the assessment of taxes.

3. *And be it enacted*, That upon all taxes which shall be hereafter assessed in the township of East Orange, and which shall remain unpaid after the twentieth day of November in each year, interest shall be charged at the rate of twelve per centum per annum; *provided*, that nothing herein contained shall be construed as repealing Taxes not paid, to be charged interest. Proviso.

or changing the penalties now prescribed, but only a changing the rate of interest on future taxes.

Money received by county clerk for license fees, to be paid over to township committee.

4. *And be it enacted*, That all sums of money now in the hands of the county clerk, or which may hereafte come into his hands by reason of any license fee o assessment, made by the court of common pleas upo persons residing in the said township of East Orange licensed or to be licensed under "An Act to regulate th sale of ale, strong beer, lager, porter, and other mal liquors in the state of New Jersey," approved April fourth one thousand eight hundred and seventy-two, shall b by said county clerk paid over to the township committe of said township, or to such person as shall be by then authorized to receive the same for the use of said town ship.

Office of collector abolished, and power of committee to appoint a receiver of taxes.

5. *And be it enacted*, That the office of collector of taxe in said township be and the same is hereby abolished, an the township committee are hereby authorized, from tim to time, to appoint some suitable person to be receiver o taxes within said township, who shall hold his offic during the pleasure of said committee, and who shal give bonds in such sum and with such security as th committee may direct and approve; such receiver o taxes shall have all the powers, perform all the dutie and be liable to all the penalties now prescribed by law with respect to the township collector; and it shall b the duty of the township committee to designate an appoint one of the constables of said township, or som other suitable person, to whom shall be issued the warran or warrants for the collection of the taxes of delinquents and the said warrant or warrants shall be issued only t such person or persons as shall be so designated by th committee; and in case the committee deem it advisabl they may designate the receiver of taxes as the person t whom such warrant or warrants shall issue; and an person or persons to whom any such warrant shall issu and who shall undertake the execution thereof, shal be subject to all the liabilities and penalties prescribe in the twenty-second and twenty-third sections of "A Act concerning taxes," and the actions and suits mentione in said sections shall be brought in the name of "Th Inhabitants of the township of East Orange, in th

Powers and duties of receiver of taxes, and constables, &c.

county of Essex," in the discretion and under the direction of the township committee of said township.

6. *And be it enacted*, That all acts and part of acts inconsistent with the provisions of this act be and the same are hereby repealed, and this act shall be a public act and shall take effect immediately. Repealer.

Approved March 2, 1875.

CHAPTER LXXI.

An Act to legalize the sale of lands made by "The Peter R. Winter Benevolent Association" to the inhabitants of the borough of Washington, in the county of Warren.

WHEREAS, at a meeting of the common council of the borough of Washington, in the county of Warren, held on the eleventh day of October, eighteen hundred and seventy-three, a committee of three members, to wit, J. D. Taylor, James Allen and A. Babcock, to act with Joseph C. Stewart, then mayor of the said borough, was appointed to purchase a certain lot of land, with the buildings thereon of "The Peter R. Winter Benevolent Association," known as Masonic Hall, at the lowest price that the same could be purchased; *and whereas*, the said committee, on the eighteenth day of October, eighteen hundred and seventy-three, did purchase the said lands and premises of the said "Peter R. Winter Benevolent Association" for the sum of seven thousand five hundred dollars, and did receive and accept a deed therefor made to the inhabitants of the borough of Washington, in the county of Warren, by the said association, and executed by Joseph B. Cornish, as president of The Peter R. Winter Benevolent Association, which said deed bears date the eighteenth day of October, A. D., eighteen hundred and seventy-three, and was duly acknowledged before Peter R. Winter, a commissioner of deeds in and for the Preamble.

county of Warren, and was delivered to the said co
mon council and by them deposited in the cler
office of the county aforesaid for record, on the twer
fifth day of October, eighteen hundred and sever
three, and to secure the payment of the considerat
money the grantees assumed the payment of a m
gage lien, then upon the premises, of fifteen hund
dollars, and did execute and deliver to the said
Peter R. Winter Benevolent Association several
missory notes, bearing date the eighteenth day of
tober, eighteen hundred and seventy-three, payabl
the order of Joseph B. Cornish, president of The P
R. Winter Benevolent Association, payable at the F
National Bank of Washington, New Jersey, with
terest from the dates thereof, in all amounting to
sum of six thousand dollars the residue of the con
eration money, which promissory notes were signed
J. C. Stewart, mayor, and J. D. Taylor, James Allen
Babcock, committee appointed by common coun
and whereas, the said the inhabitants of the borough
Washington have been in the quiet and peaceable
joyment of the said premises, since the date of
aforesaid conveyance, and have expended large su
of money in making alterations and repairs upon
said premises so as to adapt it to the purposes of a t
hall and other purposes; *and whereas*, doubts h
arisen as to the powers vested in the mayor and c
mon council to make the said purchase, and to sec
the purchase money in the manner aforesaid, th
fore, in order to legalize and make valid the
purchase,

Deeds and notes declared valid and legal.

1. BE IT ENACTED *by the Senate and General Assembl
the State of New Jersey*, That the said deed of conveya
made by The Peter R. Winter Benevolent Associat
by its president, Joseph B. Cornish, to the inhabitant
the borough of Washington, in the county of War
bearing date the eighteenth day of October, eight
hundred and seventy three, and duly acknowledged
fore Peter R. Winter, and recorded in the Warren cou
clerk's office, on the twenty-fifth day of October, eight
hundred and seventy-three, and the several promis
notes executed by the mayor and committee of comm
council, representing the inhabitants of the borough

ıshington, in the county of Warren, are hereby de-
red to be valid and legal; the said deed of conveyance
sting the legal title to the said lands, in the inhabi-
ıts of the borough of Washington, in the county of
arren, and the said promissory notes being valid and
;al obligations of the said the inhabitants of the bor-
gh of Washington, in the county of Warren.

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

Approved March 2, 1875.

CHAPTER LXXVII.

ı Act to repeal an act entitled "An Act concerning roads in the Township of Mansfield, in the County of Burlington," approved March fourth, eighteen hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of* Repealer.
e State of New Jersey, That an act entitled "An Act con-
rning roads in the township of Mansfield, in the county
Burlington," approved March fourth, eighteen hun-
ed and seventy four, be and the same is hereby repealed,
ıd all acts and parts of acts repealed by said act are
ereby revived.

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

Approved March 3, 1875.

CHAPTER LXXVIII.

An Act to revise the Charter of the City of Cape May

TITLE FIRST.

OF THE BOUNDARIES AND CIVIL DIVISIONS OF THE CITY

Boundaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of land lying and being in the county of Cape May, beginning at a point in the Atlantic ocean, opposite the mouth of Cold Spring inlet, as far southerly as the jurisdiction of the state extends, and running a westerly course until opposite an inlet between Cape Island and the light-house; thence following the several courses of the said inlet, or creek, to Mount Vernon bridge, and a street or road known and designated as Broadway; thence along the northwest side of said street, to the north side of its junction with the Cape Island turnpike; thence along the north side line of said turnpike, to Cape Island bridge, and creek; thence following the several courses of the said creek, down the main channel to the place of beginning; and all the citizens of this state, residing within the limits aforesaid, be and they are hereby ordained, constituted, and declared to be, one body corporate and politic, in fact and in name, by the name of the "City of Cape May," and by that name they and their successors shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and shall have a common seal and alter the same at their pleasure, and also by their corporate name aforesaid, shall be in law, capable of purchasing, holding, and conveying any estate, real or personal, for the public use of the said corporation; and that the said city of Cape

Corporate name.

May, and their successors, shall, by virtue of this act, become and be absolutely and completely vested with, possess and enjoy all the estate and property whatsoever, both real and personal, which at the time of the passing of this act, are vested in or belong to the said city of Cape May, as now incorporated by the same name, viz: "The City of Cape May," according to such estate and interest, as the said city of Cape May, at the time of the passage of this act, has or of right ought to have in the same.

TITLE SECOND.

ELECTION, APPOINTMENT, AND REMOVAL OF CITY OFFICERS.

City officers.

2. *And be it enacted*, That there shall be in and for the said city, one mayor, one alderman, one treasurer, one assessor of taxes, one collector of taxes, nine councilmen, two chosen freeholders, three commissioners of appeal, two constables, one overseer of the poor, one judge of election, one clerk of election, one recorder, one street supervisor, one city surveyor, one marshal, who shall be chief of police, and one city solicitor, who shall have been admitted to practice as an attorney and counsellor at law, in the supreme court of the state of New Jersey.

Time of holding annual election.

3. *And be it enacted*, That an election by ballot shall be held annually on the second Tuesday of March in said city, at such place as the city council of the city of Cape May shall appoint, between the hours designated by or pursuant to law for holding the election for members of the senate and general assembly of the state, of which time and place the city recorder shall cause public notice either printed or written, to be set up in five public places in said city, and to be published in the newspapers printed therein, at least one week previous to such election.

First election for city officers.

4. *And be it enacted*, That at the first election to be held after the passage of and pursuant to this act, on the second Tuesday of March next, there shall be elected by ballot, in and for said city one mayor, who shall be a resident of said city and entitled to vote at such election, and hold his office for the term of two years, or until another is chosen and qualified in his stead; one alderman who

Mayor.

Alderman.

shall be a resident of said city and entitled to vote at such election, who shall hold his office for the term of one year, or until another is chosen and qualified in his stead; and at each annual election thereafter, there shall be one alderman elected for the term of two years, or until another is elected and qualified in his stead; one recorder who shall hold his office for two years, or until another is chosen and qualified in his stead; and at said election to be held on the second Tuesday of March next, there shall be elected in and for said city from among the citizens residing therein, and entitled to vote at such election, nine councilmen, three to be elected for three years, three to be elected for two years, and three to be elected for one year; and the ballot of each voter shall designate which of the persons he shall vote for as councilmen shall hold office for three years, and which for two years, and which for one year; and at each annual election thereafter there shall be three councilmen chosen, who shall hold their offices for the term of three years, and every year thereafter there shall be elected in and for said city from among the citizens residing therein, and entitled to vote at such an election, one treasurer, one assessor of taxes, one collector of taxes, one judge of election, one clerk of election, two chosen freeholders, three commissioners of appeal, to hear and finally determine all appeals relative to unjust assessments in cases of taxation; two constables and one overseer of the poor, and such judges of election as are or may be by law provided for or required, or, as in the absence of legal provisions, may be provided for by ordinance of the city council, all of which said officers shall hold their offices respectively for the term of one year, and until others shall be chosen and legally qualified in their stead; and the city council, by a majority vote, may annually appoint a city solicitor and city surveyor.

Recorder.

Councilmen.

Other officers.

Vacancies in election officers, how filled.

5. *And be it enacted,* That in the case of absence, death or refusal to serve, or other incapacity of either of the judges or clerk of election at the holding of election aforesaid, such vacancy or vacancies shall be supplied in the manner prescribed by law for supplying such vacancy or vacancies at an election for state and county officers; the officers of election shall take the same oaths, be entitled to like compensation, and the said election in all

things, be conducted, continued and concluded, as nearly as may be according to the same rules and regulations, and under the same restrictions and penalties, as are, or may be prescribed by the laws regulating the election of members of the senate and general assembly of this state.

Statement of result of election to be made and filed, &c.

6. *And be it enacted*, That immediately after the closing of the polls at every city election, the judges of election shall count the votes given for the several candidates, and make a certificate thereof, under their hands; and on the second day after the said election, shall deliver the same to the city recorder, and the persons having the greatest number of votes shall be declared elected to the offices for which they shall have been voted for respectively, and the recorder shall file the original certificate in his office, and lay the statement made by the judges of said election, before the city council at their first annual meeting thereafter, and the same shall be by them filed in said recorder's office; and the said recorder shall immediately send a notice of his election to each of the persons elected; and if at any election for officers authorized by this act, any officer shall not have been chosen by reason of two or more candidates having received an equal number of votes, such office shall be deemed vacant, and shall be filled as hereinafter provided.

Duty of recorder.

Vacancies, how filled.

7. *And be it enacted*, That if at any annual election, in said city, there shall be one or more vacancies to be supplied in any office, and at the same time any person is to be elected for the full term of said office, the term for which each person is voted for, for said office, shall be designated on the ballot, and if any person who shall be elected to any office at the annual city election, shall not qualify according to law for the space of thirty days after such election, or if any person who shall be elected or appointed to fill any vacancy in any of the said offices, shall not qualify according to law, for the space of thirty days after such election or appointment, his office shall be deemed vacant.

Persons elected to qualify.

Council may appoint to fill vacancies.

8. *And be it enacted*, That in case of death, resignation, disability, disqualification, removal from office, neglect or refusal to act, or removal out of the city of any of the officers thereof, elected under this act, or any vacancy in

any office, it shall be lawful for the city council to appoint others in their stead, until the next city election, or in case of appointed officers, until the regular period for appointment, who shall during the said term perform the like services, be entitled to the same fees, and be subject to the same responsibilities and penalties, as though elected at the annual election or appointed at the regular time; *provided*, that all resignations shall be sent to the mayor, and he shall report the same to the city council at its next meeting thereafter.

Proviso.

Council may prescribe duties, and appoint other officers.

9. *And be it enacted*, That the said city council shall have power when assembled, from time to time, to elect and appoint and prescribe the duties of, and under such regulations, conditions and restrictions as they shall think proper, such other and all subordinate officers of the said city, as well such as are in this act named, and whose appointments or elections are provided for, as those who are not named herein, and who may in the opinion of the city council be necessary for the better ordering and governing the said city, for the preservation of its health, or for the convenience, safety and advantage of commerce and trade; *provided*, that the city council shall not appoint any person to fill any office provided for in this act from among themselves, the compensation for which is paid out of the treasury of the city.

Proviso.

Persons elected or appointed, to take oath.

10. *And be it enacted*, That every person elected or appointed to any office in pursuance of this act, or of any law or ordinance of the city council, shall, before he enters upon the duties of such office, take and subscribe before the mayor or the alderman of said city, who are hereby authorized to administer the same, an oath or affirmation, faithfully and impartially to execute the duties of his office, to the best of his knowledge, skill and ability, and such other oaths or affirmations as may be required by the laws of this state; all such oaths or affirmations shall be filed by the recorder in his office; the city treasurer, recorder, collector, city solicitor, and constables elected or appointed as aforesaid, and such other officers as the city council may require, shall also, before entering upon their duties, each give bond to the city in its corporate name, in such sum and with sureties as the city council may approve, or as may be required by any act of the legislature of this state; conditioned for the faith-

Officers to give bonds.

ful performance of the duties of their respective offices, and if at any time the city council shall deem the sureties of any officer insufficient, they shall require him to give additional security; that the bonds of the constables shall be made to conform to the form prescribed by the first section of the act, entitled "An Act respecting constables," approved April the sixteenth, one thousand eight hundred and forty-six, for constables' bonds of the townships of this state, as near as may be, making such alterations as may be necessary to make it apply to the city of Cape May; which said bonds after the same shall be approved by the city council, shall be delivered to the recorder of the city, who is hereby directed and required to record and file the same in his office, and may be sued and prosecuted in the same manner as the bonds of like officers of this state are or may be sued and prosecuted; *provided*, the bond of the recorder after being duly recorded shall be filed with the treasurer of the city. Proviso.

Notices of election to be given.

11. *And be it enacted*, That the same notice in matters of election that the clerk of the county of Cape May is required to give to the clerks of the townships, shall be given by the recorder to the clerk of election of said city.

Officers may be removed.

12. *And be it enacted*, That any city officer, except the mayor and alderman, may be removed from office by resolution of the city council, for malfeasance, nonfeasance in office, disability, or other good cause shown upon complaints in writing to the city council, setting forth such cause and supported by one or more affidavits of the truth of the facts therein alleged; *provided*, that no such removal shall take place until the person sought to be removed has had an opportunity to be heard in his defence, nor unless two-thirds of all the members of the city council shall vote for such removal. Proviso.

TITLE THIRD.

POWERS AND DUTIES OF THE CITY COUNCIL AND TIMES OF HOLDING MEETINGS.

Meetings of council.

13. *And be it enacted*, That the members of the city council and the councilmen elected as aforesaid, shall hold an annual meeting in said city, on the Monday following the day on which the annual city election is held

yearly and every year, and such adjourned and special meetings as they shall see proper, or shall by ordinance direct and appoint; *provided*, that they shall meet at least once in each month, and shall meet at such place and at such times, as they themselves shall agree upon, or by ordinance appoint and fix, and when met, shall have power to make and adopt such rules, regulations and by-laws, for their own government and the dispatch of business, as they shall think proper, and shall have power to compel the attendance of members, and prescribe by ordinance when non-attendance shall forfeit a seat in the council.

Proviso.

Council may elect president.

14. *And be it enacted*, That the city council shall, at their annual meeting as aforesaid, in each and every year, elect from among themselves a presiding officer, to be entitled "The President of the City Council," who shall hold his office for one year, and until his successor shall be appointed; and in his absence, may elect a president pro tempore.

Keep journal.

15. *And be it enacted*, That the city council shall be the sole judge of the election returns and qualifications of its own members, and keep a journal of its own proceedings.

Recorder to be clerk.

16. *And be it enacted*, That the recorder shall be clerk of the city council; he shall keep accurate minutes of the proceedings of the city council, and perform such other duties as may be prescribed for him.

Quorum, &c.

17. *And be it enacted*, That a majority of the whole number of the members of the city council, shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time, and compel the attendance of absent members; the president of the city council shall be authorized to call special meetings of the city council, when the public good shall, in his opinion, render it necessary, and on the request of three members of the city council, in writing, addressed to the president, it shall be his duty, or in his absence it shall be the duty of the city recorder to call a special meeting.

Ordinances, how passed, &c.

18. *And be it enacted*, That no ordinance shall be passed or repealed by the city council, except with the concurrence of a majority of all the members of the city council; and no ordinance shall be altered or repealed, save by ordinance to that effect; every ordinance shall be read

three times before its final passage, and no ordinance shall be finally passed, until at a subsequent meeting to be held not less than three days after that at which it shall have been introduced; and each and every ordinance so passed as aforesaid, shall be signed by the president and clerk of the city council, and be submitted to the mayor for his approval or disapproval; all ordinances which may be disapproved by the mayor, shall be returned by him, together with his objections thereto, to the said city council, at its next regular meeting to that at which such ordinance may have been presented to him for his approval; and all ordinances so disapproved by the mayor, if reconsidered by said city council, and again approved and passed by said city council, by a majority of the whole number of members of said council, shall then become a law notwithstanding such disapproval by the mayor, and if not returned by the mayor within the time specified, the same shall become a law, as though approved by him, and be published for two weeks, at least once in a week, in the newspapers printed and published in the said city, before the same shall take effect; *provided*, that whenever the city council shall cause a revision of the ordinances of the city to be made, and shall direct the same to be published in a printed volume, it shall not be necessary to publish such revised ordinances more than once in a newspaper.

Mayor to approve.

Ordinances to be published.

Proviso.

19. *And be it enacted*, That the city council shall have power within the said city to make, establish, publish and modify, amend or repeal ordinances, rules, regulations and by-laws for the following purposes:

Power of council to pass ordinances.

I. To manage, regulate and control the finances and property, real and personal, of the city;

Finances.

II. To prevent vice, drunkenness and immorality; to preserve public peace and good order; to prevent and quell riots, disturbances, and disorderly assemblages;

Vice and immorality, &c.

III. To restrain and suppress disorderly and gaming houses, and houses of ill-fame; all instruments and devices for gaming; and to prohibit all gaming and fraudulent devices;

Gaming house, &c.

IV. To license and regulate restaurants, victualing houses or cellars, ale and lager beer saloons, garden or beach stands, billiard tables and bowling alleys; and to

License lager beer saloons, &c.

prohibit the keeping the same except by persons duly licensed;

Sports, &c.

V. To prohibit, restrain, regulate and license all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses, or other public performances and exhibitions for money, and fix the sum to be paid for such licenses to the city treasury;

Boundaries of streets, &c.

VI. To ascertain and establish the boundaries of all streets, avenues, highways, lanes, alleys and beach strand in said city, and prevent and remove all encroachments on said streets, avenues, highways, lanes, alleys and beach strand;

To regulate and repair streets, &c.

VII. To regulate, clean and keep in repair the streets, highways, avenues, lanes and alleys, wharves and docks in said city, and to prevent and remove obstructions and incumbrances in and upon all streets, highways, sidewalks, crosswalks, sewers, drains, aqueducts, water courses, wharves or docks in any manner whatsoever; to prescribe the manner in which corporations or persons shall exercise any privilege granted to them, in the use of any street, avenue, highway or alley in said city, or in digging up any street, avenue, highway or alley for the purpose of laying down pipes, or any other purpose whatsoever, and to prohibit and prevent any such use or work at such times and seasons of the year as they may designate; to direct and regulate the planting, rearing, trimming and preserving of ornamental shade trees in the streets, avenues, parks and grounds of said city, and to authorize or prohibit the removal or destruction of such shade trees, and to enforce the removal of snow, ice, or dirt from the sidewalks and gutters by the owner or occupants of the premises fronting thereon;

To widen, grade, &c., streets, &c.

VIII. To widen, level, grade, flag or re-flag, curb or re-curb, gutter or regutter, pave or re-pave, macadamize, gravel, or shell the streets, avenues, highways and alleys of said city, and the sidewalks and gutters thereof, or any of them, or any parts or sections of the same, and to prescribe the manner in which any such work shall be performed;

To direct draining, filling up, &c., lots.

IX. To direct the digging down, draining, filling up or fencing of lots, pieces or parcels of ground in said city, which shall be deemed dangerous or unwholesome, or necessary to carry out any improvements authorized by

this act; to prescribe the manner in which said work shall be performed, and to cause the expenses thereof to be assessed on such lots, tracts, pieces or parcels of ground, whether improved or unimproved, and to determine the time and manner in which such assessment shall be collected; to prevent or regulate the erection of any stoop, step, platform, bay window, cellar door, gate, area, descent into a cellar or basement, sign or any post, or erection, or any projection or otherwise, in, over, or upon any street, sidewalk or avenue, and to remove the same where already erected, at the expense of the owner or occupant of the premises; Stoops, &c.

X. To prevent and punish horse racing, and immoderate driving or riding, in any street, highway or strand, and to authorise the stopping and detention of any person who shall be guilty of immoderate driving or riding, in any street or highway, or strand; and to prevent or regulate the running of locomotive engines and railroad cars in said city, and designate the crossings at which any railroad company shall be required by the city council to station flagmen or signals, to warn travelers of the approach of locomotive engines or railroad cars; Horse racing. Engines.

XI. To prohibit the driving of any drove or droves of horses, mules, cattle, sheep or swine, through any of the streets of the city on the first day of the week, commonly called Sunday, and to regulate the same at other times; Droves of horses, &c.

XII. To regulate, protect and improve, the public grounds of said city; Public grounds.

XIII. To provide lamp and gas fixtures, and to light the streets and public places of every description, in said city; Light the streets, &c.

XIV. To make and regulate wells, pumps, aqueducts and cisterns, in the public streets; Cisterns in streets.

XV. To establish and regulate one or more pounds, and to restrain the running at large of horses, cattle, swine, goats, and other animals, geese and other poultry, and to authorize the impounding and sale of the same, for the penalty incurred, and the cost of keeping, impounding and sale; Running at large of horses, &c.

XVI. To regulate and prevent the running at large of dogs; to authorize the destruction of dogs running at large, and to impose taxes on the owners of dogs; Dogs.

XVII. To locate, regulate and remove slaughter Slaughter house.

houses and hog pens, establish and regulate public markets;

Vending wood, hay, &c. XVIII. To prescribe and regulate the places of vending or exposing for sale wood, hay, straw and other articles from wagons or other vehicles;

Frightening of animals. XIX. To regulate or prohibit any practice, having a tendency to frighten animals, or to annoy persons passing in the streets, or on the sidewalk in said city;

Drunkards, &c. XX. To restrain drunkards, vagrants, mendicants, and street beggars;

Board of health. XXI. To establish a board of health, define its powers and duties, and provide for the protection and maintenance of the health of the city;

Contracts for work, &c. XXII. To prescribe the manner in which all contracts, for performing work, or furnishing materials for the city, shall be made and executed;

To abate or remove nuisances. XXIII. To abate or remove nuisances of every kind, at the expense of those maintaining the same, and to compel the owner or occupant of any lot, house, building, shed, cellar, or place wherein may be carried on any business or calling, or in or upon which there may exist, any matter or thing, which is or may be detrimental in the opinion of the sanitary committee or board of health, appointed or established by the said city council, to the health of the inhabitants of the city, to cleanse, remove or abate the same, from time to time, under the direction of the city council, as often as the said sanitary committee or board of health may deem necessary for the health of the inhabitants of the city; or in a summary manner, to cause the same to be done at the expense and proper cost of such owner or occupant; and such owner or occupant is hereby expressly made liable for said cost and expenses, to be collected in such manner as the city council may by ordinance direct, from such owner or occupant, in addition to any fine or penalty, to which he or she may be liable for maintaining the said nuisance.

Burial of dead. XXIV. To direct the keeping and return of bills of mortality, and to establish such regulations for the conveying and burial of the dead in said city, as the health, quiet and good order of the city may, in their opinion, require;

XXV. To license and regulate cartmen, porters, hack, cab, omnibus, milk wagon, stage and truck owners and drivers, carriages and vehicles used for the transportation of passengers and merchandise, goods, or articles of any kind; auctioneers, common criers, hawkers, peddlers, pawnbrokers, junk shop keepers, stores, boarding houses, bath houses, news stands, shops and street stands, also sweeps and scavengers, and to fix the rates of compensation to be allowed to them, and to prohibit unlicensed persons from acting in such capacities; License cartmen, porters, &c.

XXVI. To regulate the ringing of bells, and the crying of goods and other commodities, for sale at auction or otherwise, and to prevent disturbing noises; Ringing of bells.

XXVII. To regulate or prohibit swimming or bathing in the waters in or bounding the city; Bathing.

XXVIII. To regulate weights and measures in conformity with the standard of weights and measures established by law, and to require every merchant, retail trader and dealer in merchandise or property of every description, which is sold by measure or weight, to cause their weights and measures to be sealed by the city recorder, and to be subject to his inspection. Weights and measures.

XXIX. To establish and control the fire department, to regulate and define the manner of the appointment, and removal of the officers and the members of the fire department, their duties and their compensation; to provide fire engines and other apparatus, and engine houses and other places for keeping the same, and to provide water for extinguishing fires. Fire department.

XXX. To regulate and control the manner of building or removal of dwelling houses and other buildings, and to prohibit within certain limits, to be from time to time prescribed by ordinance, the building or erection of any dwelling house, store, stable, or other building of wood, or other combustible material; to regulate the construction of chimneys, to compel the sweeping thereof, to prevent the setting up or construction of furnaces, stoves, boilers, ovens or other things in such a manner as to be dangerous; to prohibit the deposit of ashes in unsafe places, to authorize any city officer, or person or persons whom they may designate for that purpose to enter upon, and inspect any place or places for the purpose of ascertaining whether the same is or are in a safe condition, and To regulate and control the building of houses, &c.

if not, to direct or cause the same to be made so; to regulate or prohibit the carrying on of manufactories dangerous in causing or promoting fires; to regulate or prohibit the manufacture, sale or use of fireworks, and the use of firearms in said city; to regulate or prohibit the keeping and conveying of gunpowder, camphene, spirit gas, petroleum, and other dangerous materials, and the use of candles and lights in barns, stables and other buildings; to raze or demolish any building or erection, which by reason of fire, contagion or any other cause, may become dangerous to human life or health, or tend to extend a conflagration; to require all such further and other acts, to be done, and to regulate and to prohibit the doing all such further, or other acts, as they may deem proper to prevent the occurrence, and provide for the extinguishment of fires in said city.

Levying and collecting taxes.

XXXI. To adopt all legal and requisite measures for levying and collecting the taxes.

Define duties of officers.

XXXII. To prescribe and define the duties of city officers, when not otherwise prescribed by law, and their compensation and the penalty or penalties for failing to perform such duties; and to prescribe the bonds and sureties to be given by the officers of the city, for the discharge of their duties, and the time for executing the same in cases not otherwise provided for by law.

Compensation of officers.

XXXIII. To fix a reasonable compensation, to be paid to any officer of said city, or any person employed by them, for any service required of him by this act, or any other ordinance or resolution passed by them, for which no specific fee or compensation is provided to be paid by the person or persons for whom such service shall be performed; *provided*, that the salary of the mayor shall be fixed at a sum not exceeding five hundred dollars, and that the salary of the recorder shall not exceed the sum of one thousand dollars.

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Sewers and culverts.

XXXIV. To cause common sewers and culverts to be made, and to permit vaults to be constructed in any part thereof, under such regulations as the city council may deem proper, and to regulate the rate or price of supplying citizens of said city with water, and the collection of water rents due said city, and for the laying of water pipes within the bounds of said city.

20. *And be it enacted*, That the city council shall have

power to make and establish such other ordinances, regulations, rules and by-laws, not contrary to the laws of this state or of the United States, as they may deem necessary, to carry into effect the powers and duties conferred and imposed upon them by this act or any other law of this state, and such also as they may deem necessary and proper for the good government, order, protection of persons and property, and for the preservation of the public health and prosperity of said city and its inhabitants, and the same to alter, modify, amend and repeal. May pass ordinances.

21. *And be it enacted*, That in all cases where, by the provisions of this act, the city council have authority to pass ordinances on any subject, they may prescribe a penalty or penalties for the violation thereof, either by imprisonment in the city or county jail, not exceeding thirty days, or by fine not exceeding one hundred dollars; the book of records of the ordinances and by-laws of the said city council shall be taken and received as evidence of the due passage by said city council of all the ordinances and by-laws recorded therein; *and further*, the volume of ordinances and by-laws printed and published by authority of the city council, shall in like manner be taken and received as evidence of the ordinances and by-laws of the city council, and the publication of the said ordinances and by laws in the newspapers according to law, shall in all cases be presumed to have been made until the contrary be proved. May prescribe penalties for violation of ordinances, &c.

22. *And be it enacted*, That the city council shall have power to build and maintain a city hall, and such other buildings as they may deem necessary for the city officers and the day and night police of said city. May build city hall.

23. *And be it enacted*, That the city council shall have power to appoint a building inspector for said city, who shall be a practical builder, and who shall inspect all buildings hereafter to be erected in said city; he shall be appointed for the term of three years, but shall be liable to be removed at any time the city council may deem proper, and another appointed in his stead; it shall be the duty of the building inspector to report all violations of any ordinance regulating the erections of buildings to the city council as soon as can be done, and shall have authority at all reasonable times, to enter any building May appoint a building inspector.

in progress of construction or erection, for the purpose of inspecting the same.

Officers appointed by council.

24. *And be it enacted*, That the marshal, police and night watchmen of said city, shall be appointed by the city council, and hold their office under the control and at the pleasure of the city council of said city; and said city council shall define their duties and their pay.

TITLE FOURTH.

OF THE POWERS AND DUTIES OF CITY OFFICERS AND THE ENFORCEMENT OF THE ORDINANCES.

Duty of mayor.

25. *And be it enacted*, That it shall be the duty of the mayor to keep the corporate seal of the city; to cause the laws and ordinances to be duly executed and enforced, and generally to perform all such duties as may be required of him by law or the ordinances of said city; he may, under the direction of the city council, offer rewards for the detection or apprehension of the perpetrators of any offence against the city ordinances, or any high crime, or misdemeanor committed within the city, to be paid on the conviction of the criminal.

Mayor and alderman to have jurisdiction.

26. *And be it enacted*, That the mayor and alderman of said city, and each of them, shall have jurisdiction in all matters of a criminal nature, and in all matters of a civil nature, that the justices of the peace or any of them of the county of Cape May now have, or hereafter may have, with full power to issue processes, and to hear and to determine all suits at law of a civil nature within the bounds that are cognizable before any justice of the peace of the county of Cape May, including cases in attachment, in the same manner and with like effect in every particular, and under the same rules and regulations, as now are, or may be provided by law.

Powers of mayor and alderman

27. *And be it enacted*, That in all cases of simple assault and battery committed within said city, the mayor and alderman of said city are hereby invested with all powers to proceed in, hear and determine the same, which by the thirty-fourth and thirty-fifth sections of the act entitled "An Act for the punishment of crimes," are conferred upon two justices of the peace of the proper county, in case of larceny under the value of twenty

dollars, and if on trial, such person, from the evidence produced, appear to be guilty, the said mayor and alderman shall sentence him, her or them, to fine or imprisonment, or both; the fine in no case to exceed two hundred dollars, or the imprisonment thirty days.

Vacancy in office of mayor.

28. *And be it enacted*, That whenever there shall be a vacancy in the office of mayor, or whenever the mayor shall be prevented by absence from the city, sickness or other cause, from attending to the duties of his office, the alderman of the city shall act as mayor, and possess all the rights and powers of the mayor during the vacancy in office, caused by the absence, disability or removal of the mayor.

Mayor to have control of officers, &c.

29. *And be it enacted*, That the mayor, on witnessing any breach of the peace, shall commit the offender for a hearing, without the issuing of any warrant or process, and that for the purpose of quelling any insurrection, riot, disturbance or disorderly assemblage, he shall have control of the constables, police officers and watchmen of said city, and shall have power to call upon the citizens for aid in all such cases, and, when he shall deem it proper, to call upon the militia of said city, and employ the same in quelling any insurrection, riot, or disturbance of the peace.

Duty of recorder.

30. *And be it enacted*, That the recorder shall keep all the records, books, papers and documents of the city, countersign all licenses signed by the president of the city council, and keep the records of the proceedings of the city council; he shall engross all ordinances of the city council, in a book to be provided for that purpose, with a proper index, which book shall be deemed a public record of such ordinances, and each ordinance shall be signed in said book by the president or president pro tempore of the city council and said recorder; and said recorder shall countersign all bonds issued by the city council, as register of bonds; he shall register all bonds in a book, kept for that purpose, specifying the amount, number, when issued, to whom issued, where and when the principal and interest is made payable of each bond, so authorized; and no bond shall be negotiated or considered valid, unless the recorder endorses upon the face of the bond in red ink, his name and date of the registry; and the said city recorder shall keep and preserve

all maps or atlases, and the alterations of the same from time to time, as the city council shall by ordinance direct and establish, and shall keep a record with a short description defining the location, area and owner or owners of all lands situated within the limits of said city, in a book provided and properly indexed for that purpose; he shall also keep a record of all sales or transfers of any and all properties or parts of properties, that may hereafter be made in said city; and it shall be the duty of the said city recorder to file or record and keep in a safe place in his office, all papers or other public documents as are by this act or by ordinance or resolution of the city council directed to be preserved, which said files and records shall be carefully preserved; and every person shall have free and common access thereto at proper seasons, and shall be entitled to transcripts from the same, to be made out and certified by said recorder on the payment of such fee as the city council shall by ordinance direct; and the said city recorder shall within three days after the annual elections, transmit to the secretary of state at Trenton, a list of names of all commissioned officers elected for the city of Cape May, at such annual election; and copies of all papers duly filed in the office of the recorder, and transcripts thereof, and of the records and proceedings of the city council and copies of the laws or ordinances of said city, certified by him, under the corporate seal, shall be evidence in all courts and places; he shall also receive and pay over to the treasury, all moneys which by any law, ordinance or usage, are paid to the recorder.

Police officers and constables, empowered to make arrests.

31. *And be it enacted*, That the police officers and constables of the said city are hereby empowered to arrest and take into custody, without warrant, any offenders against the laws and ordinances of the said city, or any person or persons disturbing the peace or quiet of said city, and to carry such offenders before the mayor or the alderman of said city, who are hereby empowered and authorized to hold courts, and take cognizance of such offences, which said courts so held, shall be courts of record, or in case the said arrests shall be made during the night, or on the Sabbath day, or when the mayor or alderman cannot hear the same or hold such courts, to confine such offender or offenders in the jail, or in some

other safe and convenient place in said city, until the day following, or until such time as the same can be heard, and then without unnecessary delay, carry such offender or offenders before the mayor or alderman as aforesaid; or the mayor or alderman of said city, shall arrest and apprehend any such offenders for offences committed in their presence, without warrant, or upon complaint made in writing, under oath or affirmation, may issue a warrant, directed to one of the constables, or one of the police officers of said city, or any or either of them, commanding such officers to take such offender or offenders, and bring him, her or them forthwith before such person issuing such warrant, and when any such offender or offenders shall be arrested, or brought before such mayor or alderman, as the case shall be, to proceed in a summary manner, to hear and determine the same, and punish the offender or offenders, and if he, she, or they, as the case may be, shall be sentenced to be imprisoned, then the said magistrate shall make out a warrant, commanding the officers aforesaid, or one of them, to carry such offender or offenders, as the case may be, either to the city jail, or to the jail of the county of Cape May, specifying in said warrant, which one of the said jails, there to remain until the term of his, her, or their imprisonment shall have expired, and the cost of conviction be paid, and in case the said offender or offenders shall be sentenced to pay a fine, then for the said mayor or aldermen, as the case shall be, either to order the offender or offenders to be committed to one of the jails as aforesaid, until the fines and costs are paid, or to issue a warrant, directed to one of the constables, or one of the police officers of said city, or to any or either of them, commanding such officer to levy and make such fine, and costs of the goods and chattels of such offender or offenders as the case may be, and for the want of sufficient goods and chattels, to take and convey such offender or offenders to one of the jails aforesaid, specifying in said warrant to which one, there to remain until such fine and costs be paid or satisfied, which said fine when paid, or collected, shall be paid over to the treasury of the city, for the use of said city.

Mayor and alderman may arrest without warrant.

32. *And be it enacted*, That the jailor of the county of Cape May, for the time being, shall receive and safely keep all such offenders as shall be committed to the jail

Jailor to keep offenders committed.

of the county of Cape May, for the term of his, her or their imprisonment.

Duties of city treasurer.

33. *And be it enacted*, That it shall be the duty of the city treasurer, once in each year, to make out a statement of all moneys received and paid out during the year, showing the source whence received, and to what applied, the amount of indebtedness of the city and for what purpose, and the balance of the funds if any, in his hands, which statement shall be filed in the office of the recorder of the city, at least twenty days before the next annual election for city officers, and the city council shall cause the same to be published in the newspapers published in said city, at least two weeks previous to such election; and it shall also be the duty of said treasurer to make a monthly report to the city council of the moneys by him received and disbursed; that the treasurer shall not pay the coupon of any bond, unless he is satisfied that the bond from which it was detached has been duly and properly registered, and shall not receive any city warrant in payment of taxes or licenses, and shall keep his books open for the inspection of any committee of said city council, at all times.

Powers and duties of other officers.

34. *And be it enacted*, That the chosen freeholders, assessor and collector, commissioners of appeal in cases of taxation, judges of election, overseers of the poor, constables and clerks, elected or appointed as aforesaid, shall respectively possess the powers and perform the duties of the like officers of any township in this state, so far as such powers and duties shall be consistent with the provisions of this act.

Collector of taxes to appoint deputies.

35. *And be it enacted*, That the collector of taxes shall have the power to appoint, with the consent of the city council, one or more deputies, who shall have power to do all and every act or acts which it may be lawful for the said collector of taxes to do, and every warrant directed to him may be executed by his deputy or deputies, or either of them, in as full and complete a manner as if executed by the said collector of taxes; the said deputy or deputies to give such security for the faithful performance of their respective offices as the city council shall direct.

Duty of collector of taxes.

36. *And be it enacted*, That the said collector of taxes shall receive all taxes which may be paid, and that he

shall not receive city warrants in payment of taxes, and preserve in his office the assessment books, which may from time to time be delivered to him by the assessor of said city, as prescribed by this act.

Collector to pay moneys to treasurer.

37. *And be it enacted,* That the said collector of taxes shall enter in suitable books, to be kept for that purpose, the sums received by him for taxes respectively, with the names of the persons on whose account the same shall be paid on each day, and shall at least once in each week furnish to the treasurer a detailed statement of such sums, designating the amount received, and shall also at the same time pay over to the treasurer the amount received; he shall thereupon receive from the said treasurer a voucher for the payment of such sum or sums which he shall file in the office of the city recorder, to be presented to the city council, and the city council shall draw warrants for the payment of all school, state, and county taxes.

Powers and duties of other officers.

38. *And be it enacted.* That the city surveyor, city solicitor, city sealer of weights and measures, and all officers appointed by the city council, shall possess the powers and be subject to the obligations conferred and imposed on them by law, or by the ordinances, by-laws, rules and regulations of the city council, and on application for that purpose, the secretary of state, of this state, shall allow and assist the said city sealer of weights and measures to compare and adjust the standard of weights and measures for said city, and shall certify and seal the same in the manner required by an act entitled "An Act to establish a uniform standard of weights and measures" in this state.

Council may divide city into wards.

39. *And be it enacted,* That the city council shall have power to divide the city into wards at any time, upon such conditions and provisions as seven-ninths of said council may by ordinance provide.

TITLE FIFTH.

THE ASSESSMENT AND COLLECTION OF TAXES.

Power to raise money by tax.

40. *And be it enacted,* That the city council shall have power, by ordinance, to order the raising, and cause to be

raised, by tax in each year, such sum or sums of money as they shall deem expedient, for the following purposes:

Lighting of streets. I. For defraying the expenses of lighting the streets of said city;

Police. II. For supporting a day and night watch therein;

Fire department. III. For supporting the fire department;

Poor. IV. For maintaining and supporting the poor;

Public buildings. V. For purchasing a lot or lots in said city, for the purpose of erecting market houses, city hall, jail, school houses, and such other public buildings as may be necessary and convenient for the said city, and such other real estate as may be necessary;

Streets. VI. For opening, regulating, paving, flagging, graveling and shelling the streets of said city;

Public market. VII. For the support of public markets;

City debt, &c. VIII. For the payment of interest upon the city debt and upon temporary loans, and such part of the principal thereof, as may be due and payable;

Contingent expenses. IX. For defraying the contingent expenses of said city, and for all other purposes whatever authorized by this act, which said ordinance shall specify the amount to be raised for each purpose;

Public schools. X. For supporting public schools;

Taxes to be assessed. 41. *And be it enacted*, That so much of the said taxes as shall be ordered to be raised for lighting the streets of said city, supporting the police therein, supplying the city with water for the extinguishment of fires, regulating, opening, paving, flagging, curbing, graveling or shelling the streets, and improving the public grounds as aforesaid, and for all other purposes, shall be assessed and collected, upon and from all persons residing, and lands and personal property located within said city.

Council may borrow money, and secure payment thereof by bond. 42. *And be it enacted*, That it shall be lawful for the city council, by ordinance, to borrow money from time to time, in the corporate name of the said city, for all purposes for which they are by this act authorized to raise money by tax, and secure the payment thereof by bond or otherwise under the common seal of the city and signature of the mayor, treasurer and president of the city council, and countersigned by the recorder, and to provide by tax for the payment thereof; *provided*, that no loan shall be made without the concurrence of at least a majority of all the members of the city council, and

Proviso.

there shall not be a greater sum than ten thousand dollars raised by loan in any one year, except for the erection of public buildings, and that the entire indebtedness of the city of Cape May shall not exceed, at any time, the sum of one hundred thousand dollars.

Duties of assessor, and collector of taxes.

43. *And be it enacted*, That the assessor of said city shall assess upon the persons and property within the said city, and the collector of taxes of the said city shall collect, the state and county taxes by law directed or required to be assessed and collected within the said city, and also the taxes required to be assessed and collected for the use of said city and for the support of the schools of the said city, and do all acts in reference thereto, in the same manner and within the same time, except as hereinafter otherwise provided, as the assessors and collectors of the townships of the county of Cape May are by law required to assess and collect for state and county tax, in their respective townships.

Time of meeting of finance committee.

44. *And be it enacted*, That a committee to be designated the Finance Committee, to be appointed by the city council, shall meet on the fourth Monday of June of each year, at such place in said city as the city council shall appoint, and in case the city council shall neglect to appoint a place, then at the place where the last annual election was held in said city, for the purpose of examining, revising and correcting the duplicate of assessment, to be laid before them in the manner hereinafter provided for.

Time of finishing and delivery of duplicate of assessment.

45. *And be it enacted*, That hereafter the assessor of said city shall finish making his assessment on or before the third Monday in June of each year, and shall deliver said duplicate of assessment to the collector, on or before the third Monday in July of each year.

Duty of assessor.

46. *And be it enacted*, That the assessor aforesaid shall, on the fourth Monday of June of each year, attend the meeting of the finance committeee as aforesaid, and lay before them the duplicate of assessment, to be by them examined, revised and corrected; and that it shall be his duty to remain with said committee for the purpose of explaining the said duplicate, and assisting said committee in the discharge of the duties required by this act.

47. *And be it enacted*, That said committee shall have

Committee may adjourn.

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power to adjourn from time to time, as they may deem expedient, for the purpose of discharging the duties required of them by this act; *provided*, the said examination, revision, and correction, shall be made and completed on or before the Thursday following the time of said meeting, as aforesaid.

Power to compel attendance of persons.

48. *And be it enacted*, That said committee respectively, shall have power to issue subpœnas to bring before said meetings herein provided for, persons and papers to be examined in relation to said assessment.

Council to meet and examine the duplicate of assessor.

49. *And be it enacted*, That the collector, after having received his duplicate from the assessor, shall submit the same to the city council, who are hereby required to meet on the fourth Monday in July in each and every year; and it shall be the duty of said city council carefully to examine the same, and if they have reason to believe that any individual or corporation, has been assessed at too low a rate, or omitted to have been assessed as required by law, they shall thereupon authorize and require the collector, to notify the said individual or corporation, that complaint will be made to the commissioners of appeal in case of taxation, and said collector shall, at least ten days before the time of meeting of said commissioners, deliver to said individual, or leave at his dwelling house, or deliver to the president, cashier, treasurer, clerk or secretary, or if no such officer can be found, to any director of the corporation, or leave at the place of business of such corporation, a notice in writing or printing, of the following, or like tenor: To ———, you are hereby notified that complaint will be made to the commissioners of appeal in case of taxation, at ———, on ——— next, that you have been assessed at too low a rate, or omitted to be assessed, to the end that after due examination of the facts, such addition may be made to your taxes as shall be right and proper, and according to law; and it shall be the duty of the collector to attend before the said commissioners, and to present the complaints, and to subpœna all persons and necessary witnesses, and pay their fee; and he shall receive out of the public money two dollars for every day he shall so attend.

Collector to notify individuals or corporations.

Form of notice.

Commissioners of appeal to meet annually.

50. *And be it enacted*, That the commissioners of appeal, in case of taxation, in and for the said city of Cape May shall, for the purpose of performing the duties of their

office, meet annually at such place in said city, as the city council shall appoint, and in case the city council shall neglect to appoint a place, then at the place where the last annual election was held, in said city, on the third Saturday of August, at ten o'clock in the forenoon, and on the first Saturday in September at the same hour.

Commissioners may alter assessments appealed from.

51. *And be it enacted*, That at their meetings in August and September as aforesaid, in each year, it shall be the duty of said commissioners to examine and consider, and if agreeable to the principles of justice, alter and amend in respect to amount and valuation, any assessment which may be appealed from, or which may appear to them to be incorrect in either of these respects; it shall be the duty of the assessor of said city to attend at the same time and place, before the said commissioners, and offer such reasons as he may think proper in support of the amount and valuation of property made in his assessment, and the judgment of said commissioners in any appeal shall be final and conclusive, and shall be rendered to the collector within two days after hearing such appeal.

Notice to be given to each person assessed.

52. *And be it enacted*, That the collector of the said city of Cape May shall on or before the first Monday in August, in each year, give notice to each individual owning property in said city, on whom a tax by reason, or in respect of any property assessed of the amount and valuation of the property, for which the assessment is made, which said notice shall contain as nearly as may be, the particulars of such valuation and amount, and also a notice of the time and place of the first meeting aforesaid, of the commissioners of appeal in case of taxation, and shall be served on such individual personally, or by notice left at his or her place of residence; or in case of non-resident owners of property in said city, a notice as aforesaid shall be placed in the post office, addressed to such individual, at his or her place of residence; and the said collector shall also give public notice, on or before the first Monday in August, in each year, the time and place of the first meeting of the commissioners of appeal, by advertisements set up in at least four of the most public places, and in the newspapers published in said city.

Notice to be given of meeting of commissioners of appeal.

53. *And be it enacted*, That the collector of taxes of said

Duties of collector of taxes.

city of Cape May shall do and perform all the same acts and duties in connection with, or relating to the commissioners of appeal in case of taxation of the city of Cape May, and their meetings as aforesaid, on the third Saturday in August and on the first Saturday in September in each year, which are by law prescribed to be done by the collectors of the townships of the county of Cape May, in connection with or relating to the commissioners of appeal in case of taxation in their annual meetings in the several townships respectively, and the duties and obligations of all other officers and persons in connection with or relating to the said commissioners of appeal, and their meetings as aforesaid, on the third Saturday in August, and on the first Saturday in September, in each year, shall be the same as they now are, except where herein otherwise provided.

Assessor to estimate, and rate lands, &c.

54. *And be it enacted*, That from and after the passage of this act, it shall be the duty of the assessor in said city, in assessing and raising the state, county, city and school tax, which may from time to time be ordered to be assessed and raised in said city, to estimate and rate all lands, tenements and real estate, lying and being in said city, according to its value at the time of making the assessment, and for the purpose of ascertaining what may be the true and real value of the different lots and tracts and pieces of land and tenements, lying and being in said city, as aforesaid, the city council may appoint, from time to time, and as often as they think proper, but at least once in every three years, one or more fit and judicious persons residing in said city, and acquainted with the value of real estate therein, to accompany the assessor, to assist him to value and estimate the real estate as aforesaid, which said person or persons so as aforesaid appointed, before he or they proceed to execute the duties of his or their appointment, shall repair to either the mayor or alderman of said city, who are hereby fully empowered to administer the same, and take and subscribe an oath or affirmation, truly, fairly and impartially, and according to the best of his or their judgment and belief, to value and estimate the same, and upon which valuation, the taxes of said city, for state, for county, for city and for school purposes shall be assessed and collected.

Council may appoint persons to assist assessor.

55. *And be it enacted*, That it shall be the duty of the assessor and collector of taxes of said city to keep the amount of tax assessed against each lot or tract of land, belonging to any individual, separate and distinct from the other tax which may be assessed against his other property, and to make out and return the amount due on each lot or tract of land and premises, and the street or streets, alley or alleys whereon the said lot, tract or piece of land and premises is situated, with a short description of the same and the owner or owners' names; and the taxes and the assessments which shall be made upon any such real estate in the said city by virtue of this act, whether the same be state, county, city or school tax, shall be and remain a lien thereon for the space of two years from and after the time when the same shall be assessed, notwithstanding any subsequent descent, devise, alienation, mortgage or other incumbrances thereon, and if the full amount of any such tax or assessment shall not be paid and satisfied within the time limited and appointed for the payment thereof, the city council shall cause the lands, tenements and real estate, or such part thereof as they may think proper, to be sold at public auction, for the shortest time, not to exceed twenty-five years for unimproved property and ten years for improved property, for which any person or persons 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, including justices' and constables' fees, cost of advertising, selling, and executing the deeds, and to make and execute, under the seal of said city, a declaration of such sale and deliver the same to the purchaser or purchasers, and said purchaser or purchasers, his, her or their executors, administrators or assigns, shall by virtue thereof lawfully hold and enjoy the said lands, tenements or real estate for his, her or their own use, against the owner or owners thereof, and all persons claiming under him, her or them, until his, her or their said term shall be completed and ended, and shall be at liberty at or before the end of his, her or their term, to remove the buildings or materials erected and placed by him, her or them thereon, taking care to leave the same in as good order and

Taxes, how assessed.

Taxes to be a lien.

Lands may be sold for non-payment of taxes.

condition as the said premises were when they came into his, her or their possession.

Sale of lands to be advertised.

56. *And be it enacted*, That the said city council, before they shall proceed to sell any lands, tenements, or real estate, for the payment of taxes as aforesaid, shall cause such sale to be advertised at least once a week, for two months successively, in the public newspapers printed and published in said city, and also by advertisements put up in at least ten public places in said city, which advertisements shall mention the street or streets, on which the said property is situated, the amount of tax due, and the owner's or reputed owner's name; and the said lands, tenements, or real estate so sold, may be redeemed by the owner or owners thereof, or by the mortgagee or mortgagees thereof, within two years from the day of sale, on the payment of the purchase money, together with fifteen per centum, per annum, to be computed thereon from the day of sale; and all the expenses and charges necessarily incurred thereon, by the purchaser or purchasers aforesaid; and in case the same shall be redeemed, as hereinbefore provided by the mortgagee or mortgagees, or if the said mortgagee or mortgagees, shall have paid the tax or assessment with the interest and cost thereon, to prevent the said premises from being sold, to pay the same; then and in that case, the whole amount of the payment shall be recovered under and by virtue of the mortgage, which the said mortgagee or mortgagees may hold upon the said real estate, in the same manner in all respects as if the same were included in, and intended to be secured by, the said mortgage, and any mistake in the name or names of the owner or owners, or omission to name the real owner or owners, of any lands, tenements, or real estate, in assessing the taxes thereon, shall not invalidate the said assessment or sale of the said real estate as aforesaid.

Lands sold for taxes, how redeemed.

Mistake in name, not to invalidate assessment or sale.

Unpaid taxes to draw interest.

57. *And be it enacted*, That whenever in said city, any tax shall remain unpaid, and be returned by the collector of taxes of said city, for want of payment, the same shall bear interest at the rate of twelve per centum per annum, from the day on which the same shall be so returned, until paid; and it shall be the duty of said collector of taxes to charge, receive and collect, in addition to the amount of tax, the interest thereon as aforesaid,

Duty of collector.

and such interest shall be paid over and accounted for by the said collector of taxes, to the treasury of said city, as a part of the tax collected by him.

List of names of delinquents to be made.

58. *And be it enacted*, That in case of non-payment of taxes at the time appointed for the payment thereof, it shall be the duty of the collector of taxes, to make out a list of the names of all the delinquents with the sums due from them, respectively, thereunto annexed, and deliver the same to the alderman of said city, on the twentieth day of October in every year, except when that day shall happen on Sunday, and then on the next day following; and that it shall be the duty of said alderman, to whom any list of delinquents shall be returned, as aforesaid, immediately upon the receipt thereof, to administer to the collector of taxes returning the same, the oath prescribed by the thirteenth section of the act entitled "An Act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six, and to issue his warrant as required by law, directed to the collector of taxes of the city of Cape May, and thereby command the said collector of taxes, to cause the several sums of money, with interest thereon as aforesaid, and all lawful costs and fees to be levied and made as prescribed by the eighteenth section of said act, entitled "An Act concerning taxes."

Alderman to administer oath to collector, and to issue warrant.

Collector or deputy to execute warrant, and to make returns

59. *And be it enacted*, That it shall be the duty of said collector of taxes, in person or by deputy, to execute according to the command thereof, all warrants which shall be issued and delivered to him as aforesaid, and within sixty days from the date of any warrant, directed and delivered to him, to make a full return, and statement in writing, to the city council of said city, of his proceedings on the same; setting forth particularly the amount of money received by him; the several sums remaining unpaid, and the names of the several persons then in arrears, and the sums due from each respectively; *provided*, that it shall be lawful for the alderman who issues such warrants, or, in case of his death, removal from office, or other disability, for the mayor, upon return of any warrant, to issue another for the collection of the sum or sums remaining unpaid, with interest, costs and fees in like form, and to be proceeded upon in the same manner as hereinbefore mentioned, and so

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until the whole is collected; *provided also*, the city council may appoint any justice of the peace of the county of Cape May, to issue such additional warrant or warrants.

City solicitor to sell all lands, &c., to enforce payment of taxes, &c.

60. *And be it enacted*, That on or before the first day of March, in each and every year, the city council shall direct and authorize the city solicitor to proceed and sell according to law, all lands, tenements, and real estate, to enforce the payment of any taxes, or assessments which may be a lien thereon, by virtue of this act.

Map or atlas of all lots of lands, &c., may be made, &c.

61. *And be it enacted*, That the city council shall have power, by ordinance, at their discretion, to cause a city map or atlas to be made and established, containing a description of all or such of the lots of land and premises, in the said city, as the said city shall by ordinance provide, with numbers and such boundaries as may be necessary to distinguish the lots on said map or atlas; and may provide for the proper filing, binding, regulation, preservation of said map or atlas, and the alteration of the same from time to time; and also, when they think proper, that lots sold for taxes or assessments, as hereinafter provided, may be described and designated, by their numbers and description on said map or atlas; and when said city council shall so provide, the numbers and description on said maps or atlas and the names of persons there marked, as owners of any lots, shall be a sufficient description and designation of said lot, and owner or owners, to answer the requirements of the law, providing for a description of the lot sold, with the name of the owner or owners.

Compensation of assessor and collector.

62. *And be it enacted*, That it shall be lawful for the city council to allow the assessor and collector of said city such compensation for their services in assessing and collecting the taxes as they shall think reasonable and just.

Collector to record names of owners of land sold for taxes, &c.

63. *And be it enacted*, That the collector of taxes of the city of Cape May shall, on or before the first day of September, in each and every year, record in well bound books, to be provided for that purpose, the name of any owner or reputed owner of any lots, tracts, or pieces of land which shall be sold after the passage of this act by the said city, to enforce the payment of any lien by reason of any tax assessed, assessment made, or otherwise created by virtue of this act, with a short

description of the lots, tracts or pieces of land so sold, the street or streets, alley or alleys, whereon they are situated, when the same were sold, to whom sold, for what amount and the length of time for which they were sold; said book shall be carefully preserved in the office of the recorder, and every person shall have free and common access thereto at proper seasons, and shall be entitled to transcripts from the same, to be made out and certified by the recorder, on the payment of such fees as the city council shall by ordinance direct.

Collector to record names of all delinquent taxpayers, &c.

64. *And be it enacted,* That the collector of taxes shall, on or before the first day of March, in each and every year, record alphabetically in a well bound book, to be provided for that purpose, the names of all the delinquent taxpayers in said city respectively, to whom any lots, tracts, or pieces of land or real estate shall have been assessed for the preceding year, together with a short description of said lots, tracts, or pieces of land, the street or streets, alley or alleys whereon they are situated, the amount of taxes which are liens thereon respectively, and the year for which said assessment was made; said book shall be carefully preserved and kept in the office of the recorder of said city, and every person shall have free and common access thereto at proper seasons, and shall be entitled to transcripts from the same, to be made out and certified by the recorder, on the payment of such fees as the city council, by ordinance, shall direct; and it shall be the duty of the collector of taxes, upon the receipt of the taxes, interest and cost, which may be lien upon said lot or lots so recorded briefly to note in the margin of said record that all liens for tax on said lot or lots for said year are fully paid and satisfied, to which marginal notice said collector of taxes shall sign his name.

TITLE SIXTH.

OF STREETS, HIGHWAYS, SEWERS, CULVERTS, DRAINS, SIDEWALKS, AND ASSESSMENTS THEREFOR.

Power of council to compel owners to grade, pave, flag, &c.

65. *And be it enacted,* That the city council shall have exclusive control over the highways, roads, streets and alleys of said city, and shall have power to compel the

owners of real estate in said city, or in such parts thereof, as they, by ordinance shall direct; to grade, pave, flag or curb the sidewalks and gutters thereof, or repair the same, or any of them, or any parts or sections of the same, along and opposite to such owner or owners of property, and whenever a majority of the landholders along any said highway, road, street or alley, or of any part of such highway, road, street or alley, shall desire any street, highway, road or alley, or any part or section of the same, to be graded, paved, macadamized or shelled, or otherwise permanently improved, the city council, on the petition of the said owners of real estate on said street, or in the absence of such application or petition, whenever twenty freeholders residing in said city, shall desire any street, highway, road or alley in said city, or any parts or sections of the same, to be graded, paved, macadamized, shelled or otherwise permanently improved, the city council may order and direct the same to be done, and prescribe the manner in which the same shall be performed; *provided*, that no ordinance for the purpose mentioned in this section, shall be finally passed by city council, until the petition, upon which the same is founded, shall have been presented at a regular meeting, and then published in full, in the newspapers published in said city of Cape May, at least three weeks, once a week, before the time of such passage.

Council may order streets graded, paved, &c., on application of landholders.

Proviso.

66. *And be it enacted*, That in case any owner or owners of any real estate in said city, as aforesaid, shall refuse and neglect to comply with the ordinances in the last section above mentioned, and shall not grade, pave, flag or curb the sidewalks thereof, or grade or repair the same, as may be by said ordinance directed, and in the manner prescribed, for the space of sixty days from the time when the same is required to be done, the city council shall cause the same to be done, and paid for out of any moneys in the treasury of said city, appointed for the use and improvement of the streets and highways in said city; and when so done, they shall cause a particular statement and account of the costs and expenses of doing said work to be filed in the office of the recorder of said city, and the costs or expenses of performing said work, as aforesaid, shall remain a lien upon the real estate, as aforesaid, from the time of performing the said

Council to cause work done when owners neglect or refuse.

Statement of cost, &c., to be filed, and to remain a lien on property until paid.

work, with interest upon the costs of said work, at twelve per centum per annum, until paid and satisfied; and the said city council shall sue for and recover the amount so paid with costs, as aforesaid, from the owner or owners of such real estate, or his, her or their legal representatives, with interest, and costs of suit, in any court of this state, having cognizance thereof, in an action on the case, in the name of the treasurer of the city of Cape May, without specifying the individual name of the treasurer for the time being, for so much money by them paid, laid out and expended for the use of such owner or owners, or his or their legal representatives; and in every such action the said statement or account, filed as aforesaid, with the proof of the amount paid, shall be conclusive evidence for the plaintiff, or cause the said real estate, or such part thereof as they think proper, to be advertised and sold, for the shortest period of time that any person or persons will purchase the same, and pay the said amount with interest, and all the costs and expenses of publishing notice, advertising, selling, and making a deed; and when sold, to execute under the seal of the city, a declaration of such sale to the purchaser or purchasers as aforesaid, in the same manner and under the same regulations and restrictions, and with like effect in all particulars, and with the same privileges to the owner or owners, to the mortgagee or mortgagees to redeem, as is enacted and provided for selling land and real estate for the payment of the taxes due thereon, by this act; *provided*, that if any owner or owners of lots or real estate shall not reside in the city, at the time when the said work is required to be done, then it shall be the duty of the city council, before they shall proceed to do or have the same done, to cause a notice to be inserted in the newspapers of said city, and published for four weeks therein, at least once a week, setting forth the name or names of the owner or owners, or reputed owners thereof, the street whereon the property is situated, and that unless the said owner or owners shall comply with such ordinance, and perform the said work within four weeks from the date of said notice, the city council shall cause the same to be done at his, her or their expense, as the case shall be.

Real estate may be sold for non-payment of assessment.

Proviso.

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

Power of council to lay out and open streets, &c., and to vacate, alter, &c.

said city council to lay out and open any street, road, or highway, in any part of said city, and to cause any street, road, highway, or alley already laid out, in any part of said city, to be vacated, opened, altered or widened, whenever or so often as they shall judge the public good requires the same to be done; and the said city council

Notice to be given.

shall give notice to the owner or owners of any lands, or real estate, with the appurtenances necessary to be taken, for either of said purposes, or to his, her, or their agents, or legal representatives, of their intentions to take such land or real estate, and appurtenances, and appropriate it for such street, road, highway, or alley, and shall treat with such person or persons for the same; and if any such person or persons shall refuse to treat for any such land or real estate, with the appurtenances, or the city council cannot agree with any such person or persons for the same, then it shall be lawful for the city council to ap-

Commissioners to be appointed when council and owners cannot agree, and to make assessments.

point five disinterested freeholders of the said city, commissioners, to make an estimate and assessment of the damage that any such owner or owners will sustain, by laying, altering, or widening any such street, road, highway, or alley; and in estimating and assessing such damages, the said commissioners shall have due regard as well to the value of the land or other real estate, with the appurtenances, as to the injury or benefit of the owner or owners thereof, by laying out, altering, or widening any such street, highway, road, or alley.

Proceedings in case of disqualification of owner or owners.

68. *And be it enacted,* That in case the owner or owners of any land or real estate necessary to be taken for the laying out, opening, altering, or widening any street, road, highway, or alley in said city, shall be non compos mentis, or out of the state, or cannot be ascertained on reasonable inquiry, and no agents, or legal representatives of such owner can, on like inquiry, be found in the state, then it shall be lawful for the said city council to proceed to the appointment of the commissioners mentioned and provided for in the last preceding section of this act, after publishing in the newspapers published in said city for the space of four weeks, at least once in each week, a notice of the intention of the city council to take such land or real estate, and appropriate it for such street, road, highway or alley.

69. *And be it enacted,* That said commissioners before

they enter upon the execution of the duties required of them shall be sworn or affirmed before the mayor or the alderman of said city, to make the estimate and assessment submitted to them fairly and impartially, according to the best of their skill and judgment. Commissioners to take oath.

70. *And be it enacted*, That the city council shall appoint a time and place within said city, for said commissioners to meet, notice whereof shall be given by putting up advertisements in eight public places in said city, at least twenty days before the time of meeting, which advertisement shall specify the street, road, highway or alley, proposed to be laid out, altered or widened, the alteration proposed to be made, and the lands or other real estate, with the appurtenances intended to be taken for such purposes, and also cause a written notice to be served upon each of the owners who reside in said city, or whose place of residence is known, and of the place of residence of any such owner that is known, be not in the city of Cape May, that a notice be placed in the post office directed to him or her, at his or her place of residence, shall be as sufficient notice, and the said commissioners, or a majority of them, when met, shall have power to swear and examine witnesses, and shall view the premises, and make a just and true estimate as aforesaid, and make and sign a certificate of such estimates and assessments, and file the same in the office of the recorder of said city; and the same being ratified by the city council, shall be binding and conclusive upon the owner or owners, of any such lands or real estate with the appurtenances, subject only to the appeal hereafter given, and upon payment of the damages so awarded, and a tender and refusal thereof, it shall be lawful for the commissioners to cause the same land or other real estate with the appurtenances, to be converted and used for the purpose aforesaid; *provided, however*, that any person or persons, conceiving himself, herself or themselves aggrieved by the proceeding of the city council or the said commissioners, may appeal therefrom to the circuit court of the county of Cape May, within thirty days from the time of making the final order of the city council, and the said circuit court shall order a trial by jury, to assess the damages sustained by the party aggrieved, the trial whereof to be conducted as in other cases of jury trial.

Notice of meeting of commissioners to be advertised.

Certificate of assessment to be filed.

When ratified by council, to be binding and conclusive.

Proviso.

Damages may be collected by suit at law.

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

Council may cause the city to be surveyed and mapped.

72. *And be it enacted*, That the said city council shall have power, and may, from time to time, cause the said city, or such parts thereof as they may think proper, to be surveyed and mapped, and may survey and make maps of all such roads, streets, alleys and public passage ways, as have been dedicated to the public, as they shall think proper; and all such roads, streets or alleys, when surveyed, and such surveys approved by the city council and filed, shall be deemed and taken to be public streets or highways, and be treated as such in all respects; also, cause to be made within said city, surveys and maps of said city, or any part thereof which has not yet been laid off, or run out into streets; and to determine where the streets and thoroughfares shall run and to mark the lines, and establish the grade thereof, which said lines and grades so established, and the surveys and maps made thereof, and approved by the city council, shall be binding upon the owner or owners of said lands or real estate, so surveyed and mapped as aforesaid; and whenever the owner or owners thereof see proper to open streets, and lay out his, her, or their property in lots, he, she, or they, shall open streets or thoroughfares as they shall have been laid out, surveyed and mapped, according to the lines and grades established as aforesaid; and the said streets and thoroughfares, when so opened by the owner or owners thereof, shall be public streets and highways, and shall be treated as such in all respects.

Lines of streets to be run and marked and grades of streets to be established.

Streets, when public highways.

Openings in sewers and culverts.

73. *And be it enacted*, That the city council shall have power to regulate by ordinance, in what manner individuals and corporations shall make openings into the sewers or culverts, and to enact fines and penalties for injury done to the same.

74. *And be it enacted*, That when a majority of owners of real estate in any part of said city shall, by petition,

ask the city council to cause an underground drain or culvert to be constructed along any one or more of the streets or highways of said city, or parts thereof, then it shall be lawful for said city council, at its discretion, by ordinance, to direct the construction of such drain, or any part thereof, of such dimensions, of such material, in such manner, and under such supervision as the city council may deem fit and proper for the objects petitioned for; but in no case shall any drain be constructed beyond the limits mentioned in the petition, and no ordinance shall be finally passed by said city council until the petition upon which the same is founded, shall have been published in the city of Cape May, at least three weeks, once a week, before the time of such passage.

Council may cause drains and culverts to be constructed on petition of majority of owners of real estate, &c.

75. *And be it enacted*, That two-thirds of the whole cost and expenses of such drain or culvert, shall be assessed upon all the lands lying adjacent to and that may be benefited by such drain, in proportion to the benefits received, not exceeding benefits.

Lands adjacent and benefited, to be assessed two thirds of cost.

76. *And be it enacted*, That an account of the costs and expenses of such drain or culvert, showing the proportion for which each owner of property is liable, shall be filed in the office of the recorder of said city, within twenty days after the completion of the same, and such proportion of said costs and expenses, shall be a lien on the lands charged therewith, from the time the work is completed, until the same be paid and satisfied; *provided*, an appeal from such apportionment, may be taken to the city council, under such stipulations as said council may by ordinance provide.

Costs and expenses to be filed, and to remain a lien on lands until paid.

Proviso.

77. *And be it enacted*, That the city council may order the whole, or any part of said costs and expenses, to be paid out of any moneys in the hands of the treasurer of said city, appropriated for the use and improvement of the streets and highways in said city, and after such payment shall collect the same, with interest and cost, from the owners and lands so liable, in the same manner as the cost and expenses of grading, and paving and curbing the sidewalks are authorized to be collected by said city, in this act, as prescribed in the seventy-fourth section thereof.

Council may order the cost, &c., to be paid, and to collect the same.

78. *And be it enacted*, That the said city council may, at its discretion, and at the expense of the said city, con-

Council may construct sub-drains and inlets.

struct sub-drains and inlets in any of the streets in said city for the purpose of facilitating surface drainage.

Ordinances of city to be conclusive upon owners.

79. *And be it enacted*, That any ordinance of the city council requiring the owner or owners of lands to pave, grade, flag, curb, or otherwise permanently improve the sidewalks and gutters thereof, shall be conclusive upon said owners, and the ordinances shall not be called in question collaterally, but may be reviewed as any other judicial proceeding by certiorari; and any deed or declaration of sale made under the seal of the city for lands sold to pay for grading, paving, flagging, or otherwise permanently improving any sidewalk or making gutters in and along any street, highway or alley of said city, or paving and grading, or repairing the sidewalks of any said street, highway or alley, or any deed or declaration of sale made under the seal of said city, for lands sold to pay for taxes assessed against the same by virtue of this act if regular upon its face, it shall be prima facie evidence of the right of the grantee, his heir or assigns, to recover, hold and possess the lands therein conveyed, without additional proof of the regularity of the proceedings under which the said sale and deed were made.

Deed or declaration of sale, evidence of right of grantee.

Advertisement of sale of real estate, &c.

80. *And be it enacted*, That in advertising any real estate for sale, under and by virtue of this act, in cases where they are to advertise and sell, it shall be lawful to embrace lands belonging to different persons in the advertisement, and at any sale so made by the city council it shall be lawful for the city of Cape May to become the purchaser of any lands so sold.

Mistake in name of owner, &c., not to invalidate proceedings.

81. *And be it enacted*, That in case of the sale of any lot or lots of land by the city council, under and by virtue of this act to satisfy the cost and expenses of doing the work, made a lien by said act, any mistake in the name or names of the owner or owners of such lot or lots, or omission to name the real owner thereof, shall not invalidate any proceedings under said act for the sale of any real estate by virtue thereof.

TITLE SEVENTH.

MISCELLANEOUS PROVISIONS.

82. *And be it enacted*, That upon the trial of any issue

or upon the judicial investigation of any fact to which the city of Cape May is a party, or in which the city of Cape May is interested, no person shall be deemed to be incompetent as a judge, witness or juror, by reason of his being an inhabitant or freeholder of said city; and if any person shall be sued or impleaded by reason of any thing done by virtue of this act, it shall be lawful for such person to plead the general issue, and give this act and special matter in evidence at the trial. No person deemed incompetent as a juror, &c.

83. *And be it enacted*, That all ordinances of the said city, passed by the city council thereof, under and by virtue of the provisions of any act of the legislature of this state, in force at the time of the passage, and not inconsistent with this act, shall continue in force until altered or repealed by the city council. Ordinances to continue in force.

84. *And be it enacted*, That no member of the city council shall be appointed to, or competent to hold any office, the salary or emoluments of which are paid from the city treasury, or be directly or indirectly interested in any contract, the expense of which is to be paid from the city treasury, or become security for any officer appointed by said council, or for any contractor under the city government, under the penalty of five hundred dollars for each offence, to be recoverable by suit, in the name of the city of Cape May, and the said penalties, when recovered, shall be paid into the city treasury, for the use of said city. No member of council to be interested in any contract, &c.

85. *And be it enacted*, That the city council of the city of Cape May, shall have the exclusive power to grant licenses to persons to keep inns and taverns, with the privilege of retailing vinous, spirituous or malt liquors within the said city, on such terms and under such limitations, regulations and restrictions as the said city council shall by ordinance impose; *provided*, that all licenses so granted by the said city council, shall terminate on the thirtieth day of September, in each and every year, and that all licenses granted by the city council for the term of eight months, included in the period embracing the months of October, November, December, January, February, March, April and May, shall be granted under and in conformity with the state law, governing inns and taverns. Power of council to grant licenses to inns and taverns, &c. Proviso.

86. *And be it enacted*, That each and every petition to

Petitions for license, how made.

the city council of said city for a license to sell any vinous, spirituous, or malt liquors within said city shall be made upon a printed form or blank, to be provided by the said city council, and to be obtained from the recorder of said city, upon application of any person or persons making such petition to said city council, which form or blank shall set forth:

I. The requirements of the law qualifying persons for keeping a public house, for the sale of such vinous, spirituous, and malt liquors;

II. The petition of the person or persons applying for such license.

Council may grant and revoke licenses.

87. *And be it enacted*, That the city council shall have power on every application to keep an inn or tavern, as aforesaid, by a vote of a majority of all the members of said city council, to grant the same, and to revoke for cause shown, any license whatever, granted by said city council; the said city council shall charge for every license granted not less than one hundred dollars for the months of June, July, August and September, and may attach such terms and conditions to the license as they may deem proper, and every license shall be signed by the president and clerk of council, and no license shall be delivered until the fee thereof shall be paid to the city recorder, and all moneys received for licenses shall be paid to the city treasury, for the use of said city.

License fee.

No license to be transferred, &c.

88. *And be it enacted*, That no license as aforesaid shall be transferred to any other person, or valid if used in and for any other house or locality than that for which said license was granted.

Laws made applicable, except in certain cases.

89. *And be it enacted*, That the laws of the state of New Jersey, applicable to the city of Cape May, shall, after the passage of this act, continue to apply as now, except when the particular subject matter thereby regulated is otherwise provided for in this act, or the provisions of said laws are inconsistent with or repugnant to the provisions of this act, and that all acts or parts of acts so inconsistent or so repugnant, be and the same are hereby repealed, to the extent that they are so inconsistent or repugnant; but nothing herein contained shall be construed so as to destroy, impair, or take away any lien, claim, right or remedy, acquired or given by any act

Repealer.

hereby repealed; and all liens, rights, claims and remedies, acquired or given by any act hereby repealed, may be collected, enforced, had and taken, and all proceedings that are already commenced, or hereafter may be commenced for the collection of any lien, or claims for taxes, assessments or improvements, acquired or given by any such former acts, may be carried on and completed under any such act, in all respects in the same manner and with the same effect, as though this act had not been passed; and all prosecutions for any offence committed, or penalty or forfeiture incurred, shall be carried on in all respects in the same manner and with the same effect, as though this act had not been passed.

City entitled to proportion of school fund.

90. *And be it enacted*, That the city of Cape May shall be entitled to its just proportion of the annual appropriation of the school fund of this state, and to its just proportion and quota of the interest arising from the surplus revenue, appropriated to and received, or to be received by the state of New Jersey, to be ascertained in the same manner as the proportion or quotas of the townships of this state now are, or hereafter shall be ascertained; which said moneys shall be paid into the treasury of the city and accounted for and applied for school purposes in said city.

Repealer.

91. *And be it enacted*, That all that act entitled "A Further Supplement to an act entitled 'An Act to incorporate the city of Cape Island,"' approved February twenty-eighth, eighteen hundred and fifty-one; approved February fifteenth, eighteen hundred and seventy, be and the same is hereby repealed; and that the board of commissioners appointed under that act, are hereby required to deliver to the recorder of the city of Cape May, all books, papers, vouchers, unissued bonds and property of all kinds in their possession, belonging to the city of Cape May, within sixty days after the passage of this act, and that all contracts and agreements heretofore made by said board of commissioners, shall be carried out under this act, the same as if said act creating said board of commissioners had not been repealed.

Board of commissioners to deliver up property, &c., and all contracts, &c., heretofore made to be carried out.

When to take effect.

92. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect on the eighth day of March next; and that all acts and parts

Repealer. of acts inconsistent with this act, be and the same are hereby repealed.

Approved March 3, 1875.

CHAPTER LXXIX.

An Act to change the time of holding the annual town meetings in the township of Franklin, in the county of Warren.

Time of holding annual town meetings.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That after the passage of this act, the annual town meetings in the township of Franklin, in the county of Warren, shall be held on the third Monday of March, annually; and the first of said town meetings under this act shall be held at the public house of David Kries, in said township.

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

Approved March 3, 1875.

CHAPTER LXXXIV.

A Supplement to an act entitled "An Act to incorporate the town of Union, in the township of Union, in the county of Hudson," approved March twenty-ninth, one thousand eight hundred and sixty-four.

Authorized to issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of councilmen of the town of Union, in the county of Hudson, or their successors, be and they are hereby authorized to issue bonds to the amount of fifteen thousand dollars, for the purpose of redeeming such bonds known as "Gardner

Street Improvement Bonds," which will expire April first, one thousand eight hundred and seventy-five; five thousand dollars of said bonds so to be issued to run for three years, and the remainder for five years; such bonds not to be sold for less than ninety-five cents on the dollar, and bearing interest at the rate of seven per centum per annum.

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

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

Approved March 9, 1875.

CHAPTER LXXXV.

A Further Supplement to the act entitled "An Act to encourage the establishment of Mutual Loan and Building Associations," approved February twenty-eighth, one thousand eight hundred and forty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the capital stock of every association now organized, and which may be hereafter organized in the county of Burlington, under and by virtue of the above mentioned act and the several supplements thereto, shall be considered personal property, and that the paid in value of the shares thereof, on the day prescribed by law for commencing the assessment, shall be assessed, in the township or ward wherein said association is located, in the name of the stockholders then holding the same upon the books of said association, in the same way and manner as other personal property, in lieu of the taxes now assessed by law, upon the capital stock of said associations. Capital stock of associations, how assessed.

2. *And be it enacted*, That it shall be the duty of the secretary of every such association, within said county, when applied to by the assessor entitled to assess the same, to give to the said assessor a true list and statement of all List of stockholders to be given to assessors.

the stockholders of the same, and of the number and amount of paid in value of the shares, standing in their names on the books thereof, for the purposes of taxation, under this act.

Repealer. 3. *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 9, 1875.

CHAPTER XCV.

An Act to prevent Usury in the county of Monmouth.

Against usury. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all contracts for the loan of any money, wares, merchandize, goods or chattels, hereafter made in the county of Monmouth in this state, whereby above the value of seven dollars for the forbearance of one hundred dollars for a year or above that rate for a greater or less sum, or for a longer or shorter period, shall be taken directly or indirectly, shall be utterly void.

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

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

Approved March 10, 1875.

CHAPTER XCVII.

A Further Supplement to the act entitled "An Act to revise and amend the charter of the city of Newark."

Commissioners to estimate and assess damages and benefits, how appointed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners to estimate and assess damages and benefits in pursuance of the act to which this is a supplement, or of any supplement thereto, shall hereafter be appointed by the circuit court of the county of Essex, on application in behalf of the mayor and common council of the city of Newark, who shall cause ten days' notice of the time and place of such application to be given, by publication thereof in the newspapers duly authorized to publish the ordinances and official notices of said city, at which time and place, upon satisfactory evidence of the due publication of such notice, the said court shall, without unnecessary delay, appoint the said commissioners, who shall be freeholders and otherwise qualified as in said act specified; and in case of the death, resignation, refusal to serve, or disability of any commissioner so appointed, the vacancy shall be filled as soon as may be by said court, on application as aforesaid.

Vacancies, how filled.

Commissioners to make report.

2. *And be it enacted*, That all commissioners to estimate and assess damages or benefits in said city, shall make a report of their assessments to the said court, and upon the coming in of any such report, signed by the said commissioners, or any two of them, the said court shall cause such notice to be given as it shall direct, of the time and place of hearing any objection that may be made to such assessment, and, after hearing any matter which may be alleged against the same, the said court shall, by rule or order, either confirm the said report, or refer the same to the same commissioners for revision and correction, or to new commissioners to be appointed by the said court, to reconsider the subject matter thereof, and the said commissioners to whom the said report shall be so referred, shall return the same report corrected and

Notice to be given of time and place of hearing objections.

Court may confirm or refer report.

revised, or a new report to be made by them in the premises to the said court, without unnecessary delay, and the same on being so returned shall be confirmed or again referred by the said court in manner aforesaid, as right and justice shall require, and so, from time to time, until a report shall be made or returned in the premises which the said court shall confirm, and such report when so confirmed by said court, shall be final and conclusive, as well upon the said city as upon the owners of any land and real estate affected thereby, and the said court shall thereupon cause a certified copy of said report to be transmitted to the city clerk, with a certified copy of the rule of said court confirming said report, and the common council shall thereupon order the said assessment to be collected as authorized by law.

When report is confirmed to be final, &c.

Copy of report to be filed with city clerk.

Compensation of judge.

3. *And be it enacted*, That the judge of the said court who shall perform the services aforesaid, shall receive the following compensation, to wit: for the appointment of the said commissioners, the sum of five dollars; for the hearing of objections to any report the sum of five dollars for every day he shall sit to hear the same, and upon the confirmation of any such report the sum of five dollars to be paid by the said city.

Court may make rules and regulations.

4. *And be it enacted*, That the said court may make such rules, not inconsistent with the provisions of this act, for the regulation of the practice and procedure under the preceding section, as shall be deemed expedient.

Assessments, how made and by whom.

5. *And be it enacted*, That hereafter all assessments for costs, damages and expenses which have been heretofore incurred, or which may be hereafter incurred, for any public improvement in said city authorized by the act to which this is a supplement, or by any supplement thereto, shall be assessed by the said commissioners upon all the owners of lands and real estate in said city peculiarly benefited thereby, in proportion as nearly as may be to the advantage each shall be deemed to acquire, and in case the said costs, damages and expenses shall exceed the amount of said benefits, such excess shall be assessed upon and paid by the city of Newark.

Commissioners to take oath.

6. *And be it enacted*, That each of the commissioners aforesaid, before they enter upon the execution of the said duties required of them, shall severally take and subscribe an oath or affirmation before an officer author-

ized to administer oaths and affirmations, to make the said estimates and assessments required of them respectively, fairly, legally and equitably, according to the best of their skill and understanding, and the said commissioners shall receive such compensation for their services as may be fixed by the common council. Compensation.

7. *And be it enacted*, That in order to provide for the payment of the costs, damages and expenses as aforesaid of any public improvement, or of any part thereof, the assessment for which may have been or may be hereafter vacated and set aside, either in whole or in part, by the supreme court of this state, an assessment shall be made and levied or collected in accordance with the provisions of this act, and of the act to which this is a supplement and the several supplements thereto. Assessments vacated or set aside, how levied or collected.

8. *And be it enacted*, That every and each assessment made and levied in accordance with the provisions of this act, the act to which this is a supplement, and of the acts supplementary thereto, as modified by this act shall be a lien, and shall be collected and enforced in all respects as now authorized by law and as herein provided; *provided*, that when both benefits and damages shall have been or hereafter shall be estimated and assessed upon the same land, and no appeal shall have been taken therefrom, the amount to be paid by the owner of the land assessed or by the city, as the case may be, shall be the amount of the difference only between the said assessments. Assessments a lien, and how collected. Proviso.

9. *And be it enacted*, That every assessment for damages heretofore made within said city is hereby ratified, confirmed and made valid; *provided*, that this section shall not apply to any assessment from which an appeal has been taken or in respect to which any suit is now pending. Assessments for damages made valid. Proviso.

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

Approved March 11, 1875.

CHAPTER XCVIII.

An Act to confirm the acknowledgment and proof of deeds and other writings, taken by Jacob Hitchner.

Preamble.

WHEREAS, It appears that the Senate and General Assembly of the state of New Jersey, appointed, in joint meeting, held on the eleventh day of March, Anno Domini eighteen hundred and sixty-eight, Jacob Hitchner, of the township of Pittsgrove, county of Salem, to take acknowledgments and proofs of deeds, who was commissioned and sworn into office as such commissioner, and from a misapprehension of his authority under his said commission continued to take acknowledgments and proofs one year after the date of the expiration thereof, by reason of which innocent persons may be subject to great loss, therefor,

Acknowledgments declared valid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That the several acknowledgments and proofs, and other instruments of writing, taken and certified by the said Jacob Hitchner, be and the same are hereby confirmed and declared valid and effectual, as if the said Jacob Hitchner had been lawfully authorized to take the same.

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

Approved March 11, 1875.

CHAPTER XCIX.

An Act to authorize the township of Middletown, in the county of Monmouth, to elect one or more constables.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Middletown, in the county of Monmouth, shall have full power and authority at their annual town meeting, to elect by a majority of votes, one or more constable or constables, not exceeding the number of justices of the peace, which the said township may be constitutionally entitled to elect. May elect constables.

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

Approved March 11, 1875.

CHAPTER C.

An Act to regulate the building and repairing of the Public Roads in the township of Upper Penns Neck, in the county of Salem.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the office of overseer of highways in the township of Upper Penns Neck, in the county of Salem, be and is hereby abolished. Office of overseer abolished.

2. *And be it enacted*, That the duties and powers now devolving upon and exercised by the overseers of highways in said township of Upper Penns Neck, shall devolve upon and be exercised by the township committee of said township. Duties to be exercised by township committee.

3. *And be it enacted*, That the said township committee shall have power to appoint a supervisor or super- May appoint supervisors of highways.

visors of the highways in the said township, to superintend the building and repairing of highways therein, upon such terms and under such restrictions as they shall deem most for the public good.

Power to let by contract, the repairing of roads, &c.

4. *And be it enacted*, That the township committee in said township, shall have the power to let by contract to the lowest bidder or bidders the building or repairing of any public roads in said township.

Day's work, and compensation.

5. *And be it enacted*, That a day's work shall consist of ten hours of actual labor performed, yet in no case shall the wages of laborers exceed the sum of one dollar and fifty cents per day.

Repealer.

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

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

Approved March 11, 1875.

CHAPTER CXIV.

A Further Supplement to the act entitled "An Act to facilitate judicial proceedings in the county of Passaic," approved March twenty-eighth, eighteen hundred and seventy-one.

Salary of president judge.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the sum, by the supplement to said act approved March twenty-seventh, eighteen hundred and seventy-four, required to be paid to the president judge of the inferior court of common pleas of the county of Passaic, there shall be paid to said president judge, on and after the first day of April, in the year eighteen hundred and seventy-five, the sum of five hundred dollars per annum.

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

Approved March 11, 1875.

CHAPTER CXV.

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 the issue of bonds by the city of Trenton to redeem bonds already issued under the act to which this is a supplement, or any supplement thereto, shall not be affected by any proviso in said act, or supplements thereto, limiting the total amount of money which the city of Trenton is empowered to borrow for the purposes in said acts or supplements mentioned; *provided*, the proceeds of the sales of the bonds first above mentioned shall be entirely applied to the redemption of the bonds already issued. Issue of bonds, not limited. Proviso.

2. *And be it enacted*, That it shall be lawful for the common council of the city of Trenton, at such times as they shall think proper, to borrow such further 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 borrowed shall not exceed in the whole the sum of one hundred thousand dollars. Power to borrow money. Proviso.

3. *And be it enacted*, That to secure the payment of the loans authorized by this act, the said common council, upon the written application of the said commissioners of the water works, are hereby authorized to issue bonds of the said city of Trenton, at such times as they shall think fit, for an amount not exceeding in the aggregate Authorized issue bonds.

Amount. the sum of one hundred thousand dollars; which bonds shall have the city seal attached, and be signed by the mayor and treasurer of said city, and shall bear interest at the rate of six per cent. per annum, payable semi-annually, and shall not be liable for any tax which may be levied or assessed by order of the common council; the principal of such bonds shall be made payable at such time or times as the said common council may, by ordinance, prescribe; *provided*, that no bonds shall be issued in any case unless a majority of the whole number of common council shall concur therein.

Proviso.

Proceeds, how applied. 4. *And be it enacted*, That the loan authorized by this act shall be a part of 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 of the sale thereof shall be applied exclusively to the purposes contemplated by this act.

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

Approved March 11, 1875.

CHAPTER CXXIII.

A Further Supplement to an act entitled "An Act to improve Bergen Wood Road, in Hudson county," approved April ninth, one thousand eight hundred and sixty-eight.

Preamble. WHEREAS, under said act it is provided that the cost of widening, regulating and improving said road, shall be adjusted (each section to be considered separately,) by the commissioners therein named in an equitable assessment, and so forth; the lands fronting on the improvement to be assessed in proportion to the benefit received; and whereas, the language of said act for the assessment of the costs of the improvements thereby authorized, may not be specific enough to conform to recent decisions of the courts; but it was the inten-

tion of said act, that no more should be assessed on any property, than the actual benefit received.

Assessments, &c., to be assessed and collected on lands benefited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all assessments hereafter made, under and by virtue of said act, or the supplements thereto, the cost of widening, regulating and improving said road, and all costs and expenses touching and relating thereto, whether heretofore done under said act or acts, or hereafter to be done thereunder or hereunder, shall be assessed upon and collected out of the lands and real estate benefited by such improvements, in proportion to the benefit received; *provided*, that no lands or real estate shall be assessed any more than the benefit received; which assessment shall be a lien prior to all other liens, on the lands or real estate assessed.

Proviso.

Provisions of former acts relative to assessments, to apply to assessments hereby authorized.

2. *And be it enacted*, That all provisions of former acts consistent with this act in relation to the making of assessments, the lien of assessments therein authorized, and the method of enforcing the lien and collecting the assessment, shall apply to the assessments hereby authorized, in the same manner as if this section had been incorporated in the acts in which such other provisions are contained; and the purchaser of land or real estate sold for such unpaid assessments, shall have the estate for years in the lands and real estate which he offered to take in the same, and which shall be conveyed to him by the deed or declaration of sale directed to be given in, and by section one of the supplemental act, approved March seventeenth, one thousand eight hundred and seventy.

Deeds of sale.

Limitation of redemption of lands.

3. *And be it enacted*, That the right of redemption by any person entitled to redeem, (except the owner,) shall be limited to six calendar months, after notice by the purchaser is given, within or without the state, to such person entitled to redeem, of the sale, and no longer; any such notice may be given before or after the expiration of the two years.

When writ of certiorari shall not be allowed.

4. *And be it enacted*, That no certiorari shall be allowed or granted to set aside any assessment for any improvement made under and by virtue of said act, to which this is a supplement, or any of the supplements thereto, after sixty days shall have elapsed from the date of the adjustment and review of said assessment by the com-

missioners to improve said road, as provided for in section five of the supplemental act, approved April second, one thousand eight hundred and sixty-nine.

Repealer. 5. *And be it enacted*, That all of section seven in said act, to which this is a supplement, after the word "performance," as the same appears in said section, be and the same is hereby repealed.

Repealer. 6. *And be it enacted*, That section four, of the supplemental act, approved April second, one thousand eight hundred and seventy-three, be and the same is hereby repealed.

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

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

Approved March 15, 1875.

CHAPTER CXXIV.

An Act to enlarge the bounds of the public school district at Boonton, in the county of Morris, to establish a board of education therein, and amendatory of an act pertaining to said school district, passed March thirteenth, eighteen hundred and fifty-one, entitled "An Act to authorize the inhabitants of school district number seven, in the township of Pequannock, in the county of Morris, to raise money for school purposes," and the supplement thereto passed in eighteen hundred and fifty-six.

Boundaries of school district. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants residing in such parts of the townships of Boonton and Hanover, in the county of Morris, as are included within the following stated bounds, viz: beginning at a point on the north-

easterly shore of the Rockaway river, in the township of Boonton, distant twenty rods southerly from the residence of Edwin E. Willis, and thence running in a direct line northeasterly to the northwest corner of a tract of land lately known as the Lowerer's farm, belonging to Holmes and Milner; and thence in a direct line northeasterly and so as to include the whole of said farm, to the easterly line of Boonton township; thence southerly along the line of Boonton and Montville townships to the Rockaway river, and thence up the stream of said river the several courses thereof to the southerly line of the corporation of the town of Boonton; and thence in a westerly course along said corporation line in the township of Hanover, to where said line intersects the public road known as the Fanny road, and thence along the centre of said public road toward Powerville, to a point therein one hundred yards beyond the residence of George Elcock, known as the Park House; and thence in a northeasterly and direct line to the point of beginning, shall constitute one public school district for all purposes of education, according to the existing laws of the state, except so much thereof as is altered, supplied, or repealed by the provisions of this act, and that said school district shall be known as the Boonton school district. Name.

2. *And be it enacted,* That only the legal voters residing in said district may vote in the district meetings, and every meeting may choose its own moderator, and may, except at the annual meeting and district election, which shall be held on the first Monday in April, adjourn from time to time, at the same or some other place in said district, and that at all elections in said school district held by the legal voters thereof, the presiding officer chosen at such meeting, together with the clerk and treasurer of said district shall be the inspectors of the election, and that at such election the voting shall be by ballot, and as to the election of a school commissioner a plurality shall decide; that the polls shall open at ten o'clock in the forenoon, and close at four o'clock in the afternoon, and that said election shall in other respects be conducted as state and county elections are conducted; and that the said annual meeting shall be held at seven and a half o'clock in the evening, for the purpose of re- Time and manner of holding elections.

ceiving the reports of the district treasurer, committees, and the board of education, and for the transaction of such other business as shall be properly brought before said meeting.

School district divided into two sections.

3. *And be it enacted.* That said school district shall be considered as divided (for the purposes hereinafter mentioned) into two sections, by extending the centre line of Church street, in the town of Boonton, in a direct course to the easterly line of Boonton township, and to the southwesterly corporation line of the town of Boonton, in the township of Hanover, and that all of said school district on the northerly side of said centre line of Church street shall be called section first, and all on the southerly side of said line shall be called section second.

Number of commissioners, of public schools.

4. *And be it enacted*, That seven commissioners of public schools in said school district shall be selected and appointed as hereinafter provided, in place of three district trustees, and that two of the present trustees whose terms of office as trustees will not expire on the first Monday of April next, viz.: Edwin Bishop, whose term will expire on the first Monday in April, anno domini eighteen hundred and seventy-six, and Joseph Milner, whose term will expire on the first Monday in April, anno domini eighteen hundred and seventy-seven, shall be two of said commissioners of public schools, and continue in office as such commissioners until the expiration of their terms as aforesaid; and that at the next annual school district election to be held in the town of Boonton, on the first Monday in April next, there shall be elected by the legal voters of said school district four other persons as commissioners of public schools; two of said commissioners thus elected shall be residents of section first, and two of section second in said district, and immediately after such election the said six commissioners shall meet together and proceed to divide themselves into three classes, by drawn ballot, in such manner that each class shall be composed of one commissioner from each section of said Boonton school district; one of which classes, including said Edwin Bishop, shall go out of office at the expiration of the first year, one including said Joseph Milner at the expiration of the second year, and one at the expiration of the third year; and at said district election there shall also be

Election of commissioners.

Commissioners to divide into classes.

selected at large and elected, one commissioner of public schools, (making the seventh,) for the term of three years; and at each annual district election thereafter to be held in said district on the first Monday in April, the legal voters of said school district shall elect two persons, one of whom shall be a resident of section first, and the other of section second in said district as commissioners of public schools, who shall hold such office for three years; and every third year the said legal voters shall elect one person as commissioner of public schools, chosen at large, (making the seventh) who shall hold such office for three years; and in case of death, resignation, removal from section, or other disability of any commissioner of public schools, a person may be duly appointed by the remaining commissioners of public schools, to fill the vacancy until the next annual district election, when the qualified voters of the said school district shall elect a person residing in the section of the school district where the vacancy occurs, who shall serve the unexpired term; and the said commissioners of public schools first appointed and elected, and the persons so elected or appointed from time to time thereafter, shall constitute a board of education at the town of Boonton; and every person elected or appointed as commissioner of public schools under this act, shall, previous to entering on the discharge of the duties of his office, take and subscribe before the clerk of the township of Boonton, or one of the justices of the peace of said township, who are hereby respectively authorized to administer the same, an oath or affirmation, faithfully and impartially to execute the trust imposed in him as such commissioner, to the best of his ability and understanding.

Commissioners at large.

Vacancy, how filled.

Commissioners to take oath.

5. *And be it enacted*, That the commissioners of public schools appointed and to be elected or appointed by virtue of this act, and their successors in office shall be, and they are hereby constituted a body politic and corporate, to be called and known by the name of the Board of Education of the town of Boonton, and shall be capable of suing and being sued, in all courts and places whatever, and of purchasing, holding and conveying real and personal property for the use and benefit of the public school or schools in said Boonton school district, and that all the schools property belonging to

Constituted a body corporate.

Name, powers, and duties of board.

said Boonton school district, both real and personal, shall vest in the said board of education of the town of Boonton, and their successors in office; and said board shall take charge of the same, and shall cause all necessary repairs to be made to the public school buildings, and shall keep them insured, so far as funds shall be furnished by the people of said district for such purposes, and said board of education shall have power and it shall be their duty to establish in said district, schools of different grades, adapted to the age, capability and progress of the pupils, in which shall be taught, free of charge, all children residing in said district, and being of lawful school age, who shall attend said schools; and said board of education shall have power, and it shall be their duty to employ and dismiss teachers, janitors, mechanics and laborers, and to fix, alter, allow and order paid their salaries and compensations, and to make and enforce rules and regulations, not in conflict with the general regulations of the state board of education, for the government of schools, pupils and teachers, to prescribe the course of study to be pursued, and an uniform series of text books to be used in the public schools in said district, to suspend or expel pupils from schools, to provide books for indigent children, to require all pupils to be furnished with suitable books, as a condition of membership in the schools, to require every teacher to keep a state school register and such other records as said board may deem necessary for the benefit of the schools, and to call a special meeting of the legal voters of the district when in the judgment of said board the interest of the said school district may require it; and it shall be the duty of said board of education, to make or cause to be made an annual report to the county superintendent, in the manner and form prescribed by the state superintendent of public instruction, and at such time as is required under the general school laws of the state; but said school commissioners shall receive no compensation for their services.

Meeting of board of education, and their duties.

6. *And be it enacted*, That the members of said board of education shall convene within ten days after the annual district election, and shall proceed to elect one of their number president of the board for the ensuing year, and one of their number to act as secretary pro tempore

to the board; a majority of the whole number of commissioners shall constitute a quorum for the transaction of business, and no resolution or order of the board shall be adopted, unless with the consent of a majority of the whole number of the commissioners, and the said board shall have power, and it shall be their duty to appoint a district clerk and a treasurer, with such compensation, and under such security as they may deem necessary; and the said board shall hold monthly meetings, which shall be public, and at such meetings any taxable inhabitant of said district shall have a right to appear and present any proper petition, or to state, through some member of the board, any grievance, or other matters proper for the consideration of said board.

May appoint superintendent of public schools, and his duties.

7. *And be it enacted*, That said board of education shall have power to appoint, whenever in their judgment it may be necessary, some person, not a member of said board, and of suitable attainments, to superintend the public schools in said district, and whenever such appointment is made it shall be the duty of said superintendent to act as secretary of the board of education, to make all necessary or required reports to the county and state superintendents, and to discharge such other duties consistent with the nature of his office, as the rules and regulations of the board of education may require; said superintendent shall continue to hold his appointment during the pleasure of the board of education, and no longer; and the said board of education shall determine by resolution, the amount of compensation the said superintendent shall receive, and shall pay the same out of the moneys raised by tax for school purposes by said school district, and in case said board of education make no appointment of superintendent, then the making of such reports as are necessary shall devolve upon the secretary pro tempore of said board.

Power of legal voters to raise school tax.

8. *And be it enacted*, That the legal voters of said school district shall have power, and they are hereby required, at the annual district election to be held in said district on the first Monday in April, in the manner and under the limitations hereinafter specified, to vote to raise by tax in said district, such sum or sums of money as may be necessary to the proper maintenance of the public schools in said district, and whenever the legal voters of

said school district shall determine as by this act provided, to raise a tax for any one or more of the purposes authorized by this act, the same shall be levied on all the real estate situated in said district, and upon the polls and ratable estate of those persons who are resident therein at the time of levying such tax.

How levied.

Estimates to be made.

9. *And be it enacted*, That it shall be the duty of said board of education to make out an estimate of the amount of money that will be needed in addition to the amount received from interest on surplus revenue, and the state apportionment, for the support of the public schools the ensuing year, and to specify in that estimate, as nearly as may be, the sums required under each branch of expenditure, and to hand such estimate to the district clerk, on or before the eighteenth day of March, and the said board of education shall not incur, in any one year, for the purposes stated in their estimate, expenditures in excess of the amounts therein stated, or in excess of the amount voted to be raised by tax in the district for any of the purposes named in said estimate, and it shall be the duty of said board to publish in a newspaper, printed in said town of Boonton, if any be printed therein, an abstract of their annual report concerning the condition of the public schools, at least two weeks prior to the annual district election.

Abstract of report, to be published.

Treasurer to give bond, and his duty.

10. *And be it enacted*, That the treasurer of said school district, before entering upon the duties of his office, shall, when required by the board of education, give bond in such amount as shall be required by said board, and with such sureties as shall be approved by said board, for the faithful discharge of his duties, and he shall receive and take care of all money, leases, bonds, notes and other securities of the funds or property of said district, and shall deliver and pay over the same only to the order of the board of education, or a majority of said board, which order shall state the purpose for which it is given, and be made payable to the order of and endorsed by the person entitled to receive it; and he shall render a full and true account thereof at each annual meeting.

Clerk to take oath, and his duty.

11. *And be it enacted*, That it shall be the duty of the clerk of said school district, within three days after his appointment, before one of the justices of the peace of said township of Boonton, to subscribe and take an oath

or affirmation that he will faithfully discharge his duty as clerk of said school district, which oath or affirmation shall be delivered to the township committee of the township of Boonton, to be by them filed and kept; and it shall be the duty of said clerk to enter into a suitable book, procured for the purpose, a correct description of the bounds of said school district, and also to keep a correct record of the notices and proceedings of all meetings of the inhabitants of said district lawfully convened for the transaction of business pertaining to the support and maintenance of a public school or schools in said district, copies of which minutes, duly attested, shall be legal evidence in all courts of law; and also, he shall preserve and file all official reports pertaining to public school matters in said district, and when requested by a majority of said board of education, to call a special meeting of the inhabitants of said district, for a purpose or purposes pertaining to the public schools in said district, he shall, in three or more of the most public places in said district, put up written or printed notices, stating the time, place and object of such meeting, at least five days previous to the time of holding the same, and he shall aid the board of education to take a full and exact census of all children over five and under eighteen years of age residing in said district, and he shall certify to the correctness thereof, and perform all other duties appropriate to his office and as required by said board of education.

Board to make estimate of repairs, salaries, &c.

12. *And be it enacted*, That whenever it shall be deemed necessary by the board of education to raise money to build or repair a school house in said district, or to puchase a lot of ground on which to erect a school house, or to purchase fuel or necessary fixtures or apparatus for the use of said school or schools, to purchase books for a school library for the use of said district or to pay the salary of teachers and such officers of said district as are entitled to compensation under this act, or for incidental expenses, said board shall make an estimate of what sums are necessary for such purposes, as directed in the ninth section of this act; and it shall be the duty of the district clerk to give notice of the same in writing, to be put up by him in four of the most public places in said district, at least ten days before the first Monday in April, the time for holding the annual district election; and the legal

Notices of estimates to be posted.

voters of said district, when assembled at said annual district election, are hereby authorized and required to determine by a majority of the votes cast of those then assembled, what sum or sums of money, under the limitations hereinafter provided, shall be raised by tax, for any one or more of the purposes specified in the estimate prepared by said board of education; *provided*, that the total of the sums so ordered to be raised for the purposes named, other than the purchase of a lot of ground on which to erect a school house, the building of a school house, or the repair of such house, shall not exceed in any one year a sum equal to three dollars for each child over five and under eighteen years of age residing in said district, but for repairing a school house in said district, the sum or sums so ordered to be raised shall not exceed, in any one year, a sum equal to one dollar for each child of school age as aforesaid, whereupon it shall be the duty of the district clerk, before the first day of June next following, to certify to the assessors of the townships in which said school district lies, in writing under his hand, the sum or sums so voted to be raised, and it shall be the duty of the assessors of the townships of Boonton and Hanover to assess on the inhabitants and real estate in said school district, in like manner as township and county taxes are assessed, all money so voted to be raised, keeping the sum or sums assessed by virtue of this act in the duplicate of taxes distinct from all assessments by him or them therein made for other purposes, which said assessments shall in all other respects be levied and collected in the same manner, and by the same officers, that the township and county taxes are levied and collected, and any person feeling aggrieved by such assessment, shall have the right of appeal and redress as in other cases of taxation is provided by law.

Proviso.

Proceedings in case voters determine to build a school house, &c.

13. *And be it enacted*, That when the legal voters in said school district shall determine, as hereinbefore provided, to build a public school house in said district, and shall determine to raise by tax, the first year, only a part of the amount of money that will be necessary to complete such building; *provided*, the amount so ordered to be raised the first, shall be at least equal to one-third of the whole expense to be incurred in completing such building, then it shall be lawful for said district to order

Proviso.

the treasurer of said district to borrow, in the name and for the use of said district, a sum or sums of money sufficient to make up such deficiency; and the district shall be bound for the repayment of the money thus borrowed, together with the lawful interest thereon, to be repaid within five years, and in yearly payments of not less than one-fifth of the amount so as aforesaid borrowed; and in case the district shall neglect or refuse, at the annual meeting on the first Monday in April, to make necessary provision to meet such payment, it shall be the duty of the treasurer of said district, and he is hereby required, within thirty days thereafter, to notify the assessors of the said townships of Boonton and Hanover of the amount coming due, and so as aforesaid unprovided for, whereupon the assessors of said townships shall proceed to assess the same as hereinbefore provided, and when the amount so assessed shall be collected by the collectors of said townships of Boonton and Hanover, and paid over to the treasurer of said district, it shall be by him, without unnecessary delay, applied to the purpose for which it was raised, and the provisions of this section shall apply to the repayment of any money ordered to be borrowed by the treasurer of said district for the erection of a school house, prior to the passage of this act.

Limitation of amount of tax to be raised.

14. *And be it enacted*, That the legal voters of said school district, in raising money by tax, as provided in the twelfth section of this act, for purchasing a lot, and building a public school house thereon, in the district, shall be limited not to exceed a sum equal to ten dollars for each child residing in said school district and being of lawful school age; *provided*, in case any public school house erected under the provisions of this act, or heretofore erected under the provisions of any other act, for the use of the public school or schools of Boonton, shall be destroyed, by fire or otherwise, or so damaged as to require a larger amount for repairs than can be raised under the limitation specified in the twelfth section of this act, then said district shall have power, as hereinbefore provided, and under the same limitations to erect another school house for the use of said district, and any money ordered by said district to be borrowed by the treasurer for such purpose, the district shall be bound to repay, as provided in the thirteenth section of this act.

Proviso.

Duty of collector.

15. *And be it enacted*, That it shall be the duty of the collectors of said townships of Boonton and Hanover, in which said school district is situated, to pay the tax money which they shall collect under the provisions of this act, to the treasurer of said school district, on or before the first Monday in January, annually, and in case of failure so to do, they each shall be liable to prosecution in all respects as is provided in the general tax law, except that the suit or suits shall be brought in the name of the board of education of the town of Boonton, and it shall be the duty of said collectors to pay over to the treasurer of said district all other money received by them for the use of said school district, immediately after receiving the same; and for the money so paid, the treasurer of said district shall give receipts to the said township collector or collectors, specifying the different sums received, the dates when received, and from what sources derived, which receipts shall be sufficient vouchers to exonerate and discharge the said collector or collectors to the amount therein named; and for the additional duties by this act imposed upon the said township assessors and collectors, they shall be entitled to additional compensation at the same rates as are by law provided for assessing and collecting other taxes.

Treasurer to give receipts.

Power of legal voters to appropriate money to be raised by tax.

16. *And be it enacted*, That the legal voters of said public school district at Boonton, may have power to appropriate money, to be raised by tax in said district, to open and maintain a public evening school or schools in said district, in which may be taught those whose ages or avocations are such as to prevent their attendance at the day-schools; *provided*, the amount thus appropriated shall not exceed in any one year a sum equal to fifty cents for each child of lawful school age residing in said district; and it shall be the duty of said board of education to prepare an estimate of what sum of money will be necessary to maintain such public evening school or schools for the ensuing year, and when money shall be appropriated and raised for such purpose, it shall be the duty of said board of education to employ suitable instructors for said evening school or schools, and to pay such instructors for their services out of any money appropriated by said district for such purpose, and to make and enforce all necessary rules and regulations for

Proviso.

the government of said school or schools, and the maintenance of proper order therein; and any person attending such evening school shall be required to yield a willing and respectful obedience to the rules and regulations adopted by the board of education for the government of said evening schools; and any person so attending, who shall make use of any vulgar or profane language in or about said public school building or buildings, or building used or occupied by said evening school, or who shall conduct in such manner, or shall aid or abet others to conduct in such manner as to disturb the exercises in such school, or who shall be guilty of any disorderly act or conduct, as specified in the first section of an act entitled "A supplement to an act to describe, apprehend, and punish disorderly persons, approved March seventh, anno domini eighteen hundred and seventy-one," shall be deemed and adjudged to be a disorderly person, within the intent and meaning of said act, and may be apprehended, convicted, and punished, as specified in the second section of said act, and said board of education are required to enforce said act against such disorderly persons.

Admission of pupils.

17. *And be it enacted*, That children not residing in the said school district may be admitted as pupils in the public school in said district, on such terms as the board of education shall prescribe.

Title of school house lot vested.

18. *And be it enacted*, That the title of the school-house lot situated on the corner of Madison and Harrison streets, in the town of Boonton, Morris county, New Jersey, which was conveyed by Rachel Mandeville and Giles Henry Mandeville, her husband, Abraham P. Jacobus and wife, and others, by deed dated July first, anno domini eighteen hundred and seventy-four, and recorded in the Morris county record of deeds, in book A nine, page one hundred and twenty-three, et cetera, to the trustees of the public school at Boonton, is hereby declared to be vested in the board of education at Boonton, and their successors in office; and that the deed bearing date the first day of July, anno domini eighteen hundred and seventy-four, and executed by the trustees of the public school district at Boonton, and conveying to the said Rachel Mandeville, Abraham P. Jacobus, and others, a certain school-house lot situated on the southerly side of Madison street, in

Conveyance declared valid.

Boonton aforesaid, in exchange for said lot on the corner of Madison and Harrison streets, is hereby declared to be for all the uses and purposes in said deed expressed, a legal and valid conveyance.

Repealer.

19. *And be it enacted*, That said special act pertaining to said school district, passed March thirteenth, eighteen hundred and fifty-one, entitled "An act to authorize the inhabitants of school district number seven, in the township of Pequannock, in the county of Morris, to raise money for school purposes," and the supplement thereto, passed in eighteen hundred and fifty-six, to which this act is amendatory, and all acts and parts of acts which are inconsistent with or contrary to the provisions of this act, are hereby repealed.

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

Approved March 15, 1875.

CHAPTER CXXV.

An Act to provide for the assessment and payment of the costs and expense incurred in the improvement of Ridge road and of Rutherfurd avenue, in the township of Union, in the county of Bergen.

Preamble.

WHEREAS, Under and by virtue of an act entitled "An Act to widen, grade and improve Ridge road, in the township of Union, in the county of Bergen," passed March sixth, eighteen hundred and seventy-two, extensive and valuable improvements have been made upon said road, and a large amount of money expended in doing the same; *and whereas*, by reason of a defect in the provisions of said act, in reference to the assessment of the costs and expense of said improvement, the supreme court of this state have adjudged said assessments to be illegal, and not binding upon the parties against whom they were made, whereby innocent parties, who have advanced the money neces-

sary for making said improvement, are likely to lose the money which they have thus advanced, unless further provision be made for the payment of the same; *and whereas*, under and by virtue of an act entitled "A supplement to an act entitled an act to widen, grade and improve Ridge road, in the township of Union, in the county of Bergen," passed March sixth, eighteen hundred and seventy-two, which was approved April third, eighteen hundred and seventy-three, like extensive and valuable improvements have been made upon Rutherfurd avenue, in the same township and county; *and whereas*, the assessment of the costs and expense thereof was directed to be made, and has been made, in the same manner as that for Ridge road, and is therefore equally illegal, and not binding upon the property owners assessed, whereby the same injustice is threatened to innocent parties, who have advanced the money necessary for the improvement of said Rutherfurd avenue; therefore,

Appointment of commissioners, upon application of township committee.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That on the application of the township committee of said township (who are hereby directed and enjoined to make such application forthwith,) the inferior court of common pleas of the county of Bergen, is authorized and directed to appoint three discreet and competent men, not property-owners or taxpayers in said township of Union, as commissioners to make an assessment of the costs and expense of the improvement of Ridge road under the provisions of this act; the commissioners so to be appointed shall, before entering upon the duties of their office, take, subscribe and file in the office of the clerk of the county of Bergen, an oath faithfully to discharge the duties devolving upon them as such commissioners, under the provisions of this act, and that they are not property owners or taxpayers in said township of Union; in case any of the commissioners so to be appointed shall refuse to serve, or shall fail, for a period of thirty days after appointment as aforesaid, to qualify, by taking, subscribing and filing the oath hereinbefore prescribed, the place of every commissioner so refusing to serve, or failing to qualify, shall be deemed vacant, and be filled in like manner as hereinbefore prescribed; after the appointment and qualify-

To take oath.

Vacancies, how filled.

ing of the commissioners, any vacancy occurring in their number by death, resignation, removal from the state, refusal to act, or other disability, shall be filled by the remaining commissioner or commissioners, due regard being had to the qualifications prescribed for the commissioners to be appointed by the court.

Commissioners to ascertain and determine costs and expenses of improvements, &c.

2. *And be it enacted*, That the commissioners, upon their appointment and qualification as aforesaid, shall forthwith proceed to ascertain and determine the total cost and expense of the improvement of Ridge road, including the value of the lands and improvements taken for the widening of Ridge road by the late commissioners, under the authority of the first act, recited in the preamble hereto, the entire amount of certificates of indebtedness issued by the late commissioners to the contractor in payment for the work, and to the engineer for services rendered, interest on said certificates, all necessary or proper costs, charges and expenses made or incurred by the late commissioners, in reference to said improvement, (including under this head the certificate for one hundred dollars issued to the treasurer of the late commissioners for current expenses, and interest thereon,) the costs and expenses of the commissioners to be appointed hereunder, incurred and to be incurred in carrying out the provisions of this act, and the costs of collecting the assessments hereinafter directed to be made.

Commissioners to make estimate in advance of costs and expenses.

3. *And be it enacted*, That in ascertaining the costs and expenses to be incurred by the commissioners in carrying out the provisions of this act, and the expenses to be incurred in collecting the assessments hereinafter directed to be made, it shall be lawful for them, and they are hereby directed to make a reasonable estimate, in advance, of such costs and expenses of sufficient amount to cover the same which shall be added to the amount already incurred; and in ascertaining the interest upon the certificates of indebtedness aforesaid, it shall be lawful for the commissioners and they are hereby directed to extend the computation thereof to a date six months thereafter; and they are hereby required and directed to make a minute of the date, to which they shall have calculated interest, under the authority of this section, in the certificate of assessment directed to be made in and by the sixth and eighth sections of this act.

Interest upon certificates.

4. *And be it enacted*, That upon ascertaining the total cost and expense of the improvement of Ridge road, as prescribed in the second and third sections of this act, the commissioners shall proceed to make a just and equitable assessment thereof upon all of the lands in said township of Union specially benefited by the said improvement; *provided*, that in no case shall the assessments upon any lands exceed the special benefits arising from said improvement to the land so assessed; and in determining the special benefit arising to any lands fronting on said Ridge road, the commissioners shall deduct therefrom the value as previously determined by them of any portion of said lands, with the improvements (if any) thereon, taken by the late commissioners, for the widening of said Ridge road; in case the commissioners shall determine that the lands specially benefited by said improvement have not been so benefited to the full extent of the cost and expense of the improvement, the surplus thereof remaining after assessing the lands specially benefited, to the extent of such special benefit, shall be borne by the township at large; and it shall be the duty of the commissioners, in such case, to give notice in writing to the township committee of the amount so to be borne by the township; and the township committee shall thereupon take the necessary measures to have the same levied in the following annual assessment for taxes, in the same manner as taxes for township purposes are levied and raised in said township of Union.

Commissioners to make assessment upon all lands benefited, &c.

Proviso.

5. *And be it enacted*, That the commissioners shall also, before or at the time of making their assessment as aforesaid, proceed to ascertain from the late commissioners, and any other sources of information, the names of the various owners who may or shall have paid their assessments under the first assessment, before this act shall become a law, and the lands upon which the same were paid; and in making the assessment directed in and by the fourth section of this act, the commissioners shall not assess any lands, the assessments upon which under the first assessment shall have been paid before this act shall become a law, unless they shall be of the opinion that such lands have been benefited to an extent greater than previously assessed, in which case such lands shall

Duties of commissioners in regard to assessments.

be assessed only with such an amount as added to the former assessment shall equal the special benefit enuring to such lands; and in case the commissioners shall determine that said lands have been assessed in excess of the special benefit enuring to them, they shall make an award of such excess, which the owners who may have paid the same as aforesaid will be entitled to receive, on making satisfactory proof of their claim thereto, after the payment in full, or provision for the payment in full, shall first have been made, of all the other costs and expenses of the improvement and of the assessment thereof, incurred by the late commissioners and by the commissioners to be appointed under the first section of this act.

Map and certificate of assessment to be made.

6. *And be it enacted*, That when the commissioners shall have completed said assessment, they shall cause a map to be made, showing the location and boundaries of each lot so assessed, and shall designate on each lot of land upon said map the amount assessed against the same, with the owners' names, so far as they may be known to the commissioners; and they shall make and annex to said map a certificate showing the whole amount of said assessment, with the amount assessed against each lot by number, and the names of the owners set opposite thereto, so far as the same may be known to the commissioners; whereupon the commissioners shall give two weeks previous notice, in a newspaper printed or published and circulating in the county of Bergen, and by notice posted in three of the most public places along the line of said improvement, that they will meet at a convenient time and place, to be named in said notice, to hear and consider all objections to said assessments, and to revise, correct, and finally confirm the same.

Notice to be published to hear objection.

Meeting of commissioners to hear objection.

7. *And be it enacted*, That at the time and place appointed for hearing and considering objections to said assessments, all parties interested shall have a full opportunity of examining the same, and may state their objections thereto, and produce evidence before the commissioners in support of said objections; and any one of the commissioners may administer oaths to the witnesses, who shall be subject to the same pains and penalties for false swearing as if said oath had been administered in an ordinary legal proceeding before a competent court; and the commissioners, for the purpose of giving

all parties an opportunity of being fully and fairly heard, shall, if necessary, adjourn from time to time, until full opportunity shall have been had for the examination of said assessments, and hearing and considering all objections to the same, and revising, correcting and finally confirming the same.

Assessment map and certificate as revised, to be made and filed.

8. *And be it enacted*, That the judgment of the commissioners shall be final and conclusive upon all parties; and after said assessment shall be finally confirmed, a new assessment map and certificate, in the form and with the requirements prescribed in and by the sixth section of this act, and showing the assessments as finally revised, corrected, and confirmed, shall be prepared by the commissioners, which shall be filed in the clerk's office of said county of Bergen, and a duplicate thereof filed with the clerk of the township of Union, in said county, and which shall be at all reasonable times subject to the inspection and examination of all parties interested in the same; from and after the time of filing of said map in the office of the clerk of said county of Bergen, said assessments shall be and remain a lien upon each lot of property so assessed for the amount thereof, respectively, until the same shall be paid and satisfied; and upon the payment of any assessment to the officer authorized to collect the same, the clerk of the county, on the production of a receipt therefor, duly acknowledged before any person authorized to take the acknowledgment of deeds in this state, in the same manner that deeds are required to be acknowledged, shall mark upon the said map the payment of said tax, and the date of the payment of the same, and shall file said receipt and acknowledgment in his office.

Assessments, a lien.

Copy of map to be made.

9. *And be it enacted*, That upon the filing of said assessment map, and duplicate and annexed certificates, in the offices of the county clerk and township clerk, as directed in the last section, the commissioners, shall cause notice thereof to be given to the township committee of said township, who shall forthwith prepare, or cause to be prepared, an exact copy of said assessment map and certificate on file in the office of the township clerk, and deliver the same to the collector of taxes for the time being of said township; on receipt of such copy of the assessment map and certificate, it shall be the duty

Duty of collector.

of said collector of taxes to proceed immediately to collect said assessments, in like manner as he is required to do in the collection of the township taxes, on receipt of the assessor's duplicate of assessment, except that no return of delinquents shall be made to a justice of the peace; and said collector shall be entitled to receive for his services hereunder, at the rate of five mills for each dollar collected and paid over by him to the township committee, or disbursed under their direction.

Unpaid assessments, to draw interest.

10. *And be it enacted*, That all of said assessments remaining unpaid at the date to which the commissioners shall have calculated interest upon the certificates of indebtedness, as directed in and by the third section of this act, shall draw interest therefrom, at the rate of seven per centum per annum, until the expiration of six calendar months from the time of the delivery of a copy of the assessment map and certificate to the township collector, and thereafter at the rate of twelve per centum per annum until paid.

Collector to make return of unpaid assessments.

11. *And be it enacted*, That at the expiration of the six months mentioned in the last section, it shall be the duty of said collector, or of his successor in office, to make a return, under oath, of all assessments remaining unpaid at the time of such return to the township committee of said township; and thereafter the same proceedings shall be taken for the sale of such lands upon which the assessments shall remain unpaid, and be returned as aforesaid, as in cases of sales for unpaid taxes in said township; the owner or owners of lands so sold, or any person having an interest therein, may, at any time within two years from the execution and delivery of the deed of sale of said lands, redeem the same by refunding to the purchaser thereof the whole amount paid by him on such purchase, and interest thereon from the date of sale to the date of redemption, at the rate of twelve per centum per annum, together with all other taxes and assessments upon said lands, which said purchaser shall have paid in the interval, and interest thereon at the rate of twelve per centum per annum; and if the lands so sold be not redeemed within the period aforesaid, the purchaser shall be vested with an absolute title to the same for the term of his purchase, freed from any right of redemption on the part of the owners or other parties in interest, except

Lands to be sold, and how redeemed.

they be infants or persons of unsound mind, in which case the same may be redeemed within two years after the termination of such disability, on payment of the whole amount paid by said purchaser, and interest thereon at the rate of twelve per centum per annum, together with all other taxes and assessments upon said lands paid by said purchaser, and interest thereon at the rate of twelve per centum per annum.

Certificates of indebtedness to be received in payment, and moneys, how applied.

12. *And be it enacted*, That the certificates of indebtedness issued by the late commissioners, on being countersigned as hereinafter prescribed, shall be receivable with accrued interest at par, in payment of any assessments for the costs and expense of the improvement of Ridge road, levied under the provisions of this act; that it shall be the duty of the township committee from time to time to apply the moneys which may be collected upon said assessments, after payment to the expenses of the proceedings contemplated and directed by this act, to the redemption of the outstanding certificates of indebtedness issued by the late commissioners; that it shall be the duty of the late commissioners to render to the township committee an exact account of all moneys and certificates received by them in payment of the assessments levied by them, and of all moneys by them disbursed, and the purposes for which the same were disbursed, and to pay over to the township committee all moneys so received and remaining in their hands, and to transfer all certificates of indebtedness received by them as aforesaid, to be kept as hereinafter directed; and it shall also be the duty of the late commissioners to render to the township committee a full and exact statement of all the certificates of indebtedness issued by the late commissioners, specifying their number, date, amount, and date of maturity, which statement shall be verified by the oath of the treasurer, or in case of his death, disability, or absence from the state, by the secretary, chairman, or any other of the late commissioners acquainted with the matter; the particular certificates to be redeemed shall be selected by the township committee, as far as practicable, in the order of their maturity; and thereupon (unless sooner paid) three weeks' notice of the certificates so to be redeemed, specifying their number, date, and amount, shall be given in a newspaper printed or published and circulating in said

Commissioners to make statement, &c.

county of Bergen, and by notice set up in five of the most public places in said township; at the expiration of which time said certificates shall cease to draw interest, and shall be paid by the township committee on presentation.

Certificates of indebtedness to be countersigned.

13. *And be it enacted*, That before any such certificate or certificates of indebtedness shall be received in payment of any assessment levied under the provisions of this act, or shall be paid by the township committee as aforesaid, the same shall be countersigned by the chairman, secretary, and treasurer of the late commissioners, or the survivors or survivor of them, residing or being within the state, by writing the number, date, amount, and date of maturity of each certificate presented across the face thereof, together with the date of such countersigning, and signing their names thereto; and in case of the death, removal from the state, or other disability of all of the aforesaid officers, so that no one of them can be found to countersign said certificates, the same shall be countersigned by any other of the late commissioners, after examination of their records.

Commissioners may employ agents, &c.

14. *And be it enacted*, That the commissioners appointed under the provisions of this act, shall have power to employ such surveyors, draughtsmen, clerks, workmen, agents, and counsel as may or shall be necessary for the purpose of more effectually carrying out the objects of this act, at such rates of compensation as may be

May issue certificates of indebtedness.

established by the commissioners; and may issue certificates of indebtedness therefor, bearing interest at the rate of seven per centum per annum until paid; said certificates with accrued interest shall be receivable at par, in payment of any assessments levied under the provisions of this act; that each commissioner shall be

Compensation.

entitled to receive five dollars for each day actually spent in the performance of his duties as such commissioner; and the expenses incurred by the commissioners under any of the provisions of this act, together with the aforesaid allowances to the commissioners, shall be paid out of the first proceeds of the assessments collected.

Commissioners to keep record and accounts, &c.

15. *And be it enacted*, That it shall be the duty of the commissioners to keep a full and accurate record of their proceedings, and file the same on the completion of their duties, with all maps, papers and other documents relating

thereto, (of which a different disposition is not elsewhere in this act directed,) in the office of the clerk of said township of Union, to by him carefully preserved as the other records of said township are by law required to be kept; and it shall be the duty of the township committee to keep full, accurate and exact accounts of all moneys collected and certificates of indebtedness received for assessments, and all moneys paid out by them, as required by this act, and to publish a report thereof in their annual township report; and they shall make and keep an exact record of all certificates of indebtedness received in payment of assessments, or paid by them, specifying the time of their receipt, and the persons from whom they were received; and they shall cause every certificate so received to be plainly and legibly marked across the face thereof "canceled," with the date of such cancellation, which shall be signed by the president of the township committee and by the clerk of the township, and they shall thereupon file each certificate of indebtedness so received and canceled in the office of the clerk of the township.

Proceedings in case assessments are set aside.

16. *And be it enacted*, That in case any assessment levied under the provisions of this act shall be removed into the supreme court by certiorari or otherwise, and shall be set aside by said supreme court, or by the court of errors and appeals, on the ground of error or irregularity in the proceedings of the commissioners, then, and in every such case, the court so setting aside the assessment, shall be empowered, and it is hereby made the duty of said court, either to adjudge and determine the amount properly assessable against the lands in question, in which case the same shall be a lien on said lands and shall be collected in the manner hereinbefore provided, or said court shall nominate and appoint three new commissioners, for the purpose of making a new assessment of the costs and expense of the improvement against the lands the assessments upon which shall have been set aside as aforesaid; the commissioners so to be appointed shall proceed in all respects, in relation to the particular lands in question, in the manner prescribed in this act for the commissioners to be appointed under the first section of this act; *provided*, that the new commissioners may use and employ any surveys and

Proviso.

maps made and prepared under the direction of the commissioners to be appointed by the court of common pleas, unless said assessment shall have been set aside for some irregularity or defect in said survey or map; and the assessments levied by the commissioners to be appointed under this section, shall be and remain a lien on the lands so assessed until finally paid, and shall be collected in the manner hereinbefore provided.

Rutherfurd avenue commissioners, how appointed, and their powers, &c.

17. *And be it enacted*, That three commissioners for the purpose of making a new assessment of the costs and expense of Rutherfurd avenue shall be appointed in like manner, as prescribed in the first section of this act; they shall have the same powers and discharge the same duties in relation to Rutherfurd avenue, and be entitled to the same compensation therefor as hereinbefore provided in the case of the commissioners for making a reassessment of the costs and expense of the improvement of Ridge road; and all the foregoing provisions of this act, in relation to the assessment, collection and payment of the costs and expense of the improvement of Ridge road, shall equally and in like manner apply to that of Rutherfurd avenue, so far as the same are applicable thereto, as fully and effectually as if the same were herein set forth at large.

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

Approved March 15, 1875.

CHAPTER CXXVI.

An Act to establish free public schools at Ridgefield, in the township of Ridgefield, in the county of Bergen.

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 Ridgefield, bounded and described as follows, viz.: Beginning in the centre of the Dallytown road, where the southerly line of lands of Elizabeth Martling inter-

sects the same, and from thence running westerly along the southerly line of the said Elizabeth Martling's land to the Wolf brook; from thence southerly along the Wolf brook to the southerly line of lands of Peter Hall; and from thence westerly along the lands of Peter Hall to the Bergen Turnpike Company's road; and from thence southerly along the Bergen Turnpike Company's road to the southerly line of lands late of James Cronckright, deceased; and from thence westerly along the line of lands late of James Cronckright, deceased, to the little Ferry farm; and thence westerly across the same to the Hackensack river, to a point where the southerly line of lands late of James Cronckright, deceased, prolonged, would strike the same; and from thence northerly, easterly and northerly along the Hackensack river and Overpeck creek to the southerly line of lands late of Luke Corrigan, deceased; and from thence easterly along the southerly line of lands late of Luke Corrigan, deceased, the various courses thereof to the centre of the Dallytown road; and from thence southerly along the centre of the Dallytown road to the place of beginning; the territory included within the above described boundaries being portions of school districts numbers four and six, and to be known and designated by the corporate name of the "Ridgefield Public School District," in the township of Ridgefield, in the county of Bergen, and state of New Jersey, and that David V. Brower, Nicholas Jacobus and John H. Brinkerhoff shall be trustees thereof, to hold office until the annual yearly meeting for the election of trustees under the provisions of the public school law, be held in anno domini eighteen hundred and seventy-five, and that they and their successors are hereby incorporated by the name of "The Trustees of Ridgefield Public School District."

Name.

Trustees.

Name.

2. *And be it enacted*, That all children between the ages of five and eighteen, residing in said district, shall be taught in the school or schools thereof free of charge, and other children may be taught therein on such terms as said trustees shall prescribe.

Schools, free.

3. *And be it enacted*, That the moneys needed, in addition to the funds which shall be apportioned to said district or received by said trustees from other sources, to procure land for school purposes, to build, repair or alter

School moneys to be raised by taxation.

school buildings, to procure school furniture or apparatus, to pay insurance, teachers' wages, and all expenses necessary and proper for educational purposes, shall be raised by taxation; said trustees shall annually determine the amount needed and give two weeks' notice of such determination by notices set up in at least three public places in said district, calling a meeting of the taxable inhabitants of said district, at least fifteen days after the annual election of trustees, and a majority of the taxable inhabitants of said district then present may order any other sum to be raised in lieu of the sum so agreed on, and said trustees or a majority of them shall forthwith certify to the assessor of said township the amount so ordered, or, if none be ordered, the amount so determined, which certificate shall be conclusive as to said amount, and the said assessor shall assess the same on the persons and estates of the inhabitants of said district and all lands liable to be taxed therein, in the same manner as township taxes are assessed, such poll-tax to be two dollars per head; and the collector of said township shall collect the same at the time and in the same manner as other township moneys are collected, and shall, on or before the twentieth day of December next ensuing said assessment, pay over the same unto the said trustees or to their treasurer, but said moneys so to be raised shall not exceed three thousand dollars per year, except by a two-thirds vote of the taxable inhabitants of said district.

Duties of assessor and collector.

Trustees may borrow money, and mortgage property.

4. *And be it enacted*, That the said trustees may, from time to time, borrow money in anticipation of taxes not exceeding in amount such sum as shall have been certified to the assessor, in manner above provided, and not yet collected; and it shall be lawful for said trustees to borrow money for educational purposes, and to secure the same by mortgage upon the property of said district, in such sums as they may be authorized to borrow upon mortgage, by vote of a majority of the taxable inhabitants of said district present at a meeting called for that purpose by said trustees, by notices set up in three public places in said district at least two weeks next preceding said meeting.

Amount of money borrowed, to be assessed and collected.

5. *And be it enacted*, That the trustees who are acting in said district, and their successors, shall certify to the assessor of said township the amount required to pay off

borrowed money secured by mortgage, and the same shall thereupon be assessed and collected by said assessor and collector and paid over as other moneys are directed to be assessed, collected and paid over by section three (3) of this act.

6. *And be it enacted*, That the annual election for trustees shall be held at the same time and in like manner as provided for in the general school law. Election of trustees.

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

Approved March 15, 1875.

CHAPTER CXXXIII.

An Act to facilitate judicial proceedings in the county of Essex.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the salary of the president judge of the court of common pleas, orphans' court and special and general quarter sessions of the county of Essex appointed by the senate and general assembly in joint meeting, shall be seven thousand dollars per annum, and that the salaries of each of the lay judges of said courts shall be twenty-seven hundred and fifty dollars per annum, which salaries shall be in lieu of all fees and per diem now allowed by law, and the fees now allowed by law shall hereafter be paid into the treasury of the county; said salaries shall be paid monthly by the county collector. Salaries of judges.

2. *And be it enacted*, That the prosecutor of the pleas of the said county shall be paid by the board of chosen freeholders of said county a salary of six thousand dollars per annum, and that the board of chosen freeholders of said county shall pay to said prosecutor the further sum of twenty-five hundred dollars per annum for the services of a competent assistant to said prosecutor, and for the disbursements and necessary expenses of his office; the said salary and allowance shall be in lieu of all Salary of prosecutor of pleas.

fees now by law paid to said prosecutor for the conviction of offenders, and said fees shall be paid into the treasury of said county; the said salary and allowance shall be paid monthly to said prosecutor by the county collector.

Repealer.

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

Approved March 16, 1875.

CHAPTER CXXXIV.

A Supplement to an act entitled "An Act appointing Commissioners in School District Number Three, of the township of Westfield, Union county, for the purpose of purchasing ground and erecting a school house thereon, etc.," which act was approved March second, one thousand eight hundred and sixty-nine.

Preamble.

WHEREAS, the township committee of the said township of Westfield, in the year one thousand eight hundred and seventy four, failed to provide by taxation as required by said act, for the payment of the bonds issued under the authority of said act which became due and payable during that year, and the interest on the outstanding bonds issued under the authority of said act, which interest became due and payable during that year; now therefore, for remedy thereof,

Power of committee to provide for payment of bonds and interest, by taxation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said township committee in addition to the power, authority and directions given them by said act, shall have power and authority and are hereby directed to provide for the payment of the said bonds and the said interest which became due and payable during the year one thousand eight hundred and seventy-four, and of the interest upon the said bonds which became due and payable in that year since their maturity, by taxation in the year one thousand eight

hundred and seventy-five, on the estates of the inhabitants of said School District Number Three, (by whatever name or number said district may now be called or designated), and on all lands liable to be taxed therein in the same manner as township taxes are raised, and to apply the money so raised to the payment of said bonds and interest.

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

Approved March 16, 1875.

CHAPTER CXXXV.

An Act to establish the office of Register of Deeds and Mortgages in the County of Camden.

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

2. *And be it enacted*, That the first election for such register of deeds and mortgages, shall be held at the next annual election for members of the general assembly; and the same notice of such election shall be given as is now by law required to be given of the election of the clerk of the court of common pleas of the county, and from time to time thereafter shall be elected in the same manner, as the said clerk is by law now elected. First election, when held.

3. *And be it enacted*, That it shall be the duty of the said register of deeds and mortgages to record all deeds, mortgages, assignments of mortgages, letters of attorney to convey lands, and all instruments of writing relating to the title of real estate, which now are, or may hereafter by law be required to be recorded, and to do and Duties of register.

perform all the duties now by law required of the clerk of the court of common pleas of the county, pertaining to the recording, registering, and indexing of all such deeds, mortgages, assignments of mortgages, letters of attorney to convey lands and instruments of writing relating to the title to real estate in and for the county of Camden.

To take oath and give bond, &c.

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

Laws, made applicable.

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

Register to take charge and custody of records.

6. *And be it enacted*, That all the records of deeds, mortgages, assignments of mortgages, letters of attorney to convey lands and other instruments of writing relating to the title to real estate, books, papers, deeds, indexes and other things pertaining to the business and duties herein devolved upon the said register of deeds and mortgages which may be in the custody of the clerk of the court of common pleas of the county of Camden at the close of his present term of office, shall be by him at that time placed in the custody of the said register of deeds and mortgages who shall sign a receipt therefor according to law.

Freeholders to provide accomodations, &c.

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

and to furnish the same with proper book cases and furniture, and provide a seal for the said register of deeds and mortgages which shall be deposited in the office of said register of deeds in the custody of said register, and held in the same manner that the seals of the clerks of the respective counties are now held; *provided*, that said register shall have printed and hung up in some conspicuous place in his office a list of all fees he is entitled to charge by law. Proviso.

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

9. *And be it enacted*, That in case any vacancy shall occur in said office it shall be filled in the same manner as is now provided for by law in the case of the office of the clerk of the counties in this state. Vacancy, how filled.

Approved March 16, 1875.

CHAPTER CXXXVI.

An Act to fix the salary of the Prosecutor of the Pleas in the county of Sussex.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the salary of the prosecutor of the pleas of the county of Sussex, in this state, shall be one thousand dollars per annum, which sum shall be paid to him in quarterly installments, on the first Tuesday of January, April, July, and October, in each year, by the collector of said county, and shall be in lieu of the fees now received by him, and the said fees which said prosecutor is now entitled by law to receive, shall be taxed in all bills of costs the same as are now taxed, and shall be collected by the sheriff of said county of Sussex, and be by him paid over to the collector of said county for the use of said county. Salary of prosecutor of pleas.

Repealer.

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

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

Approved March 16, 1875.

CHAPTER CXLV.

An Act to regulate the salary of the Prosecutor of the Pleas in the county of Bergen.

Salary of prosecutor of pleas.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the salary of the prosecutor of the pleas for the county of Bergen, shall be fifteen hundred dollars per annum; which sum shall be paid to him in quarterly installments, by the collector of said county, and shall be in lieu of all fees, costs and compensation now received by him, and all fees, costs and compensation that said prosecutor is now entitled by law to receive, shall be taxed in all bills of costs as the same are now taxed, and shall be collected by the sheriff of said county of Bergen, and be by him paid to the collector of said county for the use of said county.

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

Approved March 17, 1875.

CHAPTER CXLVI.

A Supplement to an act entitled "An Act to revise and amend the charter of the city of Elizabeth," approved March fourth, Anno Domini eighteen hundred and sixty-three, and the several supplements thereto.

Bonds for renewal of bonds, may be issued.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the bonds for the renewal of bonds issued in contemplation of the payment of assessments authorized to be issued by the first section of the act entitled "A Supplement to an act entitled 'An act to revise and amend the charter of the city of Elizabeth,'" which supplement was approved the twenty-ninth day of March, eighteen hundred and seventy-one, may be issued by the city council of the city of Elizabeth, at such times, of such amounts, and be known as consolidated improvement bonds, and shall be for such length of time, and shall become due and payable at such place or places, and shall be coupon or registered bonds, as the said city council shall by ordinance direct, and they may also by ordinance direct that registered bonds be issued in the place of coupon bonds, of said city, now or hereafter to be issued, upon the request of the holders or proposed purchasers of such bonds.

Lands upon which assessments remain unpaid, &c., and not redeemed, owners may pay costs and expenses, and deliver a bond.

2. *And be it enacted*, That in all cases where assessments upon any lands and real estate in said city remain unpaid, and for the payment thereof no bond has been given, and the time for giving the bond required by law has expired, or where any lands or real estate have been sold by the said city for unpaid assessments, and not redeemed according to law, or where the time for redemption thereof has not expired and the certificate of sale therefor has not been assigned by said city, the owner or owners of such lands and real estate may, on or before the six months from the date of approval of this act, pay the costs and expenses which may have accrued by reason of the non-payment of such assessments, and also interest

on the amount of such assessments at the rate of eight per cent. per annum, calculated from the date of the ratification of said assessments by the city council, and execute and deliver a bond or bonds to the city of Elizabeth, conditioned for the payment of the principal of said unpaid assessments in ten years from the date of said bond or bonds, by paying one-tenth part of the principal of said bond or bonds, in each and every year with interest upon the same, at the rate of eight per cent. per annum, payable semi-annually, and in every such bond or bonds hereafter given, there shall be contained a condition that should any installment of the principal or interest of said bond or bonds remain due and unpaid for the space of three months after the same becomes due, then the whole principal sum of said bond or bonds, with the accrued interest thereon, shall immediately become due and payable, and should said bond or bonds become due, the land and real estate so assessed may be sold under the provisions of the charter of said city, for the payment of the whole principal and interest of said bond or bonds, with the costs and expenses of said sale, and whenever any installment on the principal of any bond hereafter to be given for the payment of any assessments shall become due and remain unpaid, the comptroller shall, if the city council shall direct, at his option, bring an action at law in the name of said city, against the parties executing said bond, or their legal representative, for the recovery of the amount due upon the said bond, together with the costs of such proceedings, in any court of competent jurisdiction.

Lands and real estate may be sold, &c.

3. *And be it enacted*, That the bond or bonds now given by the owner or owners of any land and real estate, and now held by the said city, may be exchanged for the bonds provided for by the second section of this act, and the owner or owners executing such bonds shall be liable in all things to the provisions of said section in relation to said bonds; *provided*, such exchange of bonds shall be made on or before the expiration of six months from the date of the passage of this act, and the owner or owners of land liable for the payment of any assessments to be hereafter levied for any improvement commenced at any time before the passage of this act, may also execute and deliver the bond or bonds provided for by the second

Assessment bonds, may be exchanged.

Proviso.

section of this act, and the owner or owners executing such bonds shall be liable in all things to the provisions of said section in relation to such bonds; *provided*, such bond or bonds shall be executed and delivered within sixty days from and after the ratification of such last mentioned assessments, or any of them. Proviso.

4. *And be it enacted*, That in any case in which the said city has or shall become the owner of any lands and real estate, by virtue of a declaration of sale thereof duly recorded, the said lands and real estate may be sold by said city at any time after the recording of such declaration of sale to such persons or corporations, for such price and in such manner as the city council and commissioners of the sinking fund of the city of Elizabeth shall, by a resolution of a majority of all the members thereof, respectively determine, and the conveyance of the land and real estate so sold, as aforesaid, by the said city shall vest in the purchaser or purchasers thereof the same estate in said lands and real estate as was vested in said city by virtue of the declaration of sale thereof. Sale of lands owned by the city.

5. *And be it enacted*, That any person who has heretofore paid, or who shall hereafter pay any assessment, or who has given or shall hereafter give bond for the same, shall, in case such assessment shall be set aside, altered or reduced in amount by any court of this state, or any other lawful authority, be entitled to the same relief as if he, she or they had not so paid or given such bond, and in case any such person shall have made any payment or payments, or account of such assessments, exceeding the amount which shall be adjudged to be justly due on such account, it shall be lawful for such person to claim and receive from the city such excess, with interest from the time of payment of the same. When assessments are set aside or reduced, persons may claim and demand excess.

6. *And be it enacted*, That from and after the passage of this act the penalties to be exacted and collected for the non-payment of taxes hereafter to be levied shall be at the rate of one per centum per month, and not two per centum a month, as heretofore. Penalties for non-payment of taxes.

7. *And be it enacted*, That the members of the city council of said city of Elizabeth shall each receive an annual salary of five hundred dollars, to be paid in the same manner as the salaries of other officers of said city are paid. Compensation of councilmen.

Power of council on application of persons, to vacate, alter, &c., streets, &c

8. *And be it enacted*, That the city council shall have power, on the written application of any person affected thereby, by resolution, to vacate, alter, revise, and amend any street or avenue, and the lines thereof, as established by the commissioners heretofore appointed by an act entitled "An Act appointing commissioners to lay out streets, squares, and avenues in the city of Elizabeth," approved March thirteenth, eighteen hundred and sixty-seven: *provided*, such street or avenue has not yet been opened.

Proviso.

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; that this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 17, 1875.

CHAPTER CXLVII.

A Supplement to an act entitled "An Act constituting a Public Road Board, for the laying out, constructing, appropriating, improving and maintaining public carriage roads, in the county of Essex," approved March thirty-first, one thousand eight hundred and sixty-nine.

Appraisement of value of grading any highway taken.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the Essex Road Board shall hereafter enter upon and appropriate any portion or portions of any highway, which has been heretofore graded and macadamized by the legal authorities of any town or township through which it passes, they shall first cause an appraisement to be made of the value to the county of such grading and macadam, in the same manner as is provided for the appraisement for damages, in sections eight, nine, ten and eleven, of the supplement to the act to which this is a supplement, which said sup-

plement was approved February sixteenth, one thousand eight hundred and seventy.

2. *And be it enacted*, That the said appraisement, when it shall have been confirmed, in accordance with the provisions of said sections of said supplement, shall form a part of the construction account of said avenue or avenues, and shall be paid over by the said road board, to the legal town or township authorities having jurisdiction over the highways, so entered upon and appropriated in the same manner and time as is provided for the payment of damages, for land taken by the said road. Appraisement to be paid over to the town authorities.

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

Approved March 17, 1875.

CHAPTER CXLIX.

A Supplement to an act entitled "An Act to divide Stoe Creek township, in the county of Cumberland into three Road Districts, and for the election of Overseers in the same."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the overseers of the highways in each of the road districts in said township shall be elected by a majority of the legal votes of each road district, at the annual town meeting held in said township. Election of overseers.

2. *And be it enacted*, That all acts and parts of acts, to which this is a supplement, in conflict with the provisions of this act, be and the same are hereby repealed, and that this act shall be deemed a public act and take effect immediately. Repealer.

Approved March 17, 1875.

CHAPTER CL.

A Further Supplement to an act entitled "An Act to set off from the township of Belleville, in the county of Essex, a new township, to be called the township of Franklin," approved February eighteenth, one thousand eight hundred and seventy-four.

Power of commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners appointed by act of the legislature, approved February eighteenth, one thousand eight hundred and seventy-four, to allot and divide the property of the township of Belleville, shall be empowered to pay all debts contracted for selling and conveying the almshouse property, surveying the township line, and taxes due the township of Woodside, and all other necessary expenses attending the commission.

Compensation of commissioners.

2. *And be it enacted*, That the commissioners named and appointed in said act constituting said commission, shall be entitled to receive three dollars per diem for each day's services rendered while acting as commissioners, the treasurer of which commission shall be empowered to pay the same from moneys on hand.

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

Approved March 17, 1875.

CHAPTER CLI.

An Act concerning roads in the township of North Bergen, in the county of Hudson.

Road districts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall hereafter be five road districts in said township of North Bergen, corresponding in their limits and boundaries to the present five school districts in said township.

Election of commissioners, &c.

2. *And be it enacted*, That five commissioners of roads shall be elected in said township, one from and for each of the five road districts therein, who shall, during their term of office, have full power and authority within the limits of each of their districts, to perform all the duties now performed therein by the overseer of the highways in said township, under the direction and control of the township committee of said township, and be subject to the same penalties as said overseers are now subject to by law.

Annual election.

3. *And be it enacted*, That the election of said commissioners shall take place at the next annual spring election and annually thereafter, and said commissioners shall hold their office for one year, and shall receive and be paid for the duties and services performed by them, so much as they may be justly entitled to receive under and by virtue of the provisions of this act; and if any of said commissioners of roads shall refuse to serve, or shall die, or remove out of his said district, or become incapable of serving, then, and in that case, it shall be lawful for the township committee to fill such vacancies.

Vacancies, how filled.

Duties of commissioners.

4. *And be it enacted*, That it shall be the duty of said commissioners of roads under the direction of said township committee, to open, work, repair and make the roads in each of their said districts, and also to procure all necessary and proper machinery and implements, and to hire all necessary laborers and teams for that purpose; and shall keep and render a particular account of all work and labor done and services performed, to the town-

ship committee of said township, whose duty it shall be to audit and approve all such bills before any payment thereof shall be made; *provided however*, that no more shall be expended on the roads of each district than such district is entitled to under the apportionment of the general township tax, excepting as hereinafter provided.

Proviso.

May issue improvement certificates.

5. *And be it enacted*, That it shall be lawful for said township committee to issue proper improvement certificates, (not exceeding the amount raised by general tax in said township,) for all work done under and by virtue of this act, which certificates shall be issued under the common seal of said township, and signed by the chairman of said township committee and the clerk of said township, and shall be called "Improvement Certificate for the repairs of roads in North Bergen township," and shall designate the district for which they are issued; and said certificates shall be accepted and paid in their numerical order by the treasurer of said township, out of the sum or sums apportioned to said district, as the same shall come to the hands of said treasurer.

Township road tax, how raised.

6. *And be it enacted*, That the township committee of said township, shall annually, within thirty days of the annual spring election, fix by resolution the amount of road tax to be raised in said township, for making, working and repairing roads for the following year, and shall, within ten days after the passage of said resolution, give notice thereof by posting either printed or written copies of the same in five of the most public places in each of said road districts; and said sum so fixed shall constitute the amount of road tax to be raised in said township, unless the persons qualified to vote at town meetings in said township, shall, at their annual meeting or any other meeting duly held for that purpose, vote and raise a different sum or sums of money for the opening, making, working and repairing of roads, and keeping them in order in said township; then and in that case, the sum which shall receive the largest number of votes at such town meeting, shall constitute the amount of road tax to be raised in said township;

Proviso.

provided however, that it shall not be lawful to vote or raise by township tax a greater sum for opening, working, making and repairing roads in said township, than shall have been fixed and designated in the resolution for said

purpose, passed by the township committee of said township.

Amount of district road tax, how raised.

7. *And be it enacted*, That in addition to the tax imposed by this act, each of said road districts may raise such other sum (not exceeding one thousand dollars in any one year) as they may need for the working, repairing and making the roads in said district, which sum shall be first determined and fixed by the legal voters of said township, who are freeholders in said district, at a meeting called for that purpose, at one of the most public places in said district, by written notices signed by at least ten freeholders in said district, and put up in five of the most public places in said district, at least ten days before said meeting; and the sum so determined upon and fixed, shall be certified by their moderator and clerk in writing, under their hands to the assessor of said township of North Bergen, whose duty it shall be to assess the same according to law, upon the property and inhabitants of such road district; and the township collector and collector of arrears of taxes in said township, shall collect the same according to law, and pay over the same to the treasurer of said township, to be then expended for working, making and repairing roads in said district, in the same manner as the general township tax for roads is expended under this act.

Duty of collector.

Offices abolished.

8. *And be it enacted*, That the offices of overseers of the highways in said township of North Bergen are hereby abolished.

Repealer.

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

Approved March 17, 1875.

New Jersey State Library

CHAPTER CLII.

A Further Supplement to an act entitled "A Further Supplement to an act entitled 'An Act to divide the township of North Bergen, in the county of Hudson,'" passed February twenty-eighth, one thousand eight hundred and sixty-one; approved March eighteenth, one thousand eight hundred and seventy.

Power of township committee to lease, sell, and dispose of lands, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where the township of North Bergen has heretofore become or shall hereafter become the owner of any lands or tenements, by virtue of the act to which this is a supplement, or any supplemental act thereto; the township committee of said township shall have full power, and they are hereby authorized to lease, sell and dispose of the same, or their term of years therein, to any person or persons, either at public or private sale, for such price and upon such terms as to them shall seem proper; and said township committee shall have full power to convey unto the purchaser or purchasers thereof, by good and sufficient deed, the right, title and interest of said township therein, or any part thereof; the said deed or deeds therefor shall be made in the corporate name of said township, and shall be executed under the common seal of said township, and shall be signed by the chairman of said township committee and the township clerk; the funds arising from the sale of said lands to be paid over to the treasurer of said township, and by him kept and paid out as other funds belonging to said township are kept and paid out.

Constables.

2. *And be it enacted*, That there shall hereafter be elected in said township five constables.

Amendment.

3. *And be it enacted*, That section number one of the supplemental act, approved March twenty-fourth, one thousand eight hundred and seventy-four, be and the same is hereby amended, by inserting after the word "assessment" in the twenty fourth line of said section, the words "shall not."

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

Approved March 17, 1875.

CHAPTER CLIII.

An Act for the better protection of fish in the Raritan river and its tributaries.

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, any person or persons who shall cast, lay-out, or drift, either from a boat or from the shores, any seine, gill-net, or other net, with a smaller mesh than two inches square, in that portion of the Raritan river, or any of the branches or tributaries thereof, above the railroad bridge, between the first day of January and the tenth day of October, in each and every year, and any person or persons who shall so cast, lay-out, or drift any such seine or net, of whatever size of mesh in any portion of said river or any of its branches or tributaries, between the tenth day of June and the first day of December, in each and every year, then every such person or persons so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one hundred dollars, or imprisonment not exceeding three months, or both, at the discretion of the court. Penalty for fishing with net.

2. *And be it enacted,* That from and after the passage of this act, any person or persons who shall at any time cast, lay-out, or drift, any seine, gill-net, or other net whatsoever, either from a boat or from the shores, in the waters of the Raritan river, or shall set any trap of any kind, for the purpose of capturing fish, or shall spear any fish within nine hundred feet either above or below the dam erected across said river between the village of Bound Brook and the city of New Brunswick, then every such person or persons so offending shall be deemed guilty Penalty for fishing with net or trap, &c.

of a misdemeanor, and on conviction shall be punished by a fine not exceeding two hundred dollars, or imprisonment not exceeding six months, at the discretion of the court.

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

Approved March 17, 1875.

CHAPTER CLXIX.

A Supplement to an act entitled "An Act to establish a system of public instruction," approved March twenty-first, eighteen hundred and sixty-seven.

Preamble. WHEREAS, At a special meeting of the legal voters of school district number fifteen, of the county of Warren, held at the school house in the said district, on the fifth day of October, eighteen hundred and seventy-two, Theodore Garron, Jacob Fry and Samuel Miller, the trustees of said district, were authorized to enlarge the school buildings of the said district, and to expend four hundred dollars or more, if necessary, in making such repair; that in consequence of the action of said meeting the said trustees immediately proceeded to repair the said school house, and expended, in repairing the same, between six and seven hundred dollars, on the faith of the action taken by the voters of the aforesaid meeting, which sum, with the interest that has accrued thereon, amounts to about eight hundred dollars; *and whereas*, since the said expenditure has been made the said district has changed its trustees, and they allege that the special meeting that authorized the repairs was illegal, and refuse to pay for the repairs so made as aforesaid, although the district has used and occupied the said house ever since it was repaired; *and whereas*, the said trustees, or some of them, did advance, on the faith of the district, considerable sums of money to pay to laborers and mechanics, and for ma-

terials furnished and used in making the said repairs, and borrowed money for that purpose, and doubts having been raised as to the legality of the action of said special meeting, therefore,

Expenditures legalized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the expenditures for labor and materials performed and furnished in and about the repairing of the school house in the school district number fifteen, in the county of Warren, made and authorized by Theodore Garron, Jacob Fry and Samuel Miller, as trustees of school district number fifteen, of the county of Warren, or a majority of them, is hereby confirmed and declared to be legal, and authorized by a special meeting of the legal voters of said school district, any informality in the notice calling said meeting, or the resolution ordering the sum of money to be expended at said meeting, to the contrary notwithstanding.

Claims and demands, declared legal.

2. *And be it enacted*, That the claims and demands of persons who performed labor or furnished materials for the repairing of said school house, and which have not been paid by the said Theodore Garron, Jacob Fry and Samuel Miller, or either of them, or who loaned money to the said Garron, Fry and Miller, as such trustees, to pay for labor and materials for the repairing of said school house, said claims and demands for labor, materials and money loaned are hereby declared to be legal claims and demands against the said "The trustees of school district number fifteen, in the county of Warren," and the parties to whom they are due or owing shall have their action or actions against the said school district for the recovery of the same.

Actions for moneys paid, &c.

3. *And be it enacted*, That the said Theodore Garron, Jacob Fry and Samuel Miller may jointly or severally have their action or actions against the said "The trustees of school district number fifteen, in the county of Warren," for labor performed and materials furnished by them, or either of them, and for all moneys paid, laid out and expended in paying for the repairs of said school house by them, or any or either of them, and for all moneys borrowed to pay for the said repairs which remain unpaid, and which they or either of them may be compelled to pay, not to exceed in the whole the sum of eight hundred dollars.

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

Approved March 18, 1875.

CHAPTER CLXX.

A Further Supplement to the act approved April fourth, one thousand eight hundred and seventy-two, entitled "An Act to improve Bull's Ferry road, in Hudson county, from the northerly line of the township of Weehawken to the Hackensack plank road, and also the branch road leading from Bull's Ferry road opposite Weehawken street, in the town of Union, to Nineteenth street, in the township of Weehawken."

Preamble.

WHEREAS, Under said act and the supplements thereto, the commissioners thereby appointed have proceeded in the performance of their duties, and made the requisite contracts to carry out and execute the powers given them, and some supplementary powers not provided for by said acts appear to be necessary, and a clearer declaration of the intention of the legislature may facilitate the collection of the moneys necessary to pay all the expenses that have been and shall be incurred, and the said act may be amended with advantage; therefore,

Acts construed to give power to commissioners to fix and establish grade, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it was the intention of said acts to give to said commissioners, and said commissioners shall have, and said acts shall be construed as having granted to said commissioners, among other things, the power to fix and establish the grade of the said Bull's Ferry and branch roads, as they were after the same had been widened and straightened, and as they appear on the maps made by said commissioners, and the power to grade the same, and to provide for the surface drainage by culverts and receiving basins, and to establish

monuments locating the boundaries of said roads, and to curb, flag and to lay crossbridging on such portions thereof as they may deem suitable, and to macadamize or otherwise pave said roads; and to re-grade for such distance as may be necessary or desirable any street, avenue or road which intersects said roads in any cases where any abrupt declivity may occur on account of the difference of the grade of the said roads, and where there is re-grading, to re-lay the curb, gutter, and pavement and flagging, and to furnish and provide new materials therefor if necessary, and to modify the contracts, with the consent of the contractors, as to the pavement between horse railroad tracts, in such manner as to conform to any agreement made or to be made between the authorities of the town or townships, in which the tracks lie, and the companies interested, and all the powers in said before mentioned acts, consistent with this act, the manner of the exercise thereof, however, to be governed by this act so far as it may differ from the former.

Preamble.

AND WHEREAS, the language of the provisions in said act for the assessment of the costs of the improvements thereby authorized, may not be specific enough to conform to recent decisions of the courts, but it was the intention of said act that the costs should be equally assessed according to the benefits; but no more should be assessed on any property than the actual benefit received; therefore,

Per centum of cost of improvements to be assessed and collected on lands benefited.

2. *And be it enacted*, That the eighty per centum of the whole cost of the fixing and establishing the said grades, the grading, the provision for surface drainage, the establishment of monuments, the curbing, flagging and cross-bridging, the macadamizing or other paving, the re-grading of intersecting streets or avenues, the re-laying the curbs, gutter, pavement and flags, and providing all necessary materials and all incidental costs of such improvements, whether heretofore done under said acts, or said acts as hereby construed or hereafter to be done thereunder or hereunder, shall be assessed upon and collected out of the lands and real estate benefited by such improvements, in proportion to the benefit received; *provided*, that no lands or real estate shall be assessed any more than the benefit received; any excess (if any,) of said eighty per

Proviso.

centum of cost over the benefit received by the land and real estate hereby made liable to such assessment, shall be paid by the town of Union and the township of Weehawken, in the proportion that the total of the assessments on owners of lands of benefits in each town or township, bears to the sum of the total assessments of benefits on owners of land in both town and township, and said excess shall be collected in the same manner provided in the former acts for the collection of the said twenty per centum in the former acts mentioned; *and*

Proviso. *provided, further*, that the said assessments shall be a lien prior to all other liens, on the lands or real estate assessed, and all provisions of said former acts, consistent with this act in relation to the making of assessments, the lien of the assessments therein authorized, and the method of enforcing the lien, and of collecting the assessment, shall apply to the assessment hereby authorized, in the same manner as if this section had been incorporated in the acts in which such other provisions are contained; and the purchaser of lands or real estate sold for such unpaid assessments, and his assigns, shall have the estate for years in the land and real estate which he offers to take in the same, and which shall be conveyed to him by the deed directed to be given by said act; and any mortgagee or other encumbrancer or the owner, may redeem such estate within the time, and in the manner allowed by the fifth section of the supplemental act of one thousand

Proviso. eight hundred and seventy-three; *provided however*, that the right of redemption by any person entitled to redeem, (except the owner,) shall be limited to six calendar months after notice by the purchaser is given, within or without this state, to such person entitled to redeem, of the sale, and such notice may be given before or after the expiration of the two years; when the residence of the party entitled to redeem is unknown, the notice may be given by letter sent by mail to his last known place of residence; or where the party is unknown, the notice may be given by advertisement, to the party entitled to redeem the property in the notice described, published for six times, during six weeks, in the official newspaper of the town or township in which the lands lie, and an affidavit being made of the service or mailing, or publication of such notice, and filed in the office of the town clerk, in which

the property lies, shall be evidence in all courts and places of the giving of such notice without further proof.

Sales declared valid.

3. *And be it enacted*, That the sales and conveyances of land and real estate heretofore made for unpaid assessments heretofore made under said acts, where the assessments were not in excess of the benefit received shall be valid and effectual, and that the right of redemption of a mortgagee or encumbrancer on lands and real estate so heretofore sold, shall not continue longer than six calendar months, after notice of such sale shall be given to such mortgagee or encumbrancer, whether given within or without the state, or whether given before or after the two years in the former act mentioned, which notice may be given as in the last section provided, and an affidavit of such giving of notice shall be of like effect.

Right of redemption.

And as to the sewer improvement authorized by one of said supplemental acts, approved March twenty-seventh, one thousand eight hundred and seventy-four,

Assessments, how made.

4. *Be it enacted*, That the assessment on property benefited, directed in the seventh section of said act, shall be made to such extent and in such manner, that no plot, lot or parcel shall be assessed more than the benefit it shall receive from the improvement and the costs or expenditure of the moneys therefor in said section mentioned, and any cost or expenditure over and above the sum of all the amounts assessed on property benefited, shall be paid by the town and townships in the proportion that the total of the assessments of benefits on land in each town or township, respectively bears to the sum of the total assessments of benefits on lands in the town and townships, and said section and all other parts of said act shall be construed as if it originally provided as herein is provided, and said excess shall be collected in the manner provided in the second section of this act, for the collection of the excess there mentioned.

Town and townships may issue bonds.

5. *And be it enacted*, That the sixth, seventh, eighth, and ninth sections of said sewer act of March twenty-seventh, one thousand eight hundred and seventy-four, be so amended that the town and townships respectively, may issue the bonds therein described at any time, and need not wait for the ascertainment of the amount of benefits received by the property in each town and township, as in the seventh section, or the assessment in the ninth

Proviso. section mentioned; *provided*, that the amount of bonds to be thus issued, in anticipation of the ascertainment or assessment in any of said sections mentioned, by the township of West Hoboken, shall not exceed fifteen thousand dollars, and by the town of Union forty-five thousand dollars, and by the township of Weehawken thirty thousand dollars; said bonds may be sold at such times, and in such amounts, as the town council, or the township committees respectively, and the commissioners shall agree, and in case such sale shall be made in anticipation of the requirements of the commissioners for work done on said sewers in each respective town or township, the proceeds thereof shall be deposited, in such bank as each respective town or township shall designate for the money it raises, to the credit of the separate account of said town or townships, and such moneys so deposited shall only be withdrawn from said bank upon the requisition of the treasurer of said town or townships duly endorsed

Proviso. by said commissioners; *provided*, in case any town or township shall issue bonds to a greater extent than it shall be finally decided to be its share of the cost, the other town or townships shall reimburse such town or townships such excess with interest; the adjustment and ascertainment of such excess shall be made by the assessors provided for in section seven of said act, and all of said bonds heretofore or hereafter issued shall be valid and binding on such town or townships, notwithstanding some were, or shall be issued for such excess, or were or shall be issued prior to such ascertainments or assessments.

Preamble. And whereas, certain of the town or townships may not be able to sell said bonds at ninety-five per centum to which rate they were limited; and whereas, the contractors now doing the work have agreed to take instead of cash payments the said bonds in payment, estimating the cost of their work at ten per centum above the contracts heretofore made by them on a cash basis; therefore,

Bonds, how disposed of. 6. *Be it enacted*, That the said town and townships are hereby authorized, notwithstanding the limitation of ninety-five per centum heretofore imposed, to dispose of the said bonds at any rate more advantageous than that at which the contractors are willing to take the same as

aforesaid; and in case they cannot dispose of their bonds to better advantage in time to make the payments in cash as they from time to time fall due, to deliver the bonds to the commissioners, to be used by them in paying the contractors as herein above recited as agreed upon.

Proceedings in case commissioners cannot agree with owners, &c.

7. *And be it enacted*, That in case the said commissioners cannot agree with the owners, or the owners are unknown, or those representing the owners will not agree for the sale or use of land necessary to build said sewer upon, or any of such owners are under any disability, the said commissioners shall give notice to such owner or owners of their intention to take such lands, describing the same in such notice, and when and where they will meet to ascertain the value of such necessary land and damages; such notice may be given by notice in writing served on the parties in interest, whether under disability or not, ten days before such time of meeting, or by notice directed to all persons interested in the necessary lands, describing the same, advertised in any newspaper of this state, circulating in the neighborhood of said lands, for at least once, and at least a week prior to said meeting; when met, pursuant to said notice, said commissioners shall proceed to view the land and make an award of the value thereof and of damages, such award shall be filed in the clerk's office of the county of Hudson; in case such owners shall be dissatisfied with said awards, they may appeal to the circuit court of the county of Hudson, and thereupon such proceedings shall be had as in the fifth section of act of April fourth, one thousand eight hundred and seventy-two, so far as applicable; and on payment of the award or verdict of the jury, and judgment of the court, said lands described in said notice shall be forever subject to the easement of said sewer.

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

Approved March 18, 1875.

CHAPTER CLXXI.

A Further Supplement to an act entitled "A Supplement to an act to incorporate the Chosen Freeholders of the several counties of the state aforesaid," approved April sixteenth, one thousand eight hundred and forty-six; approved April sixth, one thousand eight hundred and sixty-five.

Annual statement, how published, &c.

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, cause the annual statement required by the second section of the act to which this is a supplement, to be published in pamphlet form, in lieu of the publication required in the newspapers of said county, and that at least three thousand of such pamphlet copies be published for circulation; said copies to be distributed to the tax-payers of said county by the township collectors; and five copies of which shall be filed in the office of the clerk of said county, and five copies in the office of the county collector; which said copies shall be accessible to the public at all proper times.

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

Approved March 18, 1875.

CHAPTER CLXXV.

A Further Supplement to an act entitled "An Act to establish a system of Public Instruction," to provide for the erection of school buildings, and the establishing of a graded school in the town of Long Branch.

Commissioners authorized to issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Long Branch commissioners are hereby authorized and empowered to issue coupons bonds for the sum of fifteen thousand dollars in addition to the fifteen thousand dollars already issued, as provided in section nine of the supplement to an act entitled "An Act to establish a system of Public Instruction," approved April third, eighteen hundred and seventy-three, for the purpose of finishing and furnishing the several school buildings now in process of erection in school district number eighty-five, at Long Branch, Monmouth county, New Jersey.

Bonds, how paid, and exempt from taxation.

2. *And be it enacted*, That the said additional bonds shall mature in from fifteen to thirty years from the date of the same, and shall be paid in the way and manner provided in the said supplement, approved April third, eighteen hundred and seventy-three, and that all the bonds issued for the said Long Branch school district number eighty-five, by the said Long Branch commissioners, shall be exempt from taxation.

Repealer.

3. *And be it enacted*, That so much of section eight of the said supplement, approved April third, eighteen hundred and seventy-three, as provides that the additional fifteen thousand dollars shall be raised by special vote or tax, or by sale of property, be and the same is hereby repealed, and that this act shall take effect immediately.

Approved March 22, 1875.

CHAPTER CLXXVI.

An Act concerning roads in the township of Palisades, in the county of Bergen.

Provision of act declared inoperative.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the first Monday in April, in the year eighteen hundred and seventy-five, the provisions of a certain act of the legislature of New Jersey, approved March tenth, in the year eighteen hundred and seventy, entitled "An act concerning roads in the township of Hackensack," and the several supplements thereto, approved March twenty-seventh and April sixth, in the year eighteen hundred and seventy-one, be and the same are hereby declared to be inoperative in the township of Palisades, in the county of Bergen; and an equal number of the new board of commissioners with that of Englewood shall have full power to complete the work that may be unfinished in the public road board now in existence, known as the public road board of the townships of Englewood and Palisades; when said work shall be complete the joint meetings shall cease, the book of minutes shall be filed or deposited in the office of the clerk of the county of Bergen as a public record, and the joint property of the said board be equally divided between the said townships of Englewood and Palisades.

New board of commissioners.

Township divided into districts.

2. *And be it enacted*, That for the purposes of this act the said township of Palisades shall be divided into six districts, each of which shall include all the land within the following boundaries respectively, that is to say, district number one shall be bounded as follows: Northerly by the township line; easterly by the westerly side of the Jersey City and Albany railroad; southerly by the southerly line of lands of Peter P. Christie and northerly line of lands of Tunis R. Cooper; thence running westerly along said line of lands to the westerly side of the public road leading from Madison avenue to the South Reformed Dutch Church; thence south along said westerly

Boundaries, district number one.

side of said road to the northerly side of the public highway leading from the corner of land of Samuel D. Demarest to River Edge; thence along the northerly side of said road to the end thereof and to the westerly side of the public highway leading to Newbridge; thence along the southerly line of land of William R. Cooper and northerly line of land of John Christie to the Hackensack river; thence along said Hackensack river to the township line; district number two shall be bounded as follows: northerly by the southerly line of district number one; easterly by the Jersey City and Albany railroad, southerly by the township line, and westerly by the Hackensack river; district number three shall be bounded as follows: northerly by line of lands of Cornelius J. Westervelt and Peter P. Christie and Isaac Dixon, to the Scraalenburgh public road; thence across said road to the northerly side of Hickory avenue; thence along said northerly side of said Hickory avenue in a straight line to Tenakill; thence north along said Tenakill to the district school line; thence along said district school line to the westerly side of the Northern railroad of New Jersey; thence south along said railroad to the township line; thence west along said township line to the Jersey City and Albany railroad; thence north along said road to the place of beginning; district number four shall be bounded as follows: North by the township line, easterly by the Northern railroad of New Jersey, southerly by the northerly line of district number three and westerly by the Jersey City and Albany railroad; district number five shall be bounded as follows: North by the township line, easterly by the Hudson river, southerly by the district school line and westerly by the Northern railroad of New Jersey; district number six shall be bounded as follows: North by the south line of district number five, easterly by the Hudson river, southerly by the township line and westerly by the Northern railroad of New Jersey.

District number two.

District number three.

District number four.

District number five.

District number six.

3. *And be it enacted*, That the office of overseer of the highways in the township of Palisades shall continue abolished, and that the commissioners hereinafter provided for shall, within the limits of the district to which he shall from time to time be elected, have the same powers, perform the same duties, and be subject to the same obligations and penalties as overseers of other

Office abolished

townships in this state now have, perform, or are subject to within and for the said township; and they shall be a board of commissioners hereby created, and shall be known as the public road board of the township of Palisades, and they shall, in addition to other powers and duties conferred and enjoined by this act, have the same powers, perform the same duties and be subject to the same obligations and penalties as the township committee of said township now have, perform or are subject to in relation to the public highways; and in addition thereto shall have a general and exclusive supervision, control and management of the public highways in said township, and of the repair and regulation; and they shall from time to time prescribe by the vote of a majority of said board the manner in which the said public highways shall be repaired, kept in order and regulated, and the time when the same shall be worked and repaired, but no general repair shall be made after the first day of October in each year.

Powers and duties of commissioners.

Election of commissioners, and term of office.

4. *And be it enacted*, That the township committee of the township of Palisades shall, at such time in the month of March, eighteen hundred and seventy-five, as they shall decide upon after the passage of this act, and at such place in each district as they shall select, call an assembly of the legal voters of said township, who are freeholders in the said districts, upon not less than five days' notice, by handbills posted in at least three conspicuous places in the said several road districts, and the said township committee shall appoint the present road commissioners of said township, or other suitable persons, (freeholders in the district), to preside at such district meetings, and the said freeholders so assembled shall proceed to nominate and elect, by ballot, commissioners for the several road districts herein before named, and who shall hold their office for the term of one year from the first day of April next ensuing; and said commissioners so elected shall be freeholders and reside in the district for which they are elected, and their successors in office shall be subject to like qualifications, and shall be elected by ballot by the freeholders in their several districts, at the annual meeting called by the commissioners pursuant to section six of this act, and hold their office for one year from the first day of April in each and

every year; said election shall be held at the meeting next preceding the expiration of the term of office of the then commissioner, and said commissioner shall preside at such assembly, and a majority of the qualified voters present shall be required to give validity to a decision, vote or election, and a minute or record of the proceedings of said meeting shall be made and certified by said commissioner, as required by section seven of this act; and if any vacancies shall occur in said board, whether by death, resignation, removal or other cause, then the president of said road board shall forthwith call a meeting upon due notice of the qualified voters, freeholders of the district, and shall preside at said meeting, and they shall elect by ballot other commissioners, who shall hold their office for the unexpired term.

Meeting of commissioners.

5. *And be it enacted*, That the said commissioners, or a majority of them, shall assemble at such place as a majority of them shall designate, in the township of Palisades, on the first Monday in April, eighteen hundred and seventy-five (and yearly thereafter) and proceed to the organization of said board by the election of a president, and such other officers as they shall see fit; and each commissioner, before he enters upon his term of office, shall take an oath or affirmation before one of the judges of the court of common pleas of the county of Bergen, faithfully, fairly and impartially to exercise and perform the duties of said office; and which oath or affirmation shall within five days after making the same, be filed by the said judge in the office of the clerk of the county of Bergen; the said commissioners shall on the last Monday in March in each year submit a statement, under oath or affirmation, to the township committee of all moneys received and expended by them during the year, and for what purposes so expended, with vouchers for all moneys so paid; the said township committee shall carefully examine the same, and if found correct, file them among other records of the township; a statement shall also be made in like manner and submitted to said board of commissioners, to be by them examined and published for one week in a newspaper printed and published in the county of Bergen.

To submit statement of moneys received, and expended.

6. *And be it hereby enacted*, That the said board of commissioners shall, between the tenth and twenty-fifth day

Meeting of voters to raise money for repairing and working highways, &c.

of March in each year, call an assembly in each district of the legal voters of the said township, who are freeholders in the said district, at such convenient place in said district as the said board shall deem proper, upon ten days' notice by a printed handbill, or a handbill partly printed and partly written, to be posted conspicuously in at least five public places in said district, at which assembly the commissioner of said district shall preside, and the said freeholders so assembled shall have the powers and authority in relation to the voting and raising money for making, maintaining, working and repairing the public highways within such district as the inhabitants of the other townships now have in relation to the roads and highways therein when assembled in town meeting; and they and their property shall be in all respects liable for the same, in like manner as the inhabitants of the said township and their property are now liable in respect of the roads therein; *provided*, that in making assessments for the purposes mentioned in this act, no deductions shall be made for debts owing by the owners of real estate assessed, or for any mortgages thereon; *and provided*, that each of the said districts respectively shall make, maintain and keep in repair, under the direction of the said board, the public highways within their respective limits, in the same manner, to the extent of each district respectively, as the said township now is authorized and required to make, maintain and keep in repair the highways within its limits; *and provided further*, that all moneys so voted and raised by any district shall be applied by the said board to het use of the public highways in such district, and not in any other district.

Proviso.

Proviso.

Proviso.

Tax voted to be raised, how assessed and collected, and applied.

7. *And be it enacted*, That the said assembly shall be conducted according to such general rules as the said board may from time to time prescribe, and shall decide, vote and appropriate such sum or sums as they shall deem necessary or proper for the use of the public highways in the district, and the tax so voted shall be assessed by the township assessor, and collected by the township collector in the manner provided by law for the assessment and collection of taxes in said township, and shall be paid over by the officer or officers to the president of the said board, to be by the said board

applied to the purposes of this act; said assembly shall be convened at five o'clock in the afternoon, and no decision, vote or appropriation shall be valid unless at least ten freeholders of said district shall be present and take part therein; and if ten freeholders of said district are not present on the day appointed as aforesaid, the said commissioners shall adjourn the said meeting from day to day until the said number of freeholders are present, and a majority of those present shall be required to give validity to a decision, vote or appropriation; that a minute of the proceedings of said meeting shall be made by the commissioner of the district, to be entered on the book of minutes, which record shall specify the names of at least ten freeholders present at the said assembly.

Upon application of freeholders, board may accept lands dedicated for a park, &c.

8. *And be it enacted,* That the said board may accept, upon the application of twelve freeholders of any road district, in writing, all lands to be dedicated for a public park within the limits of said township, and provide for their regulation and repair; and that the said application, when made, shall be accompanied by a map of the same, which map and application may be presented to the same board at any of its meetings, and shall, when so presented, be placed in the care of the president of the said board and be open to inspection at all reasonable hours; and that thereupon, if the majority of said board shall deem it expedient to receive the same for public use, they shall cause a printed notice to be posted in not less than five of the most public places in said district, stating that the map and application are, and may be seen, at the residence of the said president, and calling a meeting of the freeholders of the district at a time and place specified in said notice, according to the sixth and seventh sections of this act; and if the freeholders of such district in the said meeting assembled shall decide to have the park for public use, then the said commissioners shall assess the property in the said district as in their judgment benefited thereby, so as to raise a sufficient sum and regulate the same for public use and to pay the expenses of these proceedings; and the said board shall not in any year spend more money in keeping in order any park for public use in the said district than the sum or sums which may be voted for this special

purpose, either at the yearly March meeting of the freeholders of the district in which the proposed park is situated or at a special meeting called for that purpose.

Power of board to lay out, open, alter, &c., highways.

9. *And be it enacted*, That the said board shall, (subject only to the right of appeal and review hereinafter provided,) have the full and exclusive power and authority to lay out, open, alter, widen, straighten, grade and vacate public highways in said township of Palisades; that whenever the said board, upon the application of ten freeholders of the said district, made in writing, shall deem it expedient to lay out, open, alter, widen, straighten, grade or vacate any public highways, or any number of connecting public highways in said township, the said board shall cause a map of such proposed improvement to be made and left with the president of the board, who shall keep the same at his residence open to inspection at all reasonable times by any interested person desiring to inspect the same; and shall thereupon cause notice to be given by publication in a newspaper printed and published in the county of Bergen, once a week for four weeks, and by printed handbills, or partly written and partly printed handbills, posted conspicuously in five or more public places in such district, stating that such map may be seen and is open for inspection, and requiring all persons interested therein to appear before said board at a convenient time and place, to be specified in said notice, when and where the said board shall hear and weigh all objections to the said improvements; and if, at said time, any one or more parties interested desire an adjournment of said hearing, and give notice in writing to said board of such desire, said hearing shall be adjourned to such other time as may be determined upon by said board; that after said hearing the commissioners shall appoint a committee of their number to examine the route of the proposed road and report upon the feasibility and advisability of the same, and what changes, if any, should be made therein, and thereupon the said board shall decide and determine upon the necessity of such proposed improvement, and if the said board shall decide and determine in favor thereof they shall make their decision in writing, and shall award such damages as they may deem just to each and every person affected thereby, and assess such lands as they may deem bene-

Award damages, and assess benefits.

fited in proportion to the benefit, in their judgment, received by the owners thereof, the value of land benefited to be taken in consideration with the benefit received; that within ten days after making said assessment as aforesaid, a printed, or written, or partly written and partly printed notice shall be addressed to each individual or party assessed and deposited in the post office in said township, stating the amount of said assessment against said individual or party for said improvement, and that said assessment will remain open for examination and inspection by all persons interested therein during the fifteen days next succeeding the depositing of said notice in said post office; and that said board shall appoint a place where said examination may be made, and they shall attend at such place on a day subsequent to the expiration of said fifteen days to hear and weigh all objections thereto; that said board shall thereafter reconsider said assessment and make any alterations therein they may deem just; and thereupon they shall confirm said assessment, and within fifteen days after such confirmation file a map of the said improvement, and the decision determined upon by them in writing, or partly written, partly printed, with said assessment so confirmed and award so made, in the office of the clerk of the county of Bergen; and the said board shall give notice of such filing by publication in a newspaper printed and published in the county of Bergen, once a week for four weeks; and the determination of the said board shall be final and conclusive in the premises, unless an appeal is taken to the court of common pleas, of the county of Bergen, within the time and in the manner provided for in this act; and that any mistake in the name or names of the owner or owners of any lands, tenements and real estate in the said township in making awards or assessments, or in giving or addressing notice of the same, such awards and assessments shall be valid and effectual in law against such lands, tenements and real estate, and the same may be proceeded against and sold in the same manner as for other taxes.

Mistakes not to invalidate, &c.

10. *And be it enacted*, That any person feeling himself or herself aggrieved by the action of the said board, may, within thirty days from the first publication of the (last) notice required to be given by said board, appeal to the

Proceedings in case of appeal from decision of the board.

court of common pleas of the county of Bergen by serving a notice in writing upon any member of the board; and the said court shall have full power to hear, determine and review the proceedings of the board in the premises, and the same or any award, assessment or other action, to confirm, alter, modify, set aside or reverse, in whole or in part, for errors either of fact or in law; and the said court shall have the power to hear and try the same in a summary way, and may summon a special jury to determine any question of fact, and the said court may proceed in due course according to the power of the court in other cases; and the determination of the said court shall be final and conclusive in the premises and not subject to appeal or review, and the said court, or any judge thereof, may, until such determination, stay all proceedings in the matter in reference to which the appeal may be taken until such final determination; and like fees and costs shall be paid to the judge, jury, officers of the court and parties as are allowed in other causes of which said court has or may have jurisdiction; and the said court shall have power to make and prescribe all necessary forms, rules and regulations in the conduct of any proceedings to be taken under this act.

Proceedings in case no appeal is taken.

11. *And be it enacted*, That if no appeal shall be taken within the time and in the manner prescribed herein, the action of the said board shall take effect, and the said board may proceed to carry out the same under this act; and any assessment laid by virtue thereof shall be a lien on the lands on which it is laid, and the said commissioners shall procure a certified copy of their award and the judgment of the said court of common pleas, if any appeal shall have been taken, to be placed in the hands of the collector of taxes, for the time being, of the township of Palisades; and thereupon it shall be the duty of the collector to directly collect the said assessment in sixty days from the time of placing such copy in his hands, and to pay the same over to the president of the said board; and the said collector shall, in collection of the said assessment, be liable to the same pains and penalties and entitled to the same fees as in the collection of the annual township taxes, the said fees being reserved by him out of the amount so collected; *provided*, that the said collector in each and every year, before proceeding

Collector to collect assessments.

Proviso.

under this act, shall enter into bonds to the said board with such sureties and in such sum as the said board shall approve, conditioned for the faithful performance of his duties under this act, and the said president, before receiving any moneys from said collector, shall enter into bond to the inhabitants of the township of Palisades in their corporate name, with such sureties and in such sum as the township committee shall approve, conditioned for the faithful performance of his duties as such president.

Benefits and damages, how estimated.

12. *And be it enacted*, That all property taken under any provision of this act shall be deemed taken for public use, and in estimating any awards or assessments hereunder the said commissioners shall estimate for benefits as well as for damages; and the said board shall have power to appoint, employ, remove and discharge, from time to time, such superintendents, surveyors, engineers and laborers as they may deem necessary in order more effectually to carry out the intention of this act, and pay them such compensation or wages as they shall deem fair and reasonable; they shall also have the power to construct or repair all sidewalks in any of the several districts where, in their judgment, it shall be necessary; they shall also have full power and authority to lay down or cause drains to be made wherever necessary in said township upon the application, in writing, of ten freeholders residing in any such road district wherever such drainage may be necessary for the effectual improvement of lands that cannot otherwise be reclaimed, or wherever it shall, in their judgment, be necessary for the preservation of public health; and such drains or drainage may be carried along or across any public highway if, in their judgment, it may be necessary for the more effectual improvement of said lands, but they shall cover such drains or drainage and make the said highway in as good condition as before such drains were made; upon such application the said board, or a committee thereof, shall examine the premises and determine the necessity therefor; if they decide in favor of said improvement the said board shall notify the owners of such lands that such drainage is necessary, and request such owners or lessees of such lands to drain such lands at their own cost and expense; the same

May employ agents.

May construct and repair sidewalks.

May make drains, upon application of freeholders.

shall be done under the direction of said road board; if, at the expiration of three months, the work should still be incomplete, the said board shall have full power and authority to proceed and carry said needed improvements into effect, and assess such lands to pay the cost thereof as they may deem benefited thereby, according to the benefit, in their judgment, received by the owners thereof; the assessment so laid shall be collected by the township collector in like manner with other township taxes, according to section eleven and thirteen of this act, and shall be a lien upon the property so assessed.

Lands assessed for cost of benefits.

How collected.

Lands sold for non-payment of assessments.

13. *And be it enacted*, That in case any owner or owners of lands so assessed as aforesaid shall fail to pay the assessment laid thereon within one year from time of placing the certified copy of the award in the hands of the collector, then the land upon which the said assessment is a lien shall be sold in the same manner that land is now authorized by law to be sold for unpaid taxes in said township, so to raise a sufficient sum to pay the said assessment and meet the interest, at the rate of twelve per centum per annum, from the expiration of sixty days from the time of placing such copy in the hands of the collector, and the lawful costs and fees of collection and sale.

Power to borrow money, and issue bonds.

14. *And be it enacted*, That the township committee of the township of Palisades is hereby authorized to borrow money for road purposes, voted in the several districts of said township, and give township bonds therefor in anticipation of the taxes; if the commissioner of the district fails to procure the money so voted, and shall, in writing, require the said township committee to advance the sum so voted in his district, subject to such discount as may be incurred in procuring money, such committee shall pay the same over to the president of the road board within thirty days after such requisition and take his receipt for the same; the money so advanced to be repaid by the said president to the order of the township committee, who shall cancel those bonds with the money so received therefor.

Compensation of commissioners.

15. *And be it enacted*, That the said commissioners shall receive two dollars a day for each and every day's attendance upon and about the duties imposed upon them by this act; and there shall be levied and collected

in each and every year, at the time and in the manner provided for the levying and collection of taxes a sum not to exceed three hundred dollars to defray such fees, advertising expenses, and such other general expenses, costs and charges which the said board may become liable for, as are not hereinafter provided for; and that whenever the word "board" is used in this act it shall be considered as meaning a majority thereof; and the said board shall, once in each year, publish in a newspaper printed and published in the township of Palisades, if there be one, or otherwise, if there be none, in a newspaper printed and published in the county of Bergen, a full and accurate account of its receipts and expenditures, stating when and for what purposes the same have been made.

Account to be published.

16. *And be it enacted*, That this act shall not in any manner affect the present road law now in operation, so far as regards the township of Englewood, except that a majority of the commissioners of the township of Englewood shall constitute a quorum for the transaction of all lawful business, and that on and after the first day of April, eighteen hundred and seventy-five, it shall be known as the public road board of the township of Englewood.

Act not to affect road law, &c.

17. *And be it enacted*, That the provisions of an act entitled "An Act concerning roads in the township of Hackensack," approved March tenth, one thousand eight hundred and seventy, and the acts supplementary thereto, shall continue in force and are hereby continued in force in the township of Englewood, in like manner as if this act should not have been passed, except said township of Englewood shall be divided into four road districts as follows: district number one to be bounded as it now is; district number two to be all that part of the present district number two which lies east of the track of the Northern Railroad of New Jersey; district number three to be all that part of the present district number two which lies west of the track of the Northern Railroad of New Jersey; district number four to be bounded as district number three now is; and further, except the number of commissioners in said township shall be increased to four, one of whom shall be a resident and freeholder of each of the said districts, and each of whom shall be

Certain acts continued in force.

Englewood township, divided into districts and boundaries.

Time of election of commissioner.

elected by the freeholders of the district where he resides on the first Monday of April, one thousand eight hundred and seventy-five, and two of them shall be elected by the freeholders of their districts in the same manner, on the first Monday of April of each year thereafter, the meetings of the freeholders for that purpose being called by the commissioners by a notice published in a newspaper printed in the township of Englewood, if there be any so published, or if not, in any newspaper published in the county of Bergen, and the name of said road board shall hereafter be known as the Public Road Board of the Township of Englewood, and said road board, and each of said commissioners, and each of the road districts, and the freeholders thereof shall have the same powers and be subject to the same duties and liabilities in regard to the roads therein situated, as are granted and imposed by the act creating the public road board of the township of Hackensack, and the acts supplementary thereto.

Powers of commissioners.

18. *And be it enacted*, That this shall be a public act, and shall take effect according to its intents and meanings on the first day of April next.

Approved March 22, 1875.

CHAPTER CLXXXIV.

A Supplement to an act entitled "An Act to incorporate the village of Irvington, in the township of Clinton, and county of Essex," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Amendment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the words "on the application of the owners of a majority of the lineal feet on such street," in lines four and five, of section fourteen, article five, of the act to which this is a supplement, be and the same are hereby stricken out.

Amendment.

2. *And be it enacted*, That after the word "taxes," line two, section fourteen, article eleven, of the act to which

this is a supplement, the words "or assessments," be added.

3. *And be it enacted*, That section fifty-five of the act to which this is a supplement, be and the same is hereby repealed, and that in lieu of said section, the following be inserted: "That on and after the election and qualification of the officers of the village of Irvington, in accordance with the provisions of the act to which this is a supplement, the powers conferred upon the commissioners, in the act entitled "An Act to authorize the appointment of Commissioners to lay out streets, avenues and public squares, in the township of Clinton, in the county of Essex, and for other purposes;" passed February nineteenth, one thousand eight hundred and seventy-two, and the several supplements thereto, be and the same are hereby exclusively vested in the board of trustees of the village of Irvington, within the boundaries thereof; and that the act entitled "An Act to authorize the inhabitants of Irvington, in the township of Clinton, in the county of Essex, to improve and regulate their roads, streets, crossings and sidewalks," approved February twenty-fifth, eighteen hundred and sixty-one, and the supplements thereto, be and the same are hereby repealed; excepting, that the said board of trustees of the village of Irvington, shall assume the obligations and complete the unfinished business, under said act and the supplements thereto in accordance with the law or laws constituting said acts. Repealer. Amendment. Repealer.

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

Passed March 23, 1875.

CHAPTER CLXXXVIII.

An Act to fix the salary of the Prosecutor of the Pleas in the county of Salem.

Salary of prosecutor of pleas.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the salary of the prosecutor of the pleas of the county of Salem, in this state, shall be eight hundred dollars per annum, which sum shall be paid to him in quarterly instalments, on the first Tuesday of April, July, October and January, in each year, by the collector of said county, and shall be in lieu of the fees now received by him, and the said fees which said prosecutor is now entitled by law to receive, shall be taxed in all bills of costs the same as are now taxed, and shall by collected by the sheriff of said county of Salem, and be by him paid over to the collector of said county for the use of said county.

Repealer.

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

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

Approved March 23, 1875.

CHAPTER CLXXXIX.

An Act to reorganize the Board of Chosen Freeholders of the county of Hudson.

Board of chosen freeholders.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the Tuesday next after the first Monday of May next, the board of chosen freeholders of the county of Hudson shall consist

of two chosen freeholders from each assembly district of the said county of Hudson, and also, in addition thereto, after the third Tuesday of November, one thousand eight hundred and seventy-five, a director of said board, to be chosen and elected at large, for two years, from the whole county of Hudson; the director at large, after said third Tuesday of November, one thousand eight hundred and seventy-five, shall be the presiding officer of said board, he shall appoint all committees of said board and perform all the duties of a presiding officer, but shall have no vote in said board, except in case of a tie; that every resolution of the said board affecting the interests of the county shall, before it takes effect, be approved in writing by said director, and if he fails or refuses to approve of any resolution within ten days, the clerk of the board of chosen freeholders shall announce such fact to the board at the next regular meeting of said board after the expiration of said ten days, and said board shall proceed to reconsider the same, and if two-thirds of all the chosen freeholders elected shall then pass the resolution it shall take effect as a law, but in every such case the votes shall be taken by yeas and nays, and entered on the minutes; and prior to the election of said director at large the board of chosen freeholders shall elect a director who shall hold his office until the third Tuesday of November, one thousand eight hundred and seventy-five, and possess and exercise the same powers as the director at large provided for by this section, and he shall be paid during the period he holds such office, a salary at the rate of fifteen hundred dollars per annum.

Election of director, at large.

Powers and duties of director.

Freeholders to elect director, and term of office.

Powers of

Salary.

2. *And be it enacted*, That at the spring charter and township elections held in said county in the year one thousand eight hundred and seventy-five, and annually thereafter, there shall be chosen by the electors of each of the assembly districts of the county of Hudson, in the same manner and under the same laws and regulations as are or may be now provided for the election of chosen freeholders in said county, chosen freeholders, as stated in section one of this act, to be members of said board, who shall hold their office for one year, and until others shall be chosen and legally qualified in their stead; and the director at large of said board shall be chosen by the electors of the county of Hudson, at the annual election

Election of chosen freeholders, and term of office.

Election of director.

held for members of the general assembly in said county in the year eighteen hundred and seventy-five, and every second year thereafter in like manner, and the result be ascertained and determined in the same way, the person receiving the highest number of votes in the whole county of Hudson for the office of director at large shall be the director at large and he shall hold his office for two years, and until his successor in office shall be chosen and qualified; any vacancy in his office shall be filled by the board for the unexpired term of his said office; and the terms of the said freeholders so chosen shall commence on the Tuesday next after the first Monday in May next after their election; and the term of said director at large shall commence on the third Tuesday of November, and his term as director shall continue notwithstanding any change in the members of said board of chosen freeholders.

Term of office

Vacancy, how filled.

Director at large, and term of freeholders, when to commence.

Salaries of freeholders.

3. *And be it enacted*, That the said members of the board of chosen freeholders shall receive, as a salary and compensation for their services as members of said board, the sum of five hundred dollars each per annum, and the director shall receive the sum of one thousand dollars per annum, such salaries to be paid out of the county treasury by the county collector in equal quarter-yearly payments, as the same become due, and such salary shall be in lieu of any per diem heretofore allowed, and in lieu of all other fees, for committees or otherwise, perquisites, carriage hire, or traveling expenses or personal entertainment whatever, and no other compensation shall be allowed, given or paid to any of said members or the director for any services or expenses whatever, and before taking his office each freeholder and the director elected under this act shall give a bond for the faithful performance of his duty, each freeholder in the sum of ten thousand dollars, and the director of the board in the sum of twenty thousand dollars, with two good and sufficient sureties, to be approved by a justice of the supreme court; the director of said board and each of the chosen freeholders shall, before they enter upon the duties of their office, take and subscribe an official oath to faithfully, impartially and justly perform all the duties of their office according to the best of their understanding and ability; this oath shall be taken before a justice of

Salary of director.

Director and freeholders, to give bonds.

To take oath.

the supreme court, and filed in the office of the clerk of the county of Hudson.

Laws made applicable.

4. *And be it enacted*, That all general laws relating to the board of chosen freeholders, and also all special or private laws relating to the board of chosen freeholders of the county of Hudson, and consistent with this act, shall apply to the board of chosen freeholders of Hudson county, directed to be elected by this act.

Election laws, made applicable.

5. *And be it enacted*. That in the election of freeholders by this act to be selected, the laws which govern the elections of members of the general assembly shall, so far as practicable, be applied to and govern the election of freeholders under this act, and that for the purposes of the election under this act, there shall be constituted, at the election of said freeholders, a board of county canvassers, constituted in the same manner, as provided for by an act entitled "An Act to regulate elections," approved April sixteenth, eighteen hundred and forty-six, and the supplements thereto, and such act and supplement, so far as practicable, shall govern the election under this act, in the manner of holding and conducting said election, and the canvassing the result thereof, and in the duties and the manner of the performance of the duties of the said board of county canvassers in canvassing the election of chosen freeholders under this act.

County canvassers

Judges of election, to attend meeting of county canvassers.

6. *And be it enacted*, That the board of election in each township, town, ward, precinct or election district of said county in any such election, shall appoint one of the judges of election in such township, town, ward, precinct or election district, to attend the meeting of the said board of county canvassers for such election provided for by this act, as a member thereof, and shall deliver to the judge, who shall have been so appointed, an original statement of the result of such election in said township, town, ward or precinct, or election district, which shall have been made, certified and subscribed, as provided for by the said act, entitled "An Act to regulate elections," approved April sixteenth, eighteen hundred and forty-six; and it shall be the duty of the judges of election, who shall have been so appointed, to attend the meeting of the board of county canvassers for such election under this act.

Statement to be delivered.

Time of meeting of board of county canvassers.

7. *And be it enacted*, That such board of canvassers shall meet on the Tuesday next after the election for chosen freeholders, as provided for by this act, at twelve o'clock, noon, of that day, at the court house of the said county of Hudson, and at that hour, without any delay, the members then present shall proceed to organize and proceed to canvass in the same manner, take the same oaths, and have the same officers, as the board of county canvassers, under the said act, entitled "An Act to regulate elections," approved April sixteenth, eighteen hundred and forty-six, which said act, in these particulars, is hereby made applicable to the elections under this act; the person in each assembly district receiving the highest number of votes in that district for the office of chosen freeholder shall be the chosen freeholder from that assembly district; in any case of a tie vote for director or any chosen freeholder there shall be deemed a vacancy in such office, and the members of the board of chosen freeholders, who shall have been duly elected at such election, shall, by a majority vote, elect a person to fill such vacancy for the term of such office.

Person receiving highest number of votes, to be declared elected.

In case of a tie vote, how elected.

Statement of result of election, to be filed in office of county clerk.

8. *And be it enacted*, That such board of canvassers shall, immediately after their canvass is concluded, deliver a statement of the result of such election, as directed by the sixty-eighth section of an act entitled "An Act to regulate elections," to the clerk of the county of Hudson, who shall forthwith file the same in his office as an official paper, a certified copy of which statement, signed by the clerk of the county under his official seal, shall be prima facie evidence of the election of the persons therein named, as receiving the highest number of votes as aforesaid, to the offices of chosen freeholders of said county of Hudson and entitle them to their seats in said board of chosen freeholders as chosen freeholders as aforesaid.

Residences of freeholders in the sixth district.

9. *And be it enacted*, That in the sixth assembly district one of the said two members from said district shall be a resident of the city of Bayonne, in said district, and the other one of said two members from said district shall be a resident of the remaining portion of said sixth assembly district; that in the eighth assembly district one of said members from said district shall be a resident of that portion of the district lying between the Hackensack and Passaic rivers, and the other one of said two

Residences of freeholders in the eighth district.

members from said district shall reside in the remaining portion of said district; in all cases both of the members from any district shall be voted for in said district at large, but shall be a resident of the portion of the district from which he is chosen, one year, at least, prior to his election.

Power and duties of board of chosen freeholders.

10. *And be it enacted*, That the said board provided for by this act and its successors shall have power to appoint such officers, agents and employees as may be required to do the business of said county, and fix their compensation and term of service; no person shall be appointed by said board to any office or position in said county, or be employed, unless he is a citizen of the state of New Jersey for at least one year prior to his appointment, nor unless by the affirmative vote of at least a majority of all the members of said board, at a regular stated meeting of said board, and that such appointment or employment shall be approved by the director, or acting director of said board, in writing; and in all cases where any application shall be made by any person to said board for the appointment to any office or position, or for any employment in said county, such application shall be signed by the person applying for such office or position or employment, and shall set forth the residence and occupation, or late occupation of the applicant, and such application shall be signed by at least three freeholders, residents in said county; and the member of said board who shall hand in and present said application shall endorse thereon words to the effect that the same is handed in and presented by him, and he shall date the same and sign his name thereunder; and no application for the appointment to any office or position in said county, or for any employment, shall be entertained by said board, which does not in all respects comply with and conform to all these provisions; and at the time of such appointment or employment, the said board shall, by resolution, fix the rate of salary or compensation for said appointee or employee, and such salary or compensation shall be fixed by at least a majority vote of all the members of said board; and no appointee of said board having a salary or compensation affixed for his services, shall be eligible to or receive any other appointment or any employment from said board during his

Application for appointment, to be signed.

Application to be endorsed.

Salary or compensation, to be fixed by resolution.

said term of office or appointment; which salary or compensation shall not be increased during the term of such appointment, or during such employment.

Materials and labor, to be given out by contract.

11. *And be it enacted*, That all materials to be furnished or labor to be performed in, on, upon or about any of the institutions or places under the supervision of said board, exceeding in amount one thousand dollars, shall be given out by contract; and proposals for any such contract, labor, work or materials shall be published for two weeks in at least two of the newspapers of said county to be selected by said board; and no contract shall be awarded or given to any person except at a regular stated meeting of said board, and such contract or contracts shall be given only to the lowest bidder, who shall furnish sufficient security for the performance of the same, such security to be also approved by the board.

Proposals, to be published.

Contracts to be given to the lowest bidder.

Powers and authority of board of freeholders.

12. *And be it enacted*, That the board of chosen freeholders of the county of Hudson, as elected and organized under this act, shall be vested with all the powers and authority, rights, privileges and duties as are now vested in and imposed upon the present board of chosen freeholders in said county, and that all laws and parts of laws, statutes and parts of statutes now in force and in anywise applicable to the board of chosen freeholders of the said county of Hudson, either public or private, general or special, be and the same hereby are, in all respects and provisions, continued in full force and are made applicable to the board of chosen freeholders elected in accordance with the provisions of this act, except so far as the same may conflict with or be inconsistent with the provisions of this act.

Laws made applicable.

Repealer.

13. *And be it enacted*, That all acts or parts of acts inconsistent with this act are hereby repealed.

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

Approved March 23, 1875.

CHAPTER CXC.

An Act to legalize the election for city officers held in the city of Cape May, on the ninth day of March, eighteen hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the words "the eighth day of March next," in the ninety-second section of the act entitled "An Act to revise the charter of the city of Cape May," approved March third, eighteen hundred and seventy-five, shall be construed to be the eighth day of March, eighteen hundred and seventy-five, and shall be so construed in all the courts of this state. Words, how construed.

2. *And be it enacted*, That the election held in said city of Cape May, on the ninth day of March, eighteen hundred and seventy-five, is hereby legalized and declared valid, and the officers elected at such election are hereby declared to be the officers of such city, for the respective terms for which they were so elected. Election legalized, and declared valid.

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

Approved March 24, 1875.

CHAPTER CXCI.

An Act to dedicate certain lands of the state of New Jersey in the city of Trenton for a public street.

WHEREAS, it is desirable that a street called Lincoln avenue, in the city of Trenton, should be extended across the Assanpink creek; *and whereas*, such extension would be advantageous to the property of the state of New Jersey appropriated for the use of the State Normal Preamble.

School; *and whereas*, it is essential to the proper extension of said street that a certain portion of the land of the state of New Jersey should be used for the purposes of a public street; therefore,

Lands dedicated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the tract of land at the junction of Clinton with Perry street, bounding and described as follows, viz.: beginning at a point on the westerly side of Clinton street, in a line with the southerly side of Lincoln avenue, projected westward and running thence as a projected line of the southerly side of said Lincoln avenue, in a westerly direction a distance of about eighty-eight feet until the said line strikes the southerly side of Perry street; thence along the southerly side of Perry street in an easterly direction a distance of about one hundred and fifteen feet to the westerly side of Clinton street, and thence along the westerly side of Clinton street a distance of about seventy-four feet and nine inches to the place of beginning; be and the same is hereby dedicated to the use of the public for the purpose of a public street, to be used as a part of Perry street in the city of Trenton; *provided*, that in case any part of Perry street now opened and used as a public street, opposite or in front of the land hereby dedicated, shall ever be vacated by the inhabitants of the city of Trenton, or the same shall be permitted to be and remain enclosed or used for any purpose other than that of a public street to the full width of Perry street, as now used, together with the land hereby dedicated, then the state of New Jersey, its officers or agents may re-enter upon, enclose and resume the possession of the land hereby dedicated.

Proviso.

City to curb and pave.

2. *And be it enacted*, That the inhabitants of the city of Trenton shall remove the fences and curb and pave the sidewalks rendered necessary by this dedication at their own expense, and they shall have the privilege of using the portion of the fencing, curbing and paving materials removed, necessary for such re-fencing, re-paving and re-curbing, but the remainder of such material shall be delivered to the board of trustees of the state normal school for the use of said school.

Act, when to take effect.

3. *And be it enacted*, That this act shall not take effect until Lincoln avenue is extended to the Assanpink creek and a bridge is constructed across said creek to connect

with a street on the opposite side of said creek; and the evidence of such extension and construction shall be a certificate signed by the governor and the attorney general of the state of New Jersey, and filed in the office of the secretary of state, which certificate shall certify that said Lincoln avenue has been extended and the bridge across the Assanpink creek constructed according to the condition of this act.

Act, when to be void.

4. *And be it enacted*, That if Lincoln avenue is not opened to connect with a street beyond the Assanpink creek and the bridge across the Assanpink creek constructed within five years, then this act shall be void.

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

Approved March 24, 1875.

CHAPTER CXCII.

An Act to repeal an act entitled "An Act to authorize the township of Brick, in the county of Ocean, to vote by ballot," approved March eighth, one thousand eight hundred and seventy.

Repealer.

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 township of Brick, in the county of Ocean, to vote by ballot," approved March eighth, one thousand eight hundred and seventy, be and the same is hereby repealed.

Act revived in township.

2. *And be it enacted*, That the act entitled "An Act incorporating the inhabitants of townships, designating their powers and regulating their meetings," revision, approved April fourteenth, eighteen hundred and forty-six, and the several supplements thereto, be and the same are hereby revived and declared to be in full force and effect, in the said township of Brick, the same as if the act hereby repealed had not been passed.

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

Approved March 24, 1875.

CHAPTER CXCIII.

An Act to incorporate the Borough of Haddonfield, Camden county, New Jersey.

Created a borough.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the village of Haddonfield, in the county of Camden, shall be and the same is hereby created into a borough, which shall be called "The Borough of Haddonfield," and shall be bounded and limited as follows, to wit: Beginning at the southeasterly corner of the farm of Isaac H. Wood, on the road leading from Haddonfield to Stoy's Landing; thence along the southerly line of said farm to the Haddonfield and Camden turnpike; thence to the northerly line of land late of Charles F. Redman; thence along said line and of land of Charles William Turnley, to the southerly line of the farm of John Redman; thence along the southerly line of said farm, and a line in direct continuation thereof, to the southwesterly line of land of William S. Doughten; thence along said line southeastwardly to the main street of said village; thence crossing said main street to a corner of land of David Roe, nearly opposite; thence along the southerly line of land of David Roe to Chew's Landing road; thence following the easterly edge of said road, and land of David Roe, to a point produced of the southerly line of land of Mrs. L. C. Taylor (on the Snow Hill road); thence crossing land of David Roe, and along the southerly line of said L. C. Taylor to Snow Hill road; thence crossing said road eastwardly, and following lines of lands of William Massey and David Roe, to the line of land of Theophilus Riley; thence following lines of the land of said Riley, northwardly and eastwardly, to Cooper's creek; thence along the easterly

Boundaries

margin of said creek to a point opposite the line dividing the lands of William Mann and John Hopkin's; thence crossing said creek and following said dividing line to Hopkin's Pond; thence along the northerly edge of said pond, and the water course feeding the same, to the road leading from Haddonfield to Stoy's Landing; thence crossing said road to the place of beginning.

Time of holding elections.

2. *And be it enacted*, That the first election after the passage of, and pursuant to this act, shall be held on the first Tuesday of April next, at the town hall, at Haddonfield, and all subsequent elections for officers of this borough, on the second Tuesday in April of each year; and at each election there shall be chosen, by ballot, five of the taxable inhabitants of said borough to be called commissioners of streets, and three other of the taxable inhabitants of said borough to be called commissioners of appeal, all of whom shall be residents of said borough and hold their offices for one year; which said street commissioners of streets so elected shall meet at the town hall aforesaid on the Tuesday following their election, and appoint a clerk to be called a "borough clerk;" *provided*, that the first election to be held under this act shall be held by a judge, clerk, and two inspectors, to be chosen by the legal voters present at the opening of said election by the constable of the township of Haddon, whose duty it shall be, at least eight days before the first Tuesday in April, the day appointed for the holding of the first election, to give public notice, by six or more printed or written advertisements, affixed to as many of the most public places within the limits of the said borough, of the time and place of holding such election; and the said constable is hereby required and directed to attend at the said town hall, in Haddonfield, on the first Tuesday in April next, at the hour of seven o'clock in the morning of said day, and open said election.

Officers to be elected.

Proviso.

Elections, how conducted.

3. *And be it enacted*, That the poll of all elections shall be opened and closed in accordance with the state election laws of the state of New Jersey, and the same qualifications shall be required to entitle a person to vote, as are or may be required at the township elections in this state, and the name of each person voting at such election, shall be written in a poll list by the borough clerk, who shall be clerk of election, and after the polls shall be

closed, the judges or inspectors shall count the votes given for the several candidates, and certify the result under their hands and seals, and deliver such certificate to the borough clerk, who shall file and preserve the same among the records and papers of the corporation, and shall also, within five days thereafter, file a true copy of such certificate in the office of the clerk of the county of Camden, and shall give notice of the result of said election, as required of clerks of townships, and the persons having the greatest number of votes, shall be deemed to be elected to the office for which they shall be voted for respectively, who shall respectively hold their offices as herein provided for in section two, of this act, and until others are elected and sworn into office.

Powers and duties of officers.

4. *And be it enacted*, That the said officers shall have the same power, take the same obligations, perform the same duties, be subject to the same penalties, as are now or may hereafter be provided for like officers in townships in this state, and in case of death, resignation, inability, disqualification, neglect or refusal to act, or removal out of the borough, of any of the officers thereof, it shall be lawful for the said borough clerk, by request of the said commissioners of streets, or a majority of them, in writing, to give notice as hereinbefore provided of an election to fill said vacancy; and shall perform the like services, and in like manner, in view of the annual election before named.

Meeting of commissioners of streets.

5. *And be it enacted*, That the said commissioners of streets shall be summoned and their meetings held at such time and place in said borough as they may appoint; they shall elect one of their own number as president, who shall preside at the meetings, and have a casting vote only, and a majority of the whole number of members shall be a quorum to transact business; they shall adopt rules for their own government, not inconsistent with this act, the constitution of this state, or of the United States.

Power to pass ordinances.

6. *And be it enacted*, That it shall be lawful for a majority of the commissioners of streets aforesaid, to pass ordinances for lighting the public streets; for requiring owners of lots to grade and keep in good order the sidewalks in front of the same, the said commissioners to regulate said grade; for preventing and suppressing of fires; for

appointing any special constables they may deem necessary for maintaining public order, and prescribing their powers and duties; and shall have authority to exercise all such powers as are now, or may hereafter, by law, be vested in township committees in this state, and the citizens of said borough shall possess like powers as are now, or may, hereafter, by law, be vested in the citizens of the township of Haddon; and the said commissioners of streets shall have power to enforce the observance of all ordinances, by prescribing a forfeiture, (or penalty,) not exceeding fifty dollars, to be recoverable by action of debt, with costs, in any court of record in said borough, in the name of the "Borough of Haddonfield," for the use of said borough; all said ordinances shall be caused to be published by printed or written handbills, put up in ten of the most public places in said borough, by the borough clerk thereof, for at least ten days before said ordinances shall go into effect, and no ordinance shall be enacted or passed by the said commissioners of streets, unless the same shall have been introduced at a previous meeting.

General powers.

Ordinances to be published, &c.

7. *And be it enacted*, That the legal voters of said borough shall, by a majority vote, name the sum of money to be assessed upon the taxable property within said borough for such purposes, which sum shall not be less than one thousand dollars, nor more than fifteen hundred dollars annually, which said vote shall be ascertained at a public meeting to be called in the manner hereinbefore directed.

Voters to name amount of money to be raised.

8. *And be it enacted*, That it shall be lawful for the said commissioners of streets, to pay the clerk and special constables, and other officers and agents of said borough, such compensation for their services as they may deem reasonable and proper; but shall not receive any compensation for their own services.

Compensation of clerk, &c.

9. *And be it enacted*, That the clerk of said borough shall keep, file, and when necessary, record all official papers belonging to the same; he shall attend all meetings of the commissioners and inhabitants of said borough, and keep accurate minutes of the proceedings thereof; he shall give lawful notice of all such meetings, and of annual and special elections; he shall record in a proper book, to be provided for that purpose, all ordi-

Duties of clerk.

nances passed by said commissioner of streets, and duly certify the same; and shall perform such other duties as the commissioner of streets of said borough may from time to time prescribe.

Moneys, how assessed and collected.

10. *And be it enacted*, That the money so ordered to be raised shall be assessed and collected by the assessor and collector of the township of Haddon, by a separate and distinct assessment, in the same manner and for the same compensation as other taxes are assessed and collected, which sum shall be paid by the said collector upon an order signed by the said commissioners of streets or a majority of them.

Commissioners of appeal.

11. *And be it enacted*, That if any person in said borough, or having taxable property therein, shall deem themselves aggrieved by said assessment, may appeal to the commissioners of appeals elected as aforesaid, and the said commissioners of appeals shall be governed by the laws of the state of New Jersey regulating like duties in appeals from the assessments of taxes for state, county or township taxes.

Officers to act, until others are elected.

12. *And be it enacted*, That in case it shall so happen by any means, that the annual election hereinbefore provided for, shall not be held at the time designated therefor as aforesaid, then the officers of the said borough for the preceding year shall continue to exercise their several offices, powers and authorities until an election shall be duly held; and it shall be the duty of the commissioners of streets, aforesaid, forthwith to appoint another day for a special election for officers of the said borough, of which time the borough clerk shall give ten days' notice as afore said, and which shall be conducted in all respects in the manner prescribed hereinbefore for annual elections.

Special election, how held.

Borough subject to proportion of debts and liabilities, &c.

13. *And be it enacted*, That the said borough shall be subject to its just and equitable proportion of all debts and liabilities to which the inhabitants of the township of Haddon, in the county of Camden, are subject at the time this act shall take effect, and be assessed with and entitled to its proportion of taxes so raised for township purposes, school money, and other property belonging to the inhabitants of said township at the time aforesaid, and that nothing in this act shall be construed to separate the territory described aforesaid, from the township of Haddon, excepting as to the election of commissioners of

streets and commissioners of appeals, the raising of money by special tax, the regulating and grading of the sidewalks and lighting the streets of said borough; and that the township committee of Haddon township shall have the same control and management of the roads and drive ways as heretofore.

Body politic, &c.

14. *And be it enacted*, That from and after the said first Tuesday in April next, the territory within the bounds hereinbefore named shall be one body politic and corporate in deed, fact, name and law, by the name, style and title of "The borough of Haddonfield," and as such shall have, possess and enjoy all the rights, liberties, franchises and privileges of a borough incorporated in pursuance of this act.

Name

Act, how construed.

15. *And be it enacted*, That this act shall be considered, adjudged and taken to be a special public act, to be cited and proven in any court and all courts within this state, and shall be literally and liberally expounded and construed to advance the ends thereof; and all acts and parts of acts inconsistent with the provisions of this act, shall upon the acceptance thereof as aforesaid, be adjudged repealed.

Real estate to be taxed without any deduction, &c.

16. *And be it enacted*, That in assessing the tax for the purposes intended in this act, no allowance or abatement shall be made for mortgages or other money liens upon real estate within the bounds hereinbefore named, but that the same shall be taxed without regard thereto, and as if the same were clear of incumbrance.

No loan or debt, to be incurred.

17. *And be it enacted*, That no loan of money shall be made or debt incurred by the said commissioners to carry out the improvements contemplated by this act, and that no more work shall be done each year than can be paid for by the moneys raised in the manner aforesaid.

Approved March 24, 1875.

CHAPTER CXCIV.

A Further Supplement to an act entitled "An Act revising an act to incorporate the City of Bayonne in the county of Hudson, and state of New Jersey," approved March tenth, one thousand eight hundred and sixty-nine; approved March twenty-second, one thousand eight hundred and seventy-two.

Council may apportion tax or assessment upon lands, upon application of persons interested.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That upon the application in writing of any person or persons interested, to the board of councilmen of the city of Bayonne, to apportion any tax or assessment which has been or shall be laid upon any plot or parcels of land in said city among any sub-divisions of said plot or parcels accompanied by a proper map showing the sub-divisions desired, the mayor and council of said city shall have power to refer said application and map to a committee of the council of said city, who shall report to the board of councilmen a just and equitable apportionment of said tax or assessment upon said sub-divisions of said plots and parcels, and said council shall have power to make apportionments of said tax or assessments in accordance with said report or otherwise, as in their judgment may be just and equitable; and said council shall have the same powers by the same methods, to apportion taxes or assessments and expenses of sale in reference to any parcel or parcels of land which may have been or may be sold for non-payment of taxes and assessments, under the provisions of the charter of the city of Bayonne and its supplements, if the same shall have been bought by the city treasurer for the use and benefit of the city of Bayonne, among such sub-divisions as said mayor and council may deem just and proper; and upon the approval of said apportionment by the mayor or passage of the same by the council over the veto of the mayor, the city clerk shall file the said map and the report of said committee as

corrected by the council, if corrected, in his office, and thereupon the said tax or assessment apportioned shall be and remain a lien upon the sub-divisions shown on the map so filed, each sub-division being subject to the lien of that portion of said tax or assessment with interest, expenses and costs, which shall be apportioned to it the same as though said tax or assessment had been originally laid or assessed to each of said sub-divisions in the separate amounts so designated, and no tax or assessment sale, or tax or assessment, or lien thereof, shall be invalidated by reason of any such apportionment.

Tax or assessment, to remain a lien.

2. *And be it enacted*, That the mayor and council of the city of Bayonne, in the county of Hudson, state of New Jersey, shall have power to borrow from time to time, in anticipation of the collection of the taxes which have been assessed and are in arrears, and unpaid prior to the year one thousand eight hundred and seventy-four, an amount not exceeding the sum of said taxes in arrears, nor to the extent of over one hundred thousand dollars, to be applied to the purposes for which the said taxes were levied; and for this purpose said mayor and council shall have power to secure the payment of said money borrowed, by issuing bonds of said city, signed by the mayor and sealed with the corporate seal of the city, attested by the city clerk, bearing not over seven per cent. interest and payable in not over ten years from the date thereof; *provided*, that so much of the arrears of taxes aforesaid as may be necessary, shall be held by said city as specially pledged for the payment of said bonds, and if said arrears of taxes should be paid in before said bonds mature, the mayor and the council aforesaid shall direct the city treasurer to purchase said bonds, with the proceeds, at such prices as they may determine, or said moneys shall be invested under the direction of the mayor, the president of the council and the treasurer of the city, until said bonds can be purchased or become due and payable.

Power to borrow money in anticipation of collection of taxes, and may issue bonds.

Proviso.

3. *And be it enacted*, That the said mayor and council shall have power to sell and dispose of said bonds at public or private sale at not less than ninety-five per centum of the par value thereof.

Bonds, how disposed of.

4. *And be it enacted*, That the following words and provisions at the end of section sixty-seven of the act to

Repealer.

which this is a supplement, to wit: "And the said improvement bonds of the city shall be receivable at par (and accrued interest) by the city in lieu of cash in cancellation of the assessments for such improvements, and such only as shall have been completed during the same year in which said bonds were issued," be and the same hereby are repealed, and that in lieu of said words and provision there be added to said section sixty-seven

Amendment.

the following words, to wit: "And the said improvement bonds of the city which may have been issued prior to the date of confirmation of the assessment for which they are offered in payment, shall be receivable at par and accrued interest by the city, in lieu of cash in cancellation of said assessments."

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

Approved March 24, 1875.

CHAPTER CCVII.

An Act to repeal an act entitled "A further supplement to an act entitled 'An act revising the act to incorporate the city of Bayonne, in the county of Hudson, and State of New Jersey,'" approved March tenth, eighteen hundred and sixty-nine; approved March twenty-second, eighteen hundred and seventy-two.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "A further supplement to an act entitled, 'An act revising the act to incorporate the city of Bayonne, in the county of Hudson, and state of New Jersey,'" approved March tenth, eighteen hundred and sixty-nine; approved March twenty-second, eighteen hundred and seventy-two, which said further supplement was approved March eighteenth, eighteen hundred and seventy-four, be and the same is hereby repealed.

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

Approved March 24, 1875.

CHAPTER CCVIII.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the council of the city of Hoboken, shall have power to authorize the several fire engine companies of the said city, to increase the number of their members; *provided*, no company shall be composed of more than seventy-five men. Power of council to increase number of members of engine companies. Proviso.

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

Approved March 24, 1875.

CHAPTER CCIX.

A Further Supplement to an act entitled "An Act to authorize the Inhabitants of the City of New Brunswick (School District Number One,) of the township of North Brunswick, county of Middlesex, to elect a Board of Education," approved March third, one thousand eight hundred and fifty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all elections of trustees under the above act to which this act is a supplement, Election of trustees.

the polls shall be kept open from twelve o'clock noon, to seven o'clock in the evening, of the day on which such election is held.

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

Approved March 24, 1875.

CHAPTER CCXIII.

A supplement to an act entitled "An act to provide for the more efficient government of the city of Trenton," approved March nineteenth, one thousand eight hundred and seventy-four.

Repealer. Amendment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the third sub-division of the seventy-sixth section of the act to which this is a supplement, be repealed and the following substituted: to order and cause any street or section of a street to be graded, paved or otherwise improved, as hereinafter mentioned.

Lots and sub-divisions to be assessed amount which they are particularly benefited.

2. *And be it enacted*, That the board of city assessors in making the assessment for benefits under the eighteenth section of the act to which this is a supplement, upon such lots as in their opinion will be benefited by an improvement, shall hereafter assess upon such lots or sub-division of lots, the amount which in their opinion the said lot or sub-division of a lot will be particularly benefited; and if the full amount of the actual benefits assessed upon the said lots or sub-divisions shall be less than the damages incurred in making the said improvement, the difference shall be paid by the city at large.

Power to cause public streets to be graded, and the expense to be assessed upon lots benefited

3. *And be it enacted*, That it shall be lawful for common council to direct by ordinance, any public street or alley to be graded, under the supervision of the street commissioner and street committee, and cause the expense of such work, or any portion of such expense as can be assessed as hereinafter directed to be assessed by the board

of assessors, upon such lots or sub-divisions of lots, as in their opinion will be benefited thereby; but no lot or sub-division shall be assessed a greater sum than the value of the particular benefit to the same; that when such assessment shall be complete, and filed in the office of the city clerk, the said board of assessors shall give public notice of not less than ten days, of a time and place where they will meet and hear complaints of any parties to such assessment, and after hearing said complaints, they may revise their assessment if it shall appear that the said parties have any just cause of complaint; but when the said assessment shall have been thus revised the decision of the said board of assessors shall be final and conclusive on all parties, unless, within one month after a notice published in two or more papers that the said revised report is on file in the clerk's office, two thirds of the persons assessed or their representatives, shall file with the city clerk their objections thereto; and shall thence until paid, be a lien on the several lots or sub-division of lots, against which the same is assessed; and the same may be collected either by suit or sale of the said lots, in the same manner as the assessments, when binding and conclusive under section eighty-three of the act to which this is a supplement, are collectable by and under the said last mentioned section.

Assessments, to remain a lien.

How collected.

4. *And be it enacted*, That the board of assessors in making assessments under section eighty-seven of the act to which this is a supplement shall assess upon all lots or sub-divisions of lots which are benefited, but shall assess against such lots only the amount which they are actually benefited.

Lots to be assessed amount benefited.

5. *And be it enacted*, That the provisions of section one of the supplement to the act to which this is a supplement, which supplement was approved March twenty-seventh, eighteen hundred and seventy-four, shall apply only to the paving, flagging and curbing of sidewalks of any street or alley in said city and the grading incident to that work.

Paving, flagging, and curbing of sidewalks.

6. *And be it enacted*, That whenever any assessment has heretofore been made for any improvement made by virtue of any charter of the city of Trenton, and the work upon said improvement has been done wholly or partly, and the assessments upon lots or sub-divisions of lots re-

Power to direct by resolution, assessors to examine and revise assessments, heretofore made.

main wholly or partly unpaid, and the city solicitor shall report to common council that the said assessment by defect in the proceeding by which said assessment was made is illegal, the common council may by resolution direct the board of assessors of said city (and in his or case any of said board are interested to appoint other disinterested persons in their place) to examine and revise said assessments; the said board shall examine and determine what would have been a reasonable and fair cost of said improvements, and shall determine what lots or sub-divisions of lots are benefited thereby, and the aggregate amount of the particular benefits to said lots, and shall assess the proportion of the aggregate amount of benefits (the said aggregate amount not to exceed the cost) upon each of the said lots or sub-divisions of lots; that when such assessment shall be completed and filed in the city clerk's office, the said board of assessors shall give not less than ten days notice of a time and place where they will meet and hear complaints of any parties to such assessments, and after hearing such complaint, they may revise their assessment if it shall appear that the parties have any just cause of complaint, and when the said board, or a majority thereof, have attached to said report or a revised copy of the same, a certificate that said report is revised and filed as the final report of said revised assessment it shall be conclusive upon all parties, and shall remain a lien upon the several lots and sub-divisions against which any sum is assessed, and the same may be collected either by suit or sale of the said lots or subdivision of lots in the same manner as the assessments when binding and conclusive under section eighty-three of the act to which this is a supplement are collectable by and under the last mentioned eighty-third section; *provided*, that if any lot or sub-division of a lot was originally assessed for the same improvement and the said original assessment was paid, then the said payment shall operate as a payment in full of the revised assessment.

Assessors to assess amount of benefits.

Notice of meeting to be given, to hear objections.

Assessments to remain a lien, and how collected.

Proviso.

City may purchase land for non-payment of assessments.

7. *And be it enacted*, That whenever any lot shall be offered for sale by virtue of this act or the act to which it is a supplement for the collection of any assessment, and there shall be no responsible bidder for the said lot, then it shall be lawful at any sale or adjourned sale to

cause the said lot to be struck off to the inhabitants of the city of Trenton, for the term of fifty years.

8. *And be it enacted*, That the following words, to wit: "and provided, it shall not be lawful for any person or body corporate, to deposit in any sewer, drain or stream in this city, the contents of any water closet, privy or any kind of filth, which may become detrimental to the public health of the city; found in title VII, section seventy-six of the bill to which this is a supplement, be and the same is hereby repealed; and the use of any sewer shall be under the supervision of common council. Repealer. Sewers, by whom controlled.

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

Approved March 25, 1875.

CHAPTER CCXIV.

Supplement to an act entitled "An act to establish a free school at Fort Lee, in the county of Bergen," approved March sixth, one thousand eight hundred and fifty.

WHEREAS, The trustees of school district number two at Fort Lee, in the township of Ridgefield, in the county of Bergen, by prudence and careful management have been able to maintain a free school in said district, conducted by competent teachers continuously for more than twenty years past, and after paying all expenses in maintaining said school, have accumulated from the moneys raised by district tax a surplus fund of three thousand dollars on the date of their last annual report, for which they at present have no use for school purposes, and are desirious of using said surplus fund towards the erection of a new school house on lands donated to said district for school purposes, and repairing the school house now in said district; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of school district number two at Fort Lee, in the township of Ridgefield,

Trustees authorized to use school money, for erection of school house, &c.

in the county of Bergen, be and they are hereby author ized to use the surplus school money in their hands, or s much thereof, as will be necessary for the erection of a new school house and repairing the old school house nov in said district.

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

Approved March 25, 1875.

CHAPTER CCXV.

A Supplement to the "Act concerning roads," approvec March twenty-fourth, eighteen hundred and seventy four.

Taxpayers may serve a notice upon overseers of highways, that roads are not in good order, &c.

1. BE IT ENACTED *by the Senate and General Assembly o the State of New Jersey*, That where any public highway or any part thereof, situate in any township in this state is now or shall hereafter become ruinous, or miry, or rutted or broken, or stony, or in decay, it shall be lawful for any three or more taxpayers of the township in which the said public highway is situated, being freeholders, to serve a notice in writing upon the overseer of the high way, in whose district the part of the said public highway so ruinous, or miry, or rutted, or broken, or stony, or in decay, shall be situate, informing him of the condition of the said highway and requiring him forthwith properly to work, make, amend, and put in good order and repair the said public highway, and it shall be the

Duty of overseer.

duty of the said overseer, immediately upon the receipt of such notice as aforesaid, to employ a sufficient number of men to work, make, amend, repair and put in good order the part of the said public highway so ruinous, or miry, or rutted, or broken, or stony, or in decay, and to

Account of moneys expended.

keep the same in such repair, and to keep an account of the moneys by him thus expended in working, making, amending and repairing the said highway, and to present the bill for the said moneys thus expended to the town-

hip committee of the township in which said public ighway is situated, whose duty it shall be forthwith to ›ay and satisfy the said bill, and in case the said township committee shall neglect or refuse to pay the said bill ıpon presentment, it shall be lawful for the said overseer o bring an action against the said township, in which he said public road is situated, by its corporate name in ny court of competent jurisdiction, and recover the mount of the said bill with interests and costs.

Action may be brought, when committee refuse to pay bills.

2. *And be it enacted*, That if the said overseer or overeers shall neglect or refuse for the space of ten days fter receiving the said notice to work, make, amend and ›ut in good order and repair, the said highway so ruin›us, or miry, or rutted, or broken, or stony, or in decay, t shall be lawful for the persons who gave the said notice o the said overseer or any of them by himself or themelves, and with such wagons, carts, horses, mules, plows, hovels, picks, hoes and other implements, and with such vorkmen as they or any of them may find it necessary o employ and hire for that purpose to proceed at any ime after the expiration of the said ten days to work, nake, amend, and put in good order, and repair the said ighway so ruinous, or miry, or rutted, or broken, or tony, or in decay, and to keep a careful account of the xpenses incurred in the working, making, amending, nd putting in good order and repair the said highway o ruinous, or miry, or rutted, or broken, or stony, or in lecay, including in such account the labor of the said ›erson or persons who signed the said notice to the said ›verseer, and who have caused the said work to be done with the services of the horses, mules, wagons, carts, ›lows, shovels, and other creatures and implements used n the working, making, amending and in putting in good ›rder the said highway as aforesaid, together with the ıire of all the persons employed in the working, making, ımending, and putting in good order the said highway as aforesaid, and shall present the said account, duly verified by oath or affirmation to the township committee or some member thereof of the township in which the said road so worked, made, amended, and put in good order and repair is situate, and demand payment thereof, and it shall be the duty of the said township committee forthwith to pay the said bill; and in case the said town-

Proceedings when overseer refuse to repair highway, &c.

Actions may be brought &c.

ship committee shall neglect or refuse to pay the said bill within thirty days after the presentation thereof to them or to any member thereof, it shall be lawful for the said person or persons presenting the said bill as aforesaid, to bring an action of assumpsit against the said township in which said highway is situated, and to whose township committee or some member thereof the said bill was presented in its corporate capacity in any court of competent jurisdiction, and recover the amount of the said bill with interest and all costs of suit.

Compensation for work.

3. *And be it enacted*, That such person or persons, so working as aforesaid, and all persons employed by them, shall be allowed the same compensation for men and teams as is allowed and paid for working on the roads by the overseer of the road district in which said highway, thus worked, made, amended, repaired and put in good order, is situated.

Overseer liable to indictment

4. *And be it enacted*, That if the said overseer shall wilfully neglect and refuse to make, amend, repair and put in good order such highway after the notice mentioned in the first section of this act shall have been served upon him, apprising him of its condition, he shall be liable to indictment for the badness or want of repair of such highway, and upon conviction shall be liable to such fine, not exceeding one hundred dollars, as the court before whom he is convicted shall see proper to inflict.

Penalty.

5. *And be it enacted*, That the provisions of this act shall only apply to the county of Warren, and that this act shall take effect immediately.

Approved March 25, 1875.

CHAPTER CCXVI.

A Further Supplement to an act entitled "An act to revise and amend the charter of the City of Rahway," approved March twenty-third, eighteen hundred and sixty-five.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That so much of the act to which this is a supplement and the several supplements thereto, as directs the assessment for any improvement, other than for sidewalks, to be laid upon the line of such improvement, is hereby repealed; and hereafter all such assessments shall be equitably laid upon the property peculiarly benefited, in proportion to such benefit; and if any assessment so laid shall not equal the costs and expenses of such improvement, the difference shall be assessed to the mayor and common council of said city.

Assessments, how made.

Council may vacate and set aside, unpaid assessments.

2. *And be it enacted,* That whenever the cost and expenses of any improvement in said city, other than for the laying of sidewalks, have been assessed upon the line of such improvement, and any assessment therefor has not been fully paid, the common council may vacate and set aside such unpaid assessment by resolution; and in order to provide for the payment of the costs and expenses of such unpaid assessments so vacated and set aside, and for the payment of the costs and expenses of the unpaid portion of the assessment for any such improvement which may set aside by any court of this state, a re-assessment may be made and levied in accordance with the first section of this act.

Re-assessments, may be made

Declaration of costs and expenses, when assessments are set aside, &c.

3. *And be it enacted,* That whenever such assessment for any improvement shall be set aside as herein mentioned, and a re assessment ordered by said common council for the unpaid portion of such assessment, the common council shall make a new declaration of the costs and expenses of such improvement, including therein the interest thereon to the time of making

such declaration, and deducting therefrom any payments made upon the original assessment, with interest from the time of such payment.

Board of commissioners, to make re-assessments.

4. *And be it enacted*, That the city surveyor and street commissioner for the time being, and one disinterested elector, to be appointed by the common council, shall constitute a board to make the re-assessments authorized by this act; and whenever the common council shall make a declaration of the costs and expenses of any improvement to be re-assessed as aforesaid, such declaration shall be referred to said board, whose duty it shall be to make such assessment, upon the principles prescribed by the first section of this act; and upon such reference, said board shall take the same oaths, and they and said common council shall proceed in the same manner as now required by the charter of said city in making assessments for the construction of sewers; but no assessment shall be laid upon any land for any improvement where the previous assessment therefor has been paid; and when such previous assessment has been paid in part, and said board shall deem such land to have not been peculiarly benefited beyond the amount of such partial payment with the interest thereon, they shall make no further assessment thereon; and if they shall deem such land to have been peculiarly benefited beyond that amount, then such payment and interest shall be deducted from such benefits, and an assessment made only for the difference; and all assessments herein authorized shall be a lien against the property assessed from the time when the work for said improvement was completed; and in case of non-payment of such assessment, the same shall be enforced in the manner now prescribed by the charter of said city for the collection of other assessments; and in case of sale for such non-payment, the rights of the city and of all parties, shall be the same as now appertain in case of sale for other assessments; *provided*, that if on the ground of interest or for any cause any member of said board shall be disqualified from acting in the laying of any particular assessment, or if a vacancy shall occur from any cause, the common council may appoint a disinterested elector of said city to act in place of such disqualified member, or to fill such vacancy; *and provided further*, that whenever the city

Duties.

Assessments, how made.

To remain a lien, and how collected.

Proviso.

Proviso.

surveyor or street commissioner, appointed and qualified to make any assessment, shall go out of office, his duties as a member of said board shall not cease until said board has completed its work relative to that assessment.

Assessments may be vacated and set aside.

5. *And be it enacted*, That any assessment for any improvement, other than for the laying of sidewalks which has been made upon the line of such improvement and not yet confirmed, may be vacated and set aside by resolution of said common council; upon doing which they shall thereafter make a new declaration of the costs and expenses of such improvement, including therein the interest thereon to the time of making such declaration, and the board of assessment hereby created shall proceed to make an assessment therefor according to the directions of this act, and all the provisions herein relative to other assessments made by said board, shall be applicable to these assessments.

Declaration of costs and expenses, &c.

Assessments for laying sidewalks, &c.

6. *And be it enacted*, That all unpaid assessments for any improvement heretofore made upon the line of such improvement, where the costs and expenses of laying sidewalks are included in the declaration of the costs and expenses of such improvement, may be referred by said common council to said board, which board shall separate the costs and expenses of the laying of the sidewalk from the other costs and expenses, and make report thereof to said common council, whereupon they shall order such separated assessments to be filed in the office of the city treasurer, and shall make the declaration herein mentioned; and the costs and expenses of laying the sidewalk so separated, shall be and remain a lien on the land assessed as heretofore; and the city shall make such entries in the books of assessments as may be required to make any assessments so separated by said board conform to said report.

To remain a lien.

Board of finance may re issue bonds for improvements, &c.

7. *And be it enacted*, That the board of finance of the city of Rahway is authorized to reissue the bonds of the city for the expenditures for all improvements heretofore made, but not exceeding the amount of unpaid assessments for such improvements, with interest thereon; and the common council may postpone the payment of such assessments until such re-issued bonds become due and payable; and on such amount as may be assessed against the mayor and common council of the city of Rahway,

under the provisions of this act, including expenses incident to reassessments, said board of finance may issue the bonds of said city, redeemable in not over twenty years from date; *provided*, that payments on all assessments authorized by this act, may be required by installments in the manner stipulated by the thirtieth section of the act to which this is a further supplement.

Proviso.

Act, how construed.

8. *And be it enacted*, That the one hundred and third section of the act to which this is a further supplement shall not be construed to make it unlawful for the publisher of any newspaper, who may be elected to a city office, to receive compensation for printing or the publication of any notice or advertisement, in relation to city affairs.

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

Passed March 25, 1875.

CHAPTER CCXXVIII.

An Act to revise and amend the Charter of the City of Bridgeton.

TITLE FIRST.

OF THE BOUNDARIES AND CIVIL DIVISIONS OF SAID CITY.

Corporate name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that district of country in the county of Cumberland, contained within the boundary lines of the city of Bridgeton, as now established by law, shall continue to be a city by the name of the City of Bridgeton, and all the inhabitants of this state, within the limits aforesaid, shall continue forever hereafter to be a body corporate and politic, in fact and in law, by the name of "The City of Bridgeton," and by that name they and their successors shall and may have perpetual succession, and shall be persons in law capable of suing

and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and they and their successors may have a common seal, and alter the same at their pleasure; and also by their corporate name aforesaid shall be in law capable of purchasing, holding, and conveying any estate, real or personal, for the public use of the said corporation, and that the said "The City of Bridgeton," and their successors, shall, by virtue of this act, become and be absolutely and completely invested with, possess, and enjoy, all the lands, tenements, hereditaments, property, rights, causes of action and estate whatsoever, both in law and equity, in possession, reversion, or remainder, which at the time of the passing of the act of the legislature of this state entitled "An Act to incorporate the City of Bridgeton," approved March twenty-ninth, eighteen hundred and sixty-four, were invested in or belonging to the inhabitants of the townships of Bridgeton and Cohansey in their several corporate capacities, as then incorporated by the names respectively of "the inhabitants of the township of Bridgeton, in the county of Cumberland," and "the inhabitants of the township of Cohansey, in the county of Cumberland," according to such estate and interest as "the inhabitants of the township of Bridgeton, in the county of Cumberland," and "the inhabitants of the township of Cohansey, in the county of Cumberland," or either of said corporations, at the time of the passage of the act of the legislature aforesaid, had or of right ought to have had, or which since that time have become vested in and belong to the said "The City of Bridgeton," in its corporate capacity.

Corporate powers.

2. *And be it enacted*, That the said city of Bridgeton shall continue to be divided into three wards, as heretofore constituted by law.

Divided into three wards.

TITLE SECOND.

ELECTION AND APPOINTMENT OF CITY AND WARD OFFICERS.

3. *And be it enacted*, That an election, by ballot, shall be held in each of the wards of said city, on the second

Annual election, when held.

Tuesday in March next, and annually thereafter upon that day, at such places as the city council shall appoint, and of which at least two weeks previous notice shall be given by the city council in a newspaper, printed and published in said city, and in default of such notice the election shall be held at the several places where the last general election was held; at which time there shall be elected one city recorder, who shall hold his office for the term of one year; and one city collector of taxes, who shall hold his office for the term of one year, and in and for each of the wards of said city one member of the city council, who shall hold his office for the term of three years, and two chosen freeholders, one assessor of taxes, three commissioners of appeals in cases of taxation, two surveyors of the highways, two overseers of the poor, three judges of election, one clerk who shall be clerk of elections, one constable and one pound keeper, who shall hold their offices, respectively, for the term of one year; justices of the peace of the several wards of the said city shall be elected at the time prescribed by this act for the election of city and ward officers; *and provided*, that if any ward is, or hereafter shall be, divided into election precincts, one clerk and three judges of election shall be elected for each of said election precincts, who shall perform the same duties and be subject to the same penalties as are provided by law for clerks and judges of election in wards which are not divided into election precincts.

Officers.

Proviso.

Election of officers, and term of office.

4. *And be it enacted*, That on the second Tuesday in March, one thousand eight hundred and seventy-six, and thereafter, there shall be elected one mayor, who shall hold his office for the term of three years, one city treasurer, who shall hold his office for the term of one year, and one shool superintendent, who shall hold his office for the term of two years, and after the expiration of the said terms of one year for the city treasurer, and of two years for the school superintendent, the said city treasurer and school superintendent shall thereafter be respectively elected for the term of three years.

Council may divide wards into election precincts.

5. *And be it enacted*, That if, at any annual election, city or state, the whole number of votes polled, in any ward or election precinct, shall exceed five hundred, the city council may divide the said ward or election precinct into election precincts, and a description of the boundaries

thereof shall be filed, one copy in the county clerk's office, and one copy in the city recorder's office, and in case it shall be necessary to change the boundaries of said precincts, such change shall be effected in the manner above described; and whenever any election precinct is created as above, it shall be the duty of the city council to appoint a clerk and three judges of election in said precinct, who shall not all belong to the same political party, and who shall hold said offices until their successors are elected; *provided*, that no precinct shall be created or the boundaries of any precinct changed within one month preceding any annual election, city or state. Proviso.

6. *And be it enacted*, That the aforesaid annual city election in each ward and precinct shall be held and conducted by the judges and the clerk of election thereof, at the same hours and in the same manner and under the same regulations in all things as prescribed for the state elections for members of the legislature, except as hereinbefore otherwise provided for. Elections, how conducted.

7. *And be it enacted*, That every person entitled to vote by existing laws of this state at an election for members of the legislature, if held on that day, who is at the time an actual resident of the ward and precinct in which he offers his vote, shall be entitled to vote in the ward and precinct in which he resides, but not elsewhere, for all or any of the officers to be chosen at such election. Who entitled to vote.

8. *And be it enacted*, That immediately after closing the polls at every city election, the board of election in each ward and precinct shall count the votes given for the several candidates, and make a certificate and statement thereof under their hands, in the manner required by law at the state elections for members of the legislature, which said certificate and statement shall be delivered by the said judges of election to one of their own number, to be by them designated for that purpose, who shall deliver the same, on or before the Thursday next after said election to the city recorder; the said judges of election, so designated as above, shall constitute a board of canvassers of said election, and shall meet at the council chamber, at two o'clock in the afternoon of said day, and a majority of said judges being present, shall proceed to make a statement of the result of said election, as shown by said certificates, which shall be Statement of election to be made. Board of canvassers.

signed by said board and attested by the city recorder, who shall be the clerk of the said board, and whose duty it shall be to lay before said board the certificates and statements which have been delivered to him, and the persons having the greatest number of votes shall be declared elected to the offices for which they have been voted for respectively; and the city recorder shall file the original certificates from the wards and precincts in his office, and lay the statements made by the board of canvassers before the city council at their first meeting thereafter, which for the purpose of receiving said statement shall be held on the Friday succeeding said election, and the same shall be, by the said city council, filed in the office of the city recorder; and the said city recorder shall immediately send a written notice of his election to each of the persons so elected; and if at any election for officers authorized by this act, any officer shall not have been chosen by reason of two or more candidates having received an equal number of votes, such office shall be deemed to be vacant, and shall be filled as hereinafter directed.

Offices, when deemed vacant.

Who eligible to office.

9. *And be it enacted*, That no person shall be eligible to any office at any such election unless he shall then be an elector and resident of said city, nor shall he be eligible to any office for any ward or precinct, unless he shall then be an elector and resident in such ward or precinct; and when any officer elected at any such election shall cease to reside in said city, or if elected for any ward or precinct, shall cease to reside in such ward or precinct, his office shall thereby become vacant.

Terms of offices.

10. *And be it enacted*, That the term of office of the chosen freeholders and the justices of the peace of the several wards of said city shall commence at the time or times prescribed by law; and the term of office of all other officers elected at the annual city election, as herein provided, shall commence on the third Tuesday in March; and all the officers elected by virtue of this act, except chosen freeholders and justices of the peace, shall be sworn in before the city council within thirty days after the said third Tuesday in March, and upon the failure of any officer to be sworn in as herein directed, his office shall become vacant.

Council may appoint to fill vacancies.

11. *And be it enacted*, That in case of death, resignation, inability, disqualification, removal from office, ne-

glect or refusal to act, or removal out of the city, ward or precinct of any of the officers thereof, or any vacancy in any office, (except justices of the peace), it shall be lawful for the city council to appoint others in their stead until the next annual city election, or, in the case of officers not elected, until the regular period of appointment, who shall, during the time for which they may be severally appointed, perform the like services, be entitled to the same fees, and be subject to the same responsibilities, as though elected or appointed at the regular time; *provided*, that all resignations shall be sent, in writing, to the president of the city council, who shall report the same to the said council at its next meeting. Proviso.

12. *And be it enacted*, That if any elective office provided for in this act, (except justices of the peace), the term of which is longer than one year, shall become vacant, for any cause whatever, the said vacancy shall be filled until the next annual city election, in the manner provided in the preceding section; and at the next annual city election the said vacancy shall be filled by election, and the person so elected to fill such vacancy shall be elected for the unexpired term of said office only; and if at any annual city election in said city, there shall be one or more vacancies to be supplied in any office, and at the same time any person is to be elected for the full term of said office, the term of said office for which each person voted for is intended, shall be designated on the ballot. Vacancies, how filled.

13. *And be it enacted*, That all elections hereafter to be held in said city, for officers of the county of Cumberland, and for members of Congress, and electors of president and vice-president of the United States, or for any officer or officer of the state or general governments, shall be held in the several wards and precincts of said city, at the places therein appointed by the city council for holding the city elections, on the day or days which now are, or hereafter may be, designated for holding such elections; the polls shall be opened and closed at the hours prescribed by the laws of this state, and the judges in the several wards and precincts shall preside and conduct all such elections, and the clerks of said wards and precincts shall be clerks of such elections in their respective wards and precincts; every person en- Elections, how held. Polls opened.

titled to vote at such election, shall vote in the ward and precinct wherein he actually resides at the time of such election, and not elsewhere; and such elections shall be conducted according to the laws of this state regulating elections.

Powers and duties of election officers.

14. *And be it enacted*, That the said judges of election shall take the same oaths, and conduct such elections and make returns thereof, except as hereinbefore provided in reference to the annual city election, in the same manner as township officers of elections are or may be by law required to do, and shall be vested with the same powers and authority, entitled to the same compensation, and perform the same duties, and be subject to the same penalties as the like officers of the townships of this state are or may be by law vested with, allowed, or subject to; and in case of the death, absence, incompetency, or refusal to serve of any of the said officers of elections at any election provided for by this act, such vacancy or vacancies shall be supplied in the manner prescribed by law for supplying such vacancies in the townships of this state, and the clerks of the said wards and precincts, respectively, shall procure election boxes for the use of their wards and precincts, in such manner and of such description as are required to be procured by the township clerks of this state, and be subject to the same penalties as township clerks are subject to for neglecting to procure such boxes, and to keep them in repair.

Vacancies, how filled.

Appointment of city solicitor.

15. *And be it enacted*, That on the third Tuesday in March the city council, by a majority of the whole number of members elected, personally present and agreeing thereto, shall appoint a city solicitor, who shall hold his office for the term of one year.

Officers, to take oaths.

16. *And be it enacted*, That every person elected or appointed to any office in pursuance of this act (except city solicitor, chosen freeholders and justices of the peace), or of any law or ordinance of the city council, shall, before he enters upon the duties of such office, take and subscribe before the city council, who are hereby authorized to administer the same, an oath or affirmation faithfully and impartially to execute the duties of his office to the best of his knowledge, skill and ability, and such other oaths as may be required by the laws of this

state; all such oaths or affirmations shall be filed by the city recorder in his office; the city treasurer, school superintendent, city collector of taxes, constables, and such other officers as the city council may require, shall also before entering upon their duties, each give bonds to the city in its corporate name, in such sum and with such sureties as the city council may approve, or as may be required by any act of the legislature of this state, conditioned for the faithful performance of the duties of their respective offices; and if at any time the city council shall deem the sureties of any such officer insufficient, they shall require him to give additional security. Officers to give bonds.

17. *And be it enacted*, That any city or ward officer may be removed from office by resolution of the city council, for malfeasance, nonfeasance, disability or other good cause shown, upon complaint made in writing to the city council, setting forth such cause, and supported by one or more affidavits of the truth of the facts therein alleged; *provided*, that no such removal shall take place until the person sought to be removed has had an opportunity to be heard in his defence, nor unless two-thirds of all the members of the city council shall vote for such removal; *and provided further*, that police officers may be removed in such manner as shall be prescribed by ordinance of common council. Officers, how removed. Proviso. Proviso.

TITLE THIRD.

POWERS AND DUTIES OF THE CITY COUNCIL.

18. *And be it enacted*, That the city council shall annually elect a president from its own body, and in his absence a president pro tempore, appoint its times and places of meeting, determine the rules of its own proceedings, keep a journal of its own proceedings, and may punish or expel a member for disorderly conduct, or a violation of its rules; but no expulsion shall take place except by a vote of two-thirds of all the members elected, personally present and agreeing thereto, nor until the delinquent members shall have five full day's notice of the proceeding, and an opportunity to be heard in his defence. Powers and duties of city council.

19. *And be it enacted*, That the president of the city council shall have a vote upon all motions, ordinances President of council.

and other matters before the said city council, and in all cases of the passage of any ordinance, the appointment or removal of any officer, the granting or refusing of licenses, the appropriation of money, except as to the payment of the usual current expenses of said city, the vote shall be taken by calling the names of the members of the city council, and the yeas and nays shall be entered on the minutes.

Passage of ordinances, &c.

Duties of city recorder.

20. *And be it enacted*, That the city recorder shall be the clerk of the city council; he shall keep accurate minutes of the proceedings of the city council, and shall perform such other duties, as by ordinance or resolution of the city council, shall be prescribed for him.

Quorum, and meetings of council.

21. *And be it enacted*, That a majority of the whole number of members of the city council shall constitute a quorum for the transaction of business; but a smaller number may adjourn from time to time, and compel the attendance of absent members; the president of the city council shall be authorized to call special meetings of the city council, when the public good shall, in his opinion, render it necessary; and on the request of three members of the city council, in writing, addressed to the president, it shall be his duty, or, in his absence, it shall be the duty of the city recorder, to call a special meeting.

Ordinances, how passed and repealed.

22. *And be it enacted*, That no ordinance shall be passed or repealed by the city council except with the concurrence of a majority of all the members of the said city council, personally present and agreeing thereto; and no ordinance shall be altered or repealed save by ordinance to that effect; every ordinance shall be read in full three times before its final passage, and no ordinance shall be finally passed unless the same shall have been introduced and read in full before the city council at a meeting held at least one week previous.

Ordinance to be in writing.

23. *And be it enacted*, That every ordinance, which shall have passed the city council, shall be drawn up in writing, signed by the president thereof, and attested by the recorder, and shall be presented by the recorder to the mayor, and the report of the recorder shall be conclusive evidence that the said ordinance has been so presented to the mayor; if the said mayor approve it he shall sign it, but if not, he shall return it with his objections in writing, and file the same with the city recorder within

Mayor to approve.

seven days after he received it, and the said city council shall at its first regular meeting thereafter order the objections to be entered at large on its minutes, and immediately proceed to reconsider the same, and if, after such reconsideration a majority of the whole number of the city council, personally present and agreeing thereto, shall approve of the same, it shall become an ordinance; and if any such ordinance, so presented to the mayor, shall not be returned by him to the city recorder, with his objections in writing, as hereinbefore provided, within the time aforesaid, the same shall be an ordinance in like manner as if the said mayor had signed the same.

Ordinances to be published.

24. *And be it enacted*, That each and every ordinance so passed and approved as aforesaid, or which has become an ordinance without the approval of the mayor in the manner provided in the preceding section, shall be published in two of the weekly newspapers published in said city for two weeks, successively, once in each week, before the same shall take effect.

Enacting clause.

25. *And be it enacted*, That the enacting clause of all ordinances shall be "The city council of the city of Bridgeton do ordain."

Power to make, repeal, and amend ordinances, &c.

26. *And be it enacted*, That the city council shall have power within the said city, to make, establish, publish, and modify, amend and repeal ordinances, rules, regulations, and by-laws, for the following purposes:

Finances.

I. To manage, regulate and control the finances and property, real and personal, of the city;

Vice and immorality.

II. To prevent vice, drunkenness and immorality; to preserve public peace and good order; to prevent and quell riots, disturbances and disorderly assemblages;

Gaming houses, &c.

III. To restrain and suppress disorderly and gaming houses and houses of ill-fame, all instruments and devices for gaming, and to prohibit all gaming and fraudulent devices;

Ale and beer saloons, &c.

IV. To license and regulate restaurants, victualing houses or cellars, ale and lager beer saloons or gardens, billiard tables, bowling alleys, shooting galleries, and other public places of amusement, and to fix the sums to be paid for license, and to prohibit the keeping of the same except by persons duly licensed;

Sports, &c.

V. To prohibit, restrain, regulate and license all sports, exhibitions of natural or artificial curiosities, caravans of

animals, theatrical exhibitions, circuses or other public performances and exhibitions for money, and fix the sums to be paid for such licenses to the city treasurer;

Boundaries of streets, &c.

VI. To ascertain and establish the boundaries of all streets, avenues, highways, lanes and alleys in said city, and prevent and remove all encroachments upon said streets, avenues, highways, lanes and alleys;

Repairs of streets, &c.

VII. To regulate, clean and keep in repair the streets, highways, avenues, lanes and alleys, bridges, wharves and docks in said city, and to prevent and remove obstructions and incumbrances in and upon all streets, highways, sidewalks, crosswalks, bridges, sewers, drains, aqueducts, water courses, wharves, or docks in any manner whatever; to prescribe the manner in which corporations or persons shall exercise any privilege granted to them in the use of any street, avenue, highway or alley for the purpose of laying down pipes or any other purpose whatever, and to prohibit and prevent any such use or work at such times and seasons of the year as they may designate; to direct and regulate the planting, rearing, trimming and preserving of ornamental shade trees in the streets, avenues, parks and grounds of the city, and to authorize or prohibit the removal or destruction of such shade trees, and to enforce the removal of snow, ice or dirt from the sidewalks and gutters by the owners or occupants of the premises fronting thereon;

To widen, grade, curb, flag, &c., streets.

VIII. To widen, level, grade, flag or reflag, curb or recurb, gutter or regutter, pave or repave or gravel the sidewalks and gutters in any street, avenue, highway, or section or sections thereof, to prescribe the manner in which any such work shall be performed, and the mode in which the expense thereof shall be ascertained, and to cause such expense to be assessed on the adjoining lots, whether improved or unimproved, and to determine the time in which such assessment shall be collected;

Digging down, filling up, &c., lots.

IX. To direct the digging down, draining, filling up, or fencing of lots, pieces or parcels of ground in said city, which shall be deemed dangerous or unwholesome, or necessary to carry out any improvement authorized by this act; to prescribe the manner in which the said work shall be performed, and to cause the expense thereof to be assessed on such lots, pieces or parcels of ground, whether

improved or unimproved, and to determine the time and manner in which such assessment shall be collected;

Stoops, bay-windows, &c.

X. To prevent or regulate the erection of any stoop, step, platform, bay-window, cellar-door, area, descent into a cellar or basement, sign, or any post or erection, or any projection or otherwise, in, over, or upon any street or avenue, and to remove the same, where already erected, at the expense of the owner or occupant of the premises;

Horse racing, &c.

XI. To prevent and punish horse racings, and immoderate driving or riding in any street, and to authorize the stopping and detaining any person who shall be guilty of immoderate driving or riding in any street, and to regulate the speed and running of locomotive engines and railroad cars through said city, and to designate the crossings at which any railroad company shall be required by the city council to station flagmen or signals to warn travelers of the approach of locomotive engines or railroad cars;

Droves of cattle, &c.

XII. To prohibit the driving any drove or droves of cattle through any of the streets of the city on the first day of the week, commonly called Sunday, and to regulate the same at other times;

Public grounds, &c.

XIII. To regulate, protect, and improve the parks, public burial grounds, and other public grounds in said city;

Lighting of streets, &c.

XIV. To provide lamp and gas fixtures, and to light the streets, parks, and public places of every description in said city;

Wells, pumps, &c.

XV. To make and regulate wells, pumps, aqueducts and cisterns in the public streets;

Pounds, and running of large of animals.

XVI. To establish and regulate one or more pounds, and to restrain and regulate the running at large of horses, cattle, swine, and other animals, geese and other poultry, and to authorize the impounding and sale of the same for the penalty incurred, and the costs of keeping and impounding and sale;

Destruction of dogs.

XVII. To regulate and prevent the running at large of dogs, to authorize the destruction of dogs running at large, and to impose taxes on the owners of dogs;

Slaughter houses, &c.

XVIII. To locate, regulate and remove slaughter houses, establish and regulate public markets, license and regulate butchers, designate the places and manner of selling

meats, fish, fruits and vegetables, and to prohibit persons from selling such articles without licenses;

Vending of hay, &c.

XIX. To prescribe and regulate the places of vending or exposing for sale wood, hay, straw and other articles from wagons or other vehicles;

Frightening animals, &c.

XX. To regulate or prohibit any practice having a tendency to frighten animals, or to annoy persons passing in the streets or on the sidewalks in said city;

Punish vagrants, &c.

XXI. To restrain and punish drunkards, vagrants, mendicants and street beggars;

Board of health.

XXII. To establish a board of health, define its powers and duties, and provide for the protection and maintenance of the health of the city;

Contracts, &c.

XXIII. To prescribe the manner in which all contracts for performing work or furnishing materials for the city shall be made and executed;

Nuisances, &c.

XXIV. To abate or remove nuisances of every kind, and to require the owner or occupant of any grocery, cellar, tallow chandlers' shop, butcher's stall, soap factory, tannery, stable, privy, hog pen, sewer, or other offensive or unwholesome house or place, lot or enclosure, to cleanse, remove or abate the same; or in a summary manner to cause the same to be done at the expense of the owner or occupant thereof;

Cartmen, hackmen, &c.

XXV. To license and regulate cartmen, porters, hack, cab, omnibus, milk wagon, stage and truck owners and drivers, carriages and vehicles used for the transportation of passengers and merchandise, goods or articles of any kind, auctioneers, common criers, hawkers, peddlers, pawnbrokers, junk shop keepers, sweeps and scavengers, and to fix the rates of compensation to be allowed them, and to prohibit unlicensed persons from acting in such capacities;

Ringing of bells, &c.

XXVI. To regulate the ringing of bells and the crying of goods, and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets;

Bathing.

XXVII. To regulate or prohibit swimming or bathing in the waters of or bounding the city;

Day and night police.

XXVIII. To establish, regulate and control a day and night police, and to regulate and define the manner of their appointment and removal, their duties and their compensation;

XXIX. To establish, regulate and control a fire department, to regulate and define the manner of the appointment and removal of the officers and members of the fire department, their duties and their compensation, to provide fire engines and other apparatus, and engine houses and other places for keeping and preserving the same, and to provide water for extinguishing fires; Fire department.

XXX. To regulate and control the manner of building dwelling houses and all other buildings, and to prohibit within certain limits, to be from time to time prescribed by ordinance, the building or erection of any dwelling house, store, office, shop, barn, manufactory, stable, or other building of wood or other combustible material; to regulate the construction of chimneys, and to compel the sweeping thereof; to prevent the setting up or construction of furnaces, stoves, boilers, ovens, or other things in such a manner as to be dangerous; to prevent the deposit of ashes in unsafe places; to regulate or prohibit the carrying on of manufactories dangerous in causing or promoting fires; to regulate or prohibit the manufacture, sale, or use of fire-works, and the use of fire-arms in said city; to regulate or prohibit the keeping and conveying gunpowder, camphene, spirit gas, petroleum and other dangerous materials, and the use of candles and lights in barns, stables, and other buildings; to raze or demolish any building or erection which, by reason of fire, contagion, or any cause, may become dangerous to human life or health, or tend to extend a conflagration; to require all such further or other acts to be done, and to regulate and prohibit the doing all such further or other acts as they may deem proper to prevent the occurrence and provide for the extinguishment of fires in said city; Building of dwelling houses, &c.

XXXI. To adopt all legal and requisite measures for levying and collecting the taxes; Collection of taxes, &c.

XXXII. To prescribe and define the duties of city and ward officers, where not otherwise prescribed by law, and their compensation and the penalty or penalties for failing to perform such duties, and to prescribe the bonds and sureties to be given by the officers of the city for the discharge of their duties, and the time for executing the same, in cases not otherwise provided for by law; Define duties of ward officers.

To determine compensation of officers.

XXXIII. To fix and determine a reasonable compensation to be paid to any officer of said city, or other person employed by them for any service required of him by this act, or by any ordinance or resolution passed by them, for which no specific fee or compensation is provided to be paid by the person or persons for whom such service shall be performed.

May establish, amend, &c., ordinances, rules, &c.

27. *And be it enacted*, That the city council shall have power to make and establish such other ordinances, rules, regulations and by-laws, not contrary to the laws of this state or of the United States, as they may deem necessary to carry into effect the powers and duties conferred and imposed on them by this act, or by any other law of this state; and such also as they may deem necessary and proper for the good government, order, protection of persons and property, and for the preservation of the public health and prosperity of said city and its inhabitants, and the same to alter, modify, amend and repeal.

May prescribe penalties for violation of ordinances.

28. *And be it enacted*, That in all cases where by the provisions of this act the city council have authority to pass ordinances on any subject, they may prescribe a penalty or penalties for the violation thereof, either by imprisonment in the county jail not exceeding ten days, or by fine not exceeding one hundred dollars; the book of records of the ordinances and by-laws of the said city council shall be taken and received as evidence of the due passage by said city council of all ordinances and by-laws recorded therein; and further, the volume of ordinances and by-laws printed and published by authority of the city council, shall in like manner be taken and received as evidence of the ordinances and by-laws of the said city council; and the publication of the said ordinances and by-laws in the public newspapers, according to law, shall, in all cases, be presumed to have been made until the contrary be proved.

Volume to be received in evidence.

May prescribe cumulative penalties.

29. *And be it enacted*, That it shall be lawful for the city council to prescribe cumulative penalties, for the violation of any ordinance which they may pass as to the erection, alteration or removal of any building or buildings within said city, to an amount not exceeding in the aggregate the sum of five hundred dollars.

30. *And be it enacted*, That the sole and exclusive power to grant licenses to persons to keep inns and taverns

within said city, and to prohibit the keeping the same except by persons duly licensed, shall be vested in the city council on such terms and under such limitations, regulations and restrictions, as the said city council shall by their ordinance impose. Sole power to grant licenses to keep inns and taverns.

31. *And be it enacted*, That the city council shall have power to purchase real estate, and to build and maintain thereon a city hall, and such other buildings as they may deem necessary for the accommodation of the city officers, and the day and night police of said city. May purchase real estate, and erect buildings, &c.

32. *And be it enacted*, That the city council shall have power to raise by tax, in each year, such sum or sums of money as they shall deem expedient, or shall be necessary, for all objects and purposes authorized by this act, to be assessed and collected as is now, or may hereafter be, provided by law, except as may be herein otherwise provided. Power to raise money, by tax.

TITLE FOURTH.

OF THE POWERS AND DUTIES OF CITY OFFICERS.

33. *And be it enacted*, That it shall be the duty of the mayor to keep the corporate seal of the city, to cause the laws and ordinances to be duly executed and enforced, to exercise a supervision over the official acts of the subordinate officers of the city, and to report in writing any dereliction of duty to the city council; and generally to perform all such duties as may be required of him by law or the ordinances of said city; he shall sign all licenses granted by the city council, and shall grant and sign such temporary licenses for such objects and purposes as he may be authorized by ordinance of the city council to do. Duties of mayor.

34. *And be it enacted*, That the mayor shall have the authority of a commissioner of deeds under the laws of this state; and he is hereby invested with all the powers and duties of a justice of the peace of this state in criminal cases; and that the said mayor is hereby authorized on witnessing any breach of the peace or any violation of any of the ordinances of said city, forthwith to arrest and cause to be arrested, and commit the offender or offenders for a hearing without the issuing of any warrant or pro- Powers of commissioner of deeds, and justice of peace.

Other powers.

cess; and that for the purpose of quelling any insurrection, riot, disturbance or disorderly assemblage, he shall have control of the constables, watchmen, and other police force of said city, and the power to call upon the citizens for aid in all such cases; and when he shall deem it necessary, he shall have the power to call out the militia of said city, and employ the same in quelling any insurrection, riot, or disturbance of the peace.

Vacancy in office of mayor, how filled.

35. *And be it enacted*, That whenever there shall be a vacancy in the office of mayor, or whenever the mayor shall be prevented by absence from the city, sickness, or other cause, from attending to the duties of his office, the president of the city council, or if he be absent or disabled, the president to be elected pro tempore, shall act as mayor, and possess all the rights and powers of the mayor during the vacancy in office or the absence or disability of the mayor.

Duties of recorder.

36. *And be it enacted*, That the city recorder shall keep all the records, books, papers and documents of the city, countersign and keep a record of all licenses signed by the mayor, except such temporary licenses as the city council, by ordinance, may authorize the mayor to grant, and keep the record of the proceedings of the city council; he shall engross all the ordinances of the city council in a book to be provided for that purpose, with a proper index, which book shall be public record of such ordinances, and each ordinance shall be signed in said book by the president, or president pro tempore, of said city council and said recorder; and copies of all papers duly filed in the office of the city recorder and transcript thereof and of the records and proceedings of the city council, and copies of the laws or ordinances of the said city, certified by him under the corporate seal of said city shall be evidence in all courts and places; and upon the receipt of the sum of fifty cents by the said city recorder, it shall be his duty to make a copy of any law or ordinance of the said city, and deliver the same, duly attested under his hand and the corporate seal of the said city, to the person paying the said fee, and all such copies made by him as aforesaid shall be competent evidence as if the original book of ordinances was produced.

Salary of mayor and recorder.

37. *And be it enacted*, That the salaries of the mayor and city recorder of said city shall be fixed by the city council

at any sum, not exceeding six hundred dollars per annum for the mayor, and two hundred dollars per annum for the city recorder.

Collector of taxes.

38. *And be it enacted*, That there shall be one city collector of taxes for the said city of Bridgeton, instead of one collector of taxes in and for each of the wards of said city, who shall be elected as hereinbefore provided: he shall possess all the powers and perform all the duties heretofore possessed and performed by the several collectors of taxes of the several wards of said city.

Taxes, how and by whom assessed, and collected.

39. *And be it enacted*, That any and all sums of money which may be ordered by the city council to be raised by tax in any year, shall be assessed by the assessors of the several wards, and shall be collected by the city collector of taxes, in the same manner that the taxes in the townships of the said county of Cumberland are assessed and collected, except as is herein otherwise ordered, and except also, that so much of said tax as may be raised for lighting the streets of the said city, shall be assessed upon the real and personal property within certain limits in said city, to be called the light district, which district it shall be the duty of the city council to establish, and from time to time to change the boundaries thereof, as the same may be necessary; and that the said assessors shall keep the amounts so assessed for the said lighting of streets in a separate column upon their duplicates.

Taxes in light district.

Duties of treasurer.

40. *And be it enacted*, That the city treasurer shall receive all moneys belonging to the city, and shall deposit and keep the same as directed by the city council, and shall keep an account of all receipts and expenditures in such manner as the city council shall direct, and shall perform such other duties appertaining to his office as may be required of him by law or by any ordinance or resolution of the city council; the said treasurer shall, at the close of the fiscal year make out a true and full account of the receipts and expenditures during the year, and also the state of the treasury, and within five days thereafter deliver said account to the city recorder, who shall lay the same before the city council at their next meeting; and if upon examination it shall be found correct it shall be filed in the office of said city recorder, and the city council shall cause the same to be published in two newspapers published in said city, and not belonging

to the same political party, at least two weeks, once in each week, previous to the annual city election; the fiscal year shall commence on the first day of February in each year.

Powers and duties of other officers.

41. *And be it enacted*, That the chosen freeholders, commissioners of appeals in cases of taxation, surveyors of the highways, constables, overseers of the poor, and poundkeepers, elected or appointed as aforesaid, shall respectively possess the powers and perform the duties of the like officers of any township of this state, so far as such powers and duties shall be consistent with the provisions of this act.

Process may be issued for violation of ordinances.

42. *And be it enacted*, That whenever an oath or affirmation shall be made according to law, and filed in the office of the mayor or of any justice of the peace of the said city, that any person or persons has or have been guilty of a violation of any of the ordinances of said city, the said mayor or justice of the peace shall be empowered to issue a process, either in the nature of a summons or warrant, against the person or persons so charged, which process shall, when in the nature of a warrant, be returnable forthwith, and when in the nature of a summons, be returnable in not less than five or more than ten days; such process shall state what ordinance has been violated by the defendant or defendants named in such process; and on the return of such process, or at the time to which the said mayor or justice of the peace shall have adjourned the same, which adjournment, from time to time, the said mayor or justice of the peace shall have power to make, and to cause the defendant or defendants to give bail or security for his future appearance, or to commit him to jail, in default thereof pending such adjournment, the said mayor or justice of the peace shall proceed to hear testimony and give judgment in the matter without the filing of any pleadings; and the said mayor or justice of the peace shall, if the defendant or defendants be adjudged before him to be guilty of such violation of any of the ordinances of said city, forthwith issue execution against the goods and chattels and person of the defendant or defendants, for the amount of the fine imposed, with costs, or shall commit said defendant or defendants to the county jail if judgment of imprisonment shall have been, in the said cause, pro-

Execution to issue against defendant, &c.

nounced and given against the said defendant or defendants, by the said mayor or justice of the peace.

Ordinance to prescribe penalty.

43. *And be it enacted*, That each and every penal ordinance, ordained by the city council of the said city, shall prescribe a penalty, either of fine or of imprisonment, or of both, for the violation thereof; and any judgment to be given by the mayor or any justice of the peace of said city, in any proceedings had under and by virtue of the next preceding section of this act, shall be limited to the penalty or penalties prescribed in the ordinances, for the violation of which, any complaint shall be made as aforesaid.

Duty of keeper of jail.

44. *And be it enacted*, That it shall be duty of the keeper of the jail of the county of Cumberland, to receive and safely keep at the expense of the county of Cumberland, every person who shall have been committed by the mayor or any of the justices of the peace of said city, to the county jail, under the authority herein conferred, or by virtue of any of the ordinances of said city.

TITLE FIFTH.

OF THE BOARD OF EDUCATION AND OF THE PUBLIC SCHOOLS OF SAID CITY.

Appointment and term of office of trustees, of public school.

45. *And be it enacted*, That the city council, at their last meeting in June, one thousand eight hundred and seventy-five, and annually thereafter, shall appoint one trustee of public schools in each ward in said city, to fill the offices of those trustees of public schools whose terms expire in said year, and afterwards; the term of office of said trustees shall begin on the fourth day of July in each year, and they shall respectively hold their offices for the term of three years.

Board of education, powers and duties.

46. *And be it enacted*, That the school superintendent and the trustees of public schools of the said city, as herein provided for, shall constitute the board of education of said city, and shall have the direction and control of the public schools thereof; and the said board of education shall prepare and transmit to the city council of the said city, on or before the first day of August in each year, an estimate of the amount of moneys neces-

sary for the support of public schools in said city during the year, which estimate shall specify particularly, under the several heads of repairs of school houses, salaries of teachers, school books, school furniture, school libraries, stoves and fuel, and incidental expenses, as nearly as may be, the several sums required for each branch of expenditure; and the said city council shall determine by resolution, the amount of money to be appropriated to public schools during the year, including therein the quota of the city of Bridgeton, of the annual appropriation made by the state for the support of public schools; and the said city council are hereby empowered to raise by tax, such sum or sums of money for the support of public schools, and the purchase of land, and the erection thereon of buildings for the use of the public schools of said city, as they may deem expedient and necessary; and all moneys so raised and appropriated shall be expended by the said board of education for the support of public schools in the city of Bridgeton, according to law; except such money as shall be raised and appropriated for the purchase of land and the erection of school buildings thereon, which shall be expended under the direction of the said city council.

Moneys, how expended.

Treasurer to pay over money.

47. *And be it enacted*, That the city treasurer shall, in each year, pay over to the school superintendent, such sum of money as the city council may have ordered to be raised by tax, for the support of public schools in said city.

Board to make report.

48. *And be it enacted*, That the said board of education shall, on or before the first day of August, in each year, prepare a report embracing the number of schools under their charge, specifying their grades, the number and names of the teachers, the number of pupils on the rolls, and the average attendance in each school, and a full and true account of the expenditures of said board during the year, under the respective heads of repairs of school houses, salaries of teachers, school books, school furniture, school libraries, stoves and fuel, and incidental expenses, and shall transmit the said annual report to the city council, who shall file the same in the office of the city recorder; and the said board of education shall cause the said account of the expenditures of the said board during

Report to be published.

the last year to be published, for two weeks, once in each week, in one or more newspapers published in said city.

TITLE SIXTH.

OF STREETS, HIGHWAYS, ETC.

Appointment of commissioners to lay out, &c., streets, their duties, powers, &c.

49. *And be it enacted,* That the city council of said city, upon petition of not less than fifteen freeholders of said city, shall appoint three persons to act as commissioners to lay out, open, widen, alter, or vacate any street, road, lane or alley in said city; the said commissioners shall take and subscribe an oath or affirmation to act faithfully and impartially in the premises; they shall cause at least ten days notice of their meeting, together with a general description of the improvement applied for, to be set up in three of the most public places in said city, and shall cause one insertion to be made in one of the newspapers published in said city, and at the time appointed view the premises and hear objections, if any shall be offered; after which, if the said commissioners or any two of them shall adjudge the improvement or alteration applied for proper and necessary, they shall establish it, and shall make an assessment of the damage, if any, the owner of any land or real estate, other than the applicant or applicants, will sustain by laying out or altering said street, over and above the advantage that will, in their judgment, accrue to said owner; and also shall make return in writing, under their hands, together with a map and survey containing a particular description of such improvement, and shall appoint a time for opening or closing the same, which return and map shall be filed in the office of the city recorder, and shall be open to the inspection of all parties interested; in case the said return shall be confirmed by the city council, the same shall be so endorsed under the hand of the city recorder and the seal of said city, and shall be filed, together with said map, by the said city recorder in the clerk's office of the county of Cumberland, and shall be recorded in the road book of said county by said clerk, who shall be entitled to the same fees as for recording the return of the laying out or vacating public highways; *provided, however,* that no return shall be confirmed by the city council until at

May make assessments for damages, &c.

Proviso.

least ten days' public notice has been given by two insertions in one of the newspapers published in said city, of such return made to the city council, and to whom any person feeling aggrieved may appeal for relief.

Proceedings in case persons are dissatisfied with assessment.

50. *And be it enacted*, That if any person or persons shall be dissatisfied with the assessment of damages made by the said commissioners, they may within twenty days after the said return shall be filed in the clerk's office as aforesaid, file their notice of appeal therefrom in said office; after which the said appellants may apply to the next term of the court of common pleas of said county, and in case the next term of said court shall begin in less than twenty days after the said return shall be filed in the clerk's office as aforesaid, they may apply to the next succeeding term, and the said court shall appoint three disinterested chosen freeholders of said county to review the said assessment made by the said commissioners, and lessen, increase, or confirm the same, as to them, after taking into consideration the advantage and disadvantage that will accrue to said owner, shall seem fit and just; and the report of the said chosen freeholders, or a majority of them, made in writing, under their hands, shall be filed in the office of the city recorder, and shall be open to the inspection of all parties interested; in case said report of the said chosen freeholders shall be confirmed by the city council, the same shall be so endorsed under the hand of the city recorder and the seal of said city, and shall be filed in the clerk's office of the county of Cumberland.

When return of streets, &c., are to be recorded.

51. *And be it enacted*, That the return of any street, road, lane, or alley, made by the said commissioners, and confirmed by the city council, and filed in the clerk's office of the said county, as provided in the second preceding section, shall not be recorded by the clerk of said county in the road book of said county until after the expiration of twenty days from the filing of the said return in the clerk's office aforesaid; and in case an appeal from the assessment of damages made by said commissioners shall be made to the court of common pleas of said county, as is provided in the next preceding section, then the return of the said commissioners and the map accompanying the same shall not be recorded by the clerk of said county in the road book of said county, nor shall the same be opened as a street, road, lane, or alley,

until the city council shall approve and confirm the report of the said chosen freeholders, and until the same shall be endorsed and sealed, as is provided in the preceding section, and filed in the said clerk's office; which said report of said chosen freeholders, when approved, confirmed, endorsed, sealed, and filed, as aforesaid, shall then be final and conclusive to all the parties interested. Streets, &c., not to be opened, until council confirm report.

52. *And be it enacted*, That the said commissioners, and the said chosen freeholders, shall be entitled to have and receive two dollars each per day, for their services aforesaid, which sum shall be paid to the said commissioners by the applicants, and to the said chosen freeholders by the appellant or appellants. Compensation.

53. *And be it enacted*, That the city council may cause any street, road, lane or alley in said city, laid under this act, to be opened at the time named by the said commissioners aforesaid, for opening the same; and all buildings or other obstructions to be removed therefrom, and said street, road, lane or alley, shall thereupon be a public highway; *provided*, that it shall not be lawful for the city council to open, widen or alter any street, road, lane or alley, under this act, until the damage assessed as aforesaid, shall have been paid or legally tendered by said city of Bridgeton. Streets, &c., when public highways. Proviso.

54. *And be it enacted*, That it shall not be lawful for any new street or streets to be opened within the limits of the city of Bridgeton, except in the mode prescribed in this act, unless the applicant or applicants for said new street or streets, first secure the assent of the city council to the opening of the same, after ten days' notice has been given, in three of the most public places of said city, and describing in said notices the location of the street or streets to be applied for. Assent of council to be first obtained, before any new street shall be opened.

55. *And be it enacted*, That it shall be lawful for the city council of said city, by ordinance, to limit, fix and define the width and grade of the streets and sidewalks of the said city as now used, or hereafter laid out; and if any owner or owners of real estate in said city shall neglect or refuse to comply with any ordinance of the city council, passed under the authority of this act, for grading, paving, curbing, laying, cleaning and repairing the streets and sidewalks of said city, for the space of thirty days after personal notice of said ordinance served Width and grade of streets, &c., to be fixed by ordinance.

Council may cause work to be done, if owners refuse.

upon such owner or owners, or left at his or their place of residence, if a resident of said city, or if a non-resident of said city, after a notice of said ordinance addressed to said owner by name, if the same be known, or if unknown, addressed to the owner or owners of the real estate referred to in any such ordinance, and giving a brief description of said real estate, shall be published in two newspapers not belonging to the same political party and published in said city for three weeks successively once in each week, it shall and may be lawful for the city council to cause the said work to be done, and to pay for the same out of any money in the city treasury not otherwise appropriated.

Manner of apportionment of cost, when work caused to be done.

56. *And be it enacted*, That when any work shall be caused to be done and paid for by the said city council, as provided for in the next preceding section, it shall be the duty of the superintendent of the highways, or other person in charge of said work, to apportion the cost of said work as against each of the said persons to whom notice or notices shall have been given, as required by the next preceding section of this act; and that in making the said apportionment of the cost of such work, the said superintendent of the highways, or other person in charge of said work, shall have respect both to the front of the real estate of such person or persons upon the public street or highway, and the expense of the said work upon each of the said several tracts of real estate belonging to such person or persons, as nearly as he can ascertain the same; and he shall file a particular statement of the cost of the whole of the said work, together with his aforesaid apportionment of the cost of the same, verified by an affidavit to the effect that the same is just and true to the best of his knowledge and belief, in the office of the city recorder.

Statement to be made.

Apportionment of cost, may be collected by suit.

57. *And be it enacted*, That after the filing of the statement and apportionment as aforesaid, the said "The City of Bridgeton" may sue for and recover, in any court of competent jurisdiction, from each and every person or persons in said apportionment mentioned, his or their proper proportion of the cost of any such work as the same is shown by the aforesaid apportionment, with interest upon the same from the date of the filing of the aforesaid statement and apportionment in the office

of the city recorder, together with the costs of suit; said suit shall be an action of assumpsit, and the plaintiff therein may declare upon the common counts and annex a copy of the statement and apportionment to his said declaration, or in case the said suit be begun by writ of attachment, the said "The City of Bridgeton" if it be the attaching creditor, or an applying creditor under any attachment to recover any such sum, shall file a copy of such statement and apportionment with the affidavit made in such proceeding.

Copy of statement, evidence.

58. *And be it enacted*, That upon the trial of any such suit, a copy of any such statement and apportionment, duly certified under the hand of the city recorder and the seal of the said city of Bridgeton, shall be conclusive evidence of the execution and cost of any such work, and of the proper apportionment of the same or any part thereof, to the several persons named therein.

Notice may be served upon president, &c., of any corporation.

59. *And be it enacted*, That in the case of any corporation, the notice required by the fifty-fifth section of this act shall and may be served upon the president or vice president thereof, if a resident of said city, or otherwise, upon any of the directors thereof who may reside in said city, or upon the clerk or superintendent thereof, at the office of said corporation; and in all other respects any corporation may be proceeded against as if it were a person, not a corporation.

TITLE SEVENTH.

MISCELLANEOUS PROVISIONS.

No person incompetent as a juror.

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

Ordinances, continued in force.

61. *And be it enacted*, That all ordinances of the said city passed under and by virtue of the provisions of an

act entitled "An act to incorporate the city of Bridgeton," approved March twenty-ninth, eighteen hundred and sixty-four, and the several supplements thereto, not inconsistent with this act, shall continue in force until altered or repealed by the city council.

Laws to appertain to city of Bridgeton.

62. *And be it enacted*, That all the duties heretofore imposed by the laws of this state upon the inhabitants of the several townships thereof, so far as the same are consistent with the several provisions of this act, shall appertain and be sustained and performed by "The city of Bridgeton," and that all the rights, privileges, emoluments and advantages heretofore conferred by the laws of this state upon the inhabitants of the several townships thereof, so far as the same are consistent with the several provisions of this act, shall appertain to and be held and enjoyed by "The city of Bridgeton," in like manner as they were or might have been sustained and performed, and held and enjoyed by "The inhabitants of the township of Bridgeton, in the county of Cumberland," and by "The inhabitants of the township of Cohansey, in the county of Cumberland," had this act never been passed.

Mayor to pay over license fees, and fines.

63. *And be it enacted*, That all fees for licenses shall be paid to the mayor of said city, who shall pay over the same to the city treasurer; and the said mayor, and any justice of the peace, before whom any fines are or have been recovered by virtue of any of the provisions of this act or of any of the ordinances of said city, shall pay over the same to the city treasurer, and report the amount of the same to the city council; the said mayor shall also report the amount of the fees received for licenses, and shall make his reports at least once in every three months.

Police officers, &c., may arrest offenders.

64. *And be it enacted*, That any police officer or constable of said city is hereby authorized, on witnessing any breach of the peace, or any violation of any of the ordinances of said city, forthwith to arrest the offender or offenders, and to confine the said offender or offenders until a hearing can be had before the mayor or one of the justices of the peace of said city, and to bring the said offender or offenders before said mayor or one of the justices of the peace of said city, who shall take cognizance of the offence.

65. *And be it enacted*, That each of the wards of said

city shall be allowed the same number of commissioners of deeds, as the respective townships in this state are now or may hereafter be entitled to. Commissioners of deeds.

66. *And be it enacted*, That from and after the passage of this act, all acts and parts of acts inconsistent with or repugnant to this act be, and the same are hereby repealed; but nothing herein contained shall be construed so as to destroy, impair, or take away any right or remedy acquired or given by any act hereby repealed; and all proceedings commenced under any such former act shall and may be carried out and completed, and all prosecutions for any offense committed, or penalty or forfeiture incurred, shall be carried on in all respects in the same manner and with the same effect as though this act had not been passed; and the provisions of this act shall not be construed to apply to or in any wise affect any person who has heretofore been elected to any office at any annual city election, so far as relates to said office. Repealer. How construed. Former proceedings, how completed, &c.

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

Approved March 25, 1875.

CHAPTER CCXXIX.

An Act to facilitate the collection of taxes in the township of Stockton, in the county of Camden.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of the township of Stockton, in the county of Camden, shall have power to enforce the collection of all delinquent taxes heretofore assessed or which may hereafter be assessed on any real estate in said township, whether owned by residents or non-residents of this state, by exposing the same for sale, or so much thereof as may be sufficient to pay said taxes, and the costs thereon at public vendue, to the person or persons who will take the least quantity of said land, to be laid out in one body, Lands may be sold, for non-payment of taxes.

and to commence at some designated corner of the premises on which said delinquent taxes are claimed to be due; and in case where the said committee may deem it for the interest of the township, they may authorize the collector of the township to appear at such sale, and bid on such lands as are offered for sale as aforesaid, in the name of the township; the lands so sold to him, if any, to be the property of said township.

Collector may bid on such lands.

2. *And be it enacted*, That no land shall be sold by virtue of this act until the township collector shall have made a return to the township committee, that the taxes assessed on said lands are unpaid, and have by him been returned as delinquent, and shall verify the same by his affidavit attached thereto; and the collector neglecting or refusing to make such return and affidavit, at least ten days before the annual township meeting for the election of officers, shall be liable to the township for all said unpaid and delinquent taxes, not so returned.

Collector to make return, before lands are sold.

Penalty.

3. *And be it enacted*, That within twenty days after said return by the collector of the township, the township committee shall cause a copy of said return to be recorded in the clerk's office of said township, and a copy thereof to be posted in at least three public places in said township, one of said places to be at the place where the last election of said township was held, the same to be certified to and signed by the clerk of the township.

Copy to be executed, and posted up.

4. *And be it enacted*, That if any of said delinquents at any time before the expiration of twenty days after the first posting of said notices, shall appear before said clerk and pay said delinquent taxes and the costs, together with the additional sum of fifty cents as registry fee for said clerk, then in such case the clerk shall receive the same in the name of the township committee, and give his receipt therefor; but in case such delinquent do not appear and make the said payment within the said twenty days, the township committee shall cause a certified copy of the said returns and affidavit of the collector to be published in one or more newspapers published in said county at least six weeks, specifying the time and place when the same will be sold at public vendue as aforesaid, for the collection of said returned and delinquent taxes.

Delinquents may pay tax.

Notice to be published of time and place of sale.

5. *And be it enacted*, That on the day mentioned in

said notice as the day for said sale, or on some subsequent day to which said sale may be adjourned, the chairman of the said committee shall at the hour named in said notice, proceed to sell the several tracts or parcels of land returned and unpaid, and in the order so returned, at public vendue as aforesaid, to the person or persons who will take the least quantity of said premises so offered, and pay the amount of said delinquent taxes with the costs of advertising and sale. Chairman of committee, to sell lands.

6. *And be it enacted*, That immediately after such sale, the township committee shall execute and deliver to such person or persons who may become the purchasers of said lands, a certificate of such sale, describing the piece, or several pieces so sold as the case may be, together with the amount paid for the same entitling the holder thereof to a deed of the premises so sold; *provided*, that the owner or owners of said land or lands do not within one year from the date of said certificate appear before the said committee and deposit with them for the purchaser of said land the amount so paid by him, together with interest at fifteen per centum per annum, in which case the said certificate shall be deemed to be cancelled, and the amount so received shall on demand be paid to the party holding and owning such certificate. Certificate of sales, to be executed to purchasers. Proviso.

7. *And be it enacted*, That a majority of the said committee shall constitute a quorum for the purposes of this act, and may adjourn from time to time, as they shall judge proper. Quorum.

8. *And be it enacted*, That this act shall be deemed to be a public act and shall take effect immediately; and all acts or parts of acts inconsistent herewith, so far as relate to said township of Stockton, are hereby repealed. Repealer.

Approved March 25, 1875.

CHAPTER CCXXX.

A Further Supplement to an act entitled "An Act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six.

Time of finishing assessments.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the assessors of the several townships, towns, wards, boroughs and cities in the county of Middlesex, shall hereafter in each and every year, make and finish their assessments required by law, between the fifteenth day of April and the fifteenth day of June, and shall meet as a board of assessors on the last Tuesday in June in each and every year.

Time of meeting of commissioners of appeal.

2. *And be it enacted*, That the commissioners of appeal, in cases of taxation in the city of New Brunswick, in said county, shall meet in each and every year hereafter, on the third Tuesday in July, to perform the duties required of them by law.

Tax, when due and payable.

3. *And be it enacted*, That all taxes hereafter assessed in the said city of New Brunswick, shall become due and payable on the first Tuesday of September in each and every year.

Deductions may be allowed, if taxes are paid before a certain time.

4. *And be it enacted*, That if any person or party assessed in the said city of New Brunswick, shall pay to the collector of taxes at any time on or before the first day of August in any year hereafter, the taxes assessed against him, her or it for that year, the collector shall allow and deduct two per centum from the amount thereof, and the payment of the balance shall be in full of the tax assessed; and if any person or party shall pay the same after the first day of August and before the fifteenth day of August, then the said collector shall in like manner allow and deduct one per centum on said amount of tax, and payment of the balance shall be in full: and if any person or party so assessed shall pay the same after the fifteenth day of August and before the first Tuesday in September, the said collector shall in like

manner allow and deduct one-half of one per centum from the amount assessed, and the payment of the balance of said tax shall be in full.

Taxes, when to draw interest.

5. *And be it enacted*, That in all cases where said taxes shall not be paid on or before the first Tuesday in September, when the same shall become due, the collector shall add one per centum of the amount assessed to said tax, and collect the same therewith; and if not paid on or before the first day of October next, after the same shall become due, then the said collector shall add to said tax and collect therewith two per centum of the amount assessed; and if not paid on or before the first day of November next, after the same shall become due, then the said collector shall add to said tax and collect therewith three per centum of the amount assessed; and upon all taxes remaining unpaid after the first day of November in each and every year, the said collector in addition to said three per centum, shall charge and collect at the rate of twelve per centum per annum on the amount assessed from the time when said taxes became due, to the time of their payment.

Notice to be published.

6. *And be it enacted*, That the collector of taxes shall, between the first and fifteenth days of July in each and every year, [give] public notice twice in every week, in all of the daily papers published in said city, for the space of three months, of the provisions contained in the fourth and fifth sections of this act; and all remissions and reductions made by the commissioners of appeal on taxes paid before their hearing and determination of any appeal from the same, shall be returned by the collector to the persons or parties entitled to receive them, on presentation of a certificate of said reduction or remission from said commissioners.

Remissions and reductions to be returned.

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

Approved March 25, 1875.

CHAPTER CCXXXI.

An Act to authorize the voters of the township of Jackson, in the county of Ocean, to elect their Overseers of Roads, by Districts.

Power to elect overseers of roads.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That the legal voters of the township of Jackson, in the county of Ocean are hereby empowered to elect in each road district their overseer of road, in the same.

Meeting of legal voters.

2. *And be it enacted,* That the said legal voters of each road district shall meet at a place most central in each district, on the last Saturday before the annual town meeting in said district, by notice put up ten days before said election, in three conspicuous places in each district by the overseer.

Opening and closing of polls.

3. *And be it enacted,* That the polls shall open at two o'clock, P. M., and remain open one hour; and said election shall be by ballot.

Election officers.

4. *And be it enacted,* That a judge and clerk of said election shall be elected to preside over said election, by viva voce.

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

Approved March 25, 1875.

CHAPTER CCXXXII.

A Further Supplement to an act entitled "An Act to improve Bergen Wood Road, in Hudson county," approved April ninth, eighteen hundred and sixty-eight.

Preamble.

WHEREAS, The commissioners to improve Bergen Wood

road, in Hudson county did, in the year one thousand eight hundred and sixty-eight, cause a survey to be made of section number three of said road, showing the proposed lines of said road in said section, and did on the twenty-sixth day of September, one thousand eight hundred and sixty-eight, make and enter into a certain contract with the firm of Gardner and Heck, contractors, for the grading, regulating and improving said section of said road; and whereas, nothing has been done by said contractors under said contract towards the improvement of said section, and no further or other proceedings have been taken by said commissioners touching or relating thereto, and it is therefore deemed proper and just that the property owners upon the line of said section should, under these circumstances, be heard in reference to the completion of said improvements in said section, before any further proceedings are had therein; therefore,

Commissioners to give notice of intention to grade, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners to improve Bergen Wood road, in Hudson county, before they proceed any further with the grading, regulating and improving of section number three of said road, shall give notice of their intention of so doing, by advertisements for the period of four weeks, at least once in each week, in one of the newspapers circulating in the neighborhood of said improvements, and by posting said notice for at least twenty days in ten of the most public places on the line of said road in said section, which advertisements and notice shall designate the time and place where land owners on the line of said improvement can be heard relative thereto; and if at such time and place the owners of a majority of the land along said road and in said section shall remonstrate, in writing, against the further completion of said improvements, then no further action shall be taken by said commissioners in relation to the improvements in said section; *provided*, that nothing herein contained shall affect any legal rights which said contractors now have under their said contract, but if the owners of a majority of the land along such road in said section shall not remonstrate at said time and place then such improvement shall be completed and carried out by said commissioners; *provided however*, that in case

No further action to be taken, if majority of owners remonstrate.

Proviso.

Proviso.

a remonstrance is presented as in this act provided and no further action is taken by said commissioners in relation to the further improvement of said road in said section, said commissioners shall have the power and they are hereby authorized to assess and collect, in the manner provided in the original act, approved April ninth, one thousand eight hundred and sixty-eight, and the several supplements, all the costs and expenses already incurred by said commissioners touching or relating to said section of said road.

Repealer.

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

Approved March 25, 1875.

CHAPTER CCXXXIII.

An Act in relation to School District Number Eight, in the township of Montclair, in the county of Essex.

Election of school trustees.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at the next annual meeting to be held for the election of school trustees, in and for "School District Number Eight, in the county of Essex," which district was incorporated under and by virtue of the certain act entitled "An Act to establish a system of public instruction," approved March twenty-first, eighteen hundred and sixty-seven, six new trustees shall be elected to take the places of the present board of trustees, whose terms of office shall be held to expire on the day when such election shall be held; and that at the first meeting of said new trustees after their election, they shall, by lot, select two of their number to serve for one year, and two to serve for two years, and two to serve for three years, from the date of such election; and that, in every succeeding annual election, two trustees shall be elected in said district to serve for the term of three years, in addi-

Trustees to meet, and term of office, &c.

tion to such other trustee or trustees as may be elected to fill any vacancy or vacancies for the unexpired term.

Election and duties of treasurer.

2. *And be it enacted*, That the said trustees shall have power to choose one of their own number to be their treasurer, and who shall, under their direction, receive, collect, and disburse all moneys for school purposes in said district, and who shall give unto said trustees, by their above mentioned corporate name, such bond, with such securities as they may require and approve, for the faithful and honest discharge of the duties of his office.

Repealer.

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

Approved March 25, 1875.

CHAPTER CCXXXIV.

An Act supplementary to an act entitled "An act to revise the charter of the borough of Princeton," approved April third, eighteen hundred and seventy-three.

Taxation not to extend to property, exempted by the general law.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the power of taxation conferred on the borough of Princeton by its charter, shall not extend to property exempted from taxation by the general laws of this state.

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

Approved March 25, 1875.

CHAPTER CCXXXVI.

A Supplement to an act entitled "An Act to incorporate the borough of Haddonfield, Camden county, New Jersey," approved March twenty-fourth, one thousand eight hundred and seventy-five.

When to take effect.

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 shall take effect immediately.

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

Approved March 25, 1875.

CHAPTER CCXXXVII.

A Further Supplement to the act entitled "An Act to revise and amend the charter of the town of Orange," approved March third, eighteen hundred and sixty-nine.

Power to divide wards into election districts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That whenever any ward, or any election district in the city of Orange, shall contain more than eight hundred voters, it shall be the duty of the common council of said city, to create and establish by ordinance, two or more election districts, within the limits of said ward, in such manner that no such district shall contain more than eight hundred voters; and that,

May alter boundaries of election districts.

for that purpose, the said common council shall have power to alter by ordinance as aforesaid, the boundaries of any district or districts previously created or established; and that such districts shall be known and

distinguished by numbers; and that it shall be the duty of the city clerk to file, in the office of the clerk of the county of Essex, a certified copy of any ordinance or ordinances creating and establishing or altering any such district or districts.

Who to act as election officers.

2. *And be it enacted*, That when a ward shall be so divided into election districts, the assessor and judges of election in and for said ward, who have been previously elected, shall constitute the board of election in and for district number one of said ward, until after the next annual charter election; and that, subsequently, the assessor of said ward, for the time being, shall be a member of the said board in and for said district, and the judges of election thereof, shall be elected in the manner hereinafter provided for the remaining district or districts into which said ward shall be divided.

Elections, by whom conducted.

3. *And be it enacted*, That in said remaining district or districts, all elections shall be held by a board of election, consisting of a chairman and two judges of election for each district; that until after the next annual charter election, the said chairman and judges shall be appointed by the common council, and shall not all belong to the same political party; and that, in said next and every succeeding annual charter election, they shall be elected by the legal voters of their respective districts, and that, in such elections, no ballot shall be counted for said judges of election which shall contain the name of more than one person for that office, and the two persons receiving the highest number of votes therefor shall be declared to be elected.

Judges of election.

Duties of election officers.

4. *And be it enacted*, That the common council shall appoint a district clerk, to act as clerk of election in each of said districts; and that the said assessor, chairman or chairmen, judges of election and district clerks, shall severally perform the same duties, and have the same powers as judges of election and clerks, under existing laws; and that all elections which may be held by them, in their several districts, shall be conducted as nearly as possible in the same manner, and shall be subject to the same rules as elections for members of the legislature of this state.

5. *And be it enacted*, That the said common council are hereby authorized and empowered, in their discretion,

Power of council to enter into contract with townships, for use of fire department.

to make and enter into any contract or contracts with the municipal authorities of any adjoining township, for the use of the fire department and apparatus of said city, upon such terms as shall be mutually satisfactory.

Repealer.

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

Approved March 25, 1875.

CHAPTER CCXLII.

An Act relative to taxes in the county of Middlesex.

Preamble.

WHEREAS, in the year one thousand eight hundred and seventy-three, in making the valuation of property in the township of South Amboy, in the county of Middlesex, the assessor took the valuation of property held by the Pennsylvania Railroad Company, lessees, at ten hundred and eighty-one thousand dollars, in excess of what it should have been; the tax upon which said sum amounted for state and county purposes, to nine thousand four hundred and four dollars and seventy cents, and the said excessive valuation having been returned to the board of assessors, and by them made the basis for determining the amount of state and county tax to be raised by said township, which now stands charged with said sum in the accounts of said county; and it being just and equitable that the said township should not be required to pay tax upon such erroneous valuation; therefore,

Township released from payment of state and county tax.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of said township of South Amboy, be and they are hereby released from the payment of state and county tax on such erroneous valuation, which tax amounts to nine thousand four hundred and four dollars and seventy cents; and

Assessment, declared void.

that the assessment upon such excessive valuation is hereby declared null and void.

2. *And be it enacted*, That the assessor of South Amboy, be and is hereby directed in making the assessment for taxes in the year eighteen hundred and seventy-five, to include in such assessment the balance of state and county tax due the county of Middlesex, for the year eighteen hundred and seventy-three, after deducting the said nine thousand four hundred and four dollars and seventy cents from the amount fixed by the board of assessors, to be raised by said township, for said year eighteen hundred and seventy-three. Duty of assessor in regard to making assessment, for state and county tax.

AND WHEREAS, The said county of Middlesex, has paid into the state treasury tax upon such erroneous valuation amounting to three thousand five hundred and sixty-seven dollars and thirty cents; therefore, Preamble.

3. *And be it enacted*, That the state treasurer be, and is hereby required to pay to the county collector of said county of Middlesex, for the use of said county, upon the warrant drawn in the usual manner, the said sum of three thousand five hundred and sixty-seven dollars and thirty cents. State treasurer to pay county collector.

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

Approved March 29, 1875.

CHAPTER CCXLIII.

An Act relative to Reservoir Number Three, of the Jersey City Water Works.

WHEREAS, A contract made on the second day of March, A. D. eighteen hundred and seventy-one, between the water commissioners of Jersey City and Mitchell and Bridgeford, for building reservoir number three, of the Jersey City Water Works, and the same was assigned to Jeremiah B. Cleveland on or about the tenth day of January, A. D. eighteen hundred and seventy-two; *and whereas*, the plans for building said reservoir were essentially altered by a resolution of Preamble.

the board of public works, but no advertisement was published for doing the work on the new plans substituted for the original plans of construction, and the prices in the contract may not have been proper for the new work, and yet the said Cleveland proceeded to execute considerable of said work on said new plans, and claims that therefore a considerable sum of money is due to him; *and whereas*, the work should not be further proceeded with except after competition is invited as required by law, though the said Cleveland may have an equitable claim for money due him in respect thereof; therefore,

Work stopped, and plans, &c., to be prepared, &c., when determined upon.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the further prosecution of work on said reservoir shall be stopped; that complete specifications shall be prepared, and proper plans and drawings made therefor, and the work that the board or authority now having charge or hereafter having charge of the same thinks proper to have done on said reservoir, shall be definitely determined upon, and that the said board or authority after the preparation of such specifications and plans, and such determination, shall proceed to advertise for proposals for doing said work, and furnishing the materials necessary, in the manner that is or shall be directed by law in other cases of public work in Jersey City, at the time of such advertisement; and the contract for doing such work shall be awarded as shall be provided by law in cases of other public improvements of the same or like nature.

Proposals to be advertised, and contract to be awarded.

Board or authority to submit question of compensation, &c.

2. *And be it enacted*, That the board or authority aforesaid shall, if said Cleveland desires it, submit the question: "what compensation, if any, is equitably due to said Cleveland for what has been done or furnished by him or his assignors, either under the contract before stated with his assignors, or for work done or materials furnished for said reservoir or the sewer therewith connected, outside of that contract?" not however charging said Cleveland with any over-payment to Mitchell and Bridgeford for work done by them, if any such over-payment there was, to the award and determination of such person or persons as said Cleveland and the board of finance and taxation of Jersey City shall agree upon, and the amount of said award, if in favor of said Cleveland,

shall be paid to him by the board or authority having control and charge of said reservoir, in full of all claims and demands against such board or said city or any department thereof, and upon his executing and delivering to said city a release of all demands in respect of the matters aforesaid.

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

Approved March 29, 1875.

CHAPTER CCXLVI.

A Further Supplement to an act entitled "An act to revise and amend the charter of the village of South Orange, in the county of Essex," passed April fourth, one thousand eight hundred and seventy-two, and the several supplements thereto.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That the territorial limits of said village of South Orange shall be as follows, to wit: beginning at a point in the southeasterly line of Centre street, where the same is intersected by the northerly boundary line of the township of South Orange; thence in a direct line to a point in the middle of South Orange avenue, one hundred feet southerly from the southerly corner of Seton Hall College Farm House; thence in a direct line to a point in the middle of Irvington avenue, one hundred feet easterly from the easterly corner of the dwelling house formerly of Mary Clark, deceased; thence in a direct line to the southerly corner of lands of Catharine M. Hixon, in the centre line of Prospect street; thence in a direct line to a point where the northeasterly line of land of Henry Fenner intersects a stone wall running along the brow of the mountain; thence in a direct line along the brow of the mountain to a monument stone in an angle of the northerly boundary line of Boundaries.

the township of South Orange; thence along the said boundary line to the place of beginning.

Term of office of trustees.

2. *And be it enacted*, That the term of office of the president and board of trustees elected at the annual village election, shall commence on the Monday in April next succeeding said election.

Discount on taxes and assessments when allowed, and when to draw interest.

3. *And be it enacted*, That a discount of two per centum shall be allowed upon all taxes hereafter to be levied in the said village, which shall be paid on or before the twentieth day of October in that year in which they shall become due and payable; and all taxes not so paid shall draw interest at the rate of twelve per centum per annum, from said twentieth day of October until the same shall be paid; and upon all assessments hereafter to be made for improvements of whatsoever nature, a like discount of two per centum shall be allowed where the same shall be paid within ninety days after the first publication of the notice mentioned in the fortieth section of said act, after the expiration of which period of ninety days, said assessment shall draw interest at the rate of twelve per centum per annum.

Writ of certiorari, when allowed.

4. *And be it enacted*, That no writ of certiorari shall be allowed or issue to remove any assessment, report, ordinance, map, or other act, proceeding or writing whatsoever, in relation to any improvement heretofore made or to be made in said village, unless the same be applied for within three months after the confirmation of such assessment, report or other proceeding, by the board of trustees of said village.

Proceedings in case any assessment is set aside, &c.

5. *And be it enacted*, That whenever, by the judgment of any court wherein any certiorari may be brought, any assessment made under the provisions of this act shall be set aside for irregularity or illegality in such assessment, it shall be lawful for said board of trustees to cause a new assessment to be made of so much of the amount of said assessment as shall be so set aside, or of the amount thereof remaining unpaid, said assessment so made anew to be made and become a lien, and to be proceeded on in all respects in conformity with the act to which this is a further supplement, and whenever the said board of trustees shall discover that any proceedings relative to any improvements authorized by said act, are liable to be set aside by judicial authority, they may re-

institute said proceedings from the point where any error, informality, or illegality commenced, and no assessment shall be deemed invalid in consequence thereof.

May direct sidewalks to be relaid, flagged, &c., by resolution.

6. *And be it enacted*, That the board of trustees of said village may, whenever they deem it expedient, direct by resolution, without notice of intention, the sidewalks or any section or portion thereof, in front of any lot or lots in said village to be laid or relaid, flagged or reflagged, or widened, and prescribe the manner in which said work shall be done, and thereupon shall cause notice in writing to be served on the owner or owners of said lot or lots, or upon their agent or agents, and in case such owner or owners, agent or agents cannot be ascertained, shall post or affix such notice in some conspicuous place upon said lot or lots, or upon the buildings if any thereon, and in said notice order and direct said work to be done within thirty days from the date of said notice, and in case said order shall not be complied with, said board of trustees shall cause said work to be done as required by said resolution in conformity with the ordinances of the said village, and the costs and expenses thereof shall be assessed and collected in the same manner as for laying out and opening streets.

Costs and expenses to be assessed and collected.

Indebtedness for money borrowed, not to exceed a certain amount.

7. *And be it enacted*, That the indebtedness of said village for moneys borrowed in anticipation of assessments for improvements, as provided for in section sixteen of the act to which this is a supplement, shall not at any time exceed in the aggregate the sum of ten thousand dollars for all of said purposes, and shall not be increased at any time; and the "improvement bonds" provided for by said sixteenth section, may be made payable in not less than five nor more than twenty years from the date of their issue, and not more than ten thousand dollars of the principal of said bonds shall be made payable in any one year after their issue.

Improvement bonds, when payable.

Trustees may apply money for payment of bonds, &c.

8. *And be it enacted*, That said board of trustees shall have power at any time during the last five months of any current year, to apply any moneys of said village in their hands, (and not otherwise specifically appropriated,) in excess of the current expenses of the year, to the payment of the principal of said improvement bonds, and to the purchase and cancellation of the same; *provided*, that nothing herein contained shall be construed

Proviso.

to authorize an increased rate of taxation for the purpose of such payment, purchase or cancellation.

Power to appoint a collector of taxes.

9. *And be it enacted*, That in addition to the officers now provided for by the act to which this is a further supplement, the board of trustees of said village may appoint a village collector of taxes, who shall be compensated, obligated, sworn and give such bond or other security for the performance of his duties as said board of trustees shall direct and require.

Duty of collector.

10. *And be it enacted*, That the duties now prescribed by sections twenty-eight and twenty-nine of the act to which this is a further supplement, for the collector of the township of South Orange, shall hereafter be performed by said village collector.

Amendment.

11. *And be it enacted*, That the words "collector of said township," wherever the same occur in said twenty-eighth or twenty-ninth sections of said act, be stricken out, and the words "village collector," or "said village collector" inserted.

Amendment.

12. *And be it enacted*, That section twenty-three of the act to which this is a further supplement be and is hereby amended by adding the words "and that when such police justice has jurisdiction, no judgment hereafter to be rendered, from which an appeal is given to the court of common pleas by this act or otherwise, shall be removed by certiorari or otherwise to the supreme or circuit court for the correction of any supposed error therein, but the party thinking himself aggrieved shall have relief upon the appeal only, and that both as to matter of law and matter of fact."

Amendment.

13. *And be it enacted*, That the fifteenth section of the act to which this is a further supplement be amended by striking out the words "the twentieth day of May," and inserting "the fifteenth day of July," in lieu thereof.

Repealer.

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

Approved March 30, 1875.

CHAPTER CCXLVII.

A Further Supplement to the act entitled "An Act to revise and amend the charter of the town of Orange," approved March third, eighteen hundred and sixty-nine.

Discount on taxes, when allowed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That a discount of one per centum (instead of two per centum, as heretofore,) shall be hereafter allowed upon all taxes to be levied in the said city of Orange, which shall be paid on or before the twentieth day of October of that year, in which they shall become due and payable; and that if such taxes shall not be so paid, they shall draw interest, from and after that date, at the rate of one per centum per month, or any fraction of a month, until the same, with all interest and costs thereon shall be fully paid.

Taxes to draw interest.

Taxes raised for lighting of streets, how assessed.

2. *And be it enacted*, That any and all sums of money which may be ordained by the common council to be raised by tax in any year, for lighting the streets of said city, shall be assessed upon all the real and personal estate which may be assessed on the line of said streets, or such part or parts thereof as may be so lighted; and that the assessors of the several wards shall keep the amounts so to be assessed for the lighting of streets, in a separate column upon each of their respective duplicates; and that said assessors shall receive three cents a name for such additional service; and that the amount, or amounts, so to be appropriated for the lighting of streets, shall not be required to be included in the limitation of taxation to one hundred cents on every hundred dollars of assessed property, mentioned in the eighth clause of the twentieth section of said act.

Duties and compensation of assessors.

Repealer.

3. *And be it enacted*, That the word "white," and also the words "liable to a poll tax," in the forty-fourth section of said act, be and the same are hereby repealed.

Resolutions to be approved by the mayor.

4. *And be it enacted*, That all resolutions of the common council which may involve the expenditure of money,

shall, in precisely the same manner as ordinances, be laid before the mayor for his approval, and be approved or returned by him and in case of such return, may be reconsidered and passed by said council, and that, when so approved, or when so reconsidered, or when not returned by said mayor to said council, such resolutions shall take effect in like manner as ordinances.

Board of education, may employ persons to make lists of school children.

5. *And be it enacted*, That the board of education shall have power in their discretion to employ any person or persons, other than the assessor or assessors of any ward or wards of the city, to make out the list or lists of children, with their respective parents or guardians, mentioned and referred to in the forty-sixth section of said act, which list or lists shall be used for the objects and purposes stated in said section; and that said board may pay for such service, at the rate of not more than five dollars for every one hundred names of the children contained in such list or lists; and that in case the said board shall notify any such assessor or assessors of such determination to employ any other person or persons for the said service, previous to the twentieth day of May, in any year, the said assessor or assessors, so notified, shall be discharged for that year of the duty required of him or them by said section.

Compensation.

Fiscal year.

6. *And be it enacted*, That the fiscal year of the board of education shall hereafter begin and end on the certain day, in each year, which is or may be appointed for the first regular meeting of the common council in the month of March; and that the words "at least one month before the charter election," contained in the forty-fourth section of said act, shall be and the same are hereby repealed; and that, for the purpose of meeting a deficiency which may occur in the accounts of the board, for the present year, because of the above change in the fiscal year of said board, the common council shall have power to ordain to be raised, by tax, in the year one thousand eight hundred and seventy-five, such additional sum of money for the support of schools as they may deem expedient, not exceeding the twelfth part of the tax raised therefor in the year one thousand eight hundred and seventy-four.

Repealer.

Council may raise money by tax, to meet deficiency, &c.

7. *And be it enacted*, That in addition to the moneys now authorized to be raised by tax, in each year, the

common council shall have power to raise, in the same manner and at the same time, such sum or sums of money as they may deem expedient, or may be necessary, for the payment of any assessment or assessments for any improvement, which may have been or may be assessed on the city at large. Power to raise money by tax, for payment of assessments.

8. *And be it enacted*, That no person shall be hereafter allowed, within the limits of said city, to sell or permit to be sold, on his or her premises, any ale, beer, porter, cider or wine, until such person shall have first been licensed therefor by the collector of taxes, and shall have paid to him, for the use of said city, a license fee of thirty dollars, and shall have filed with him a letter of recommendation, recommending the applicant as a person of good moral character, and of good repute for temperance, and signed by at least six legal voters and freeholders of said city, who have not signed any similar letter of recommendation within the year next preceding the time of such application being made; that such license shall run for the term of one year from the time of such payment, and no longer; and that the said common council may, at any time, and in their discretion, by the vote of a majority of their whole number, revoke any such license; and that, in such case, such revocation shall take effect from the time of the service of a copy of the resolution of said council revoking such license, attested by the city clerk, upon the person so licensed, or by posting the same in some conspicuous place in or about his or her premises; and that an affidavit as to the time and manner of such service, shall be filed by said clerk in the office of the said collector of taxes, and shall thereafter be received, in all courts and places, as full and complete evidence of the facts therein stated; and that the said collector of taxes, in case of any such revocation of any such license, and upon demand made by the person so licensed, at any time before the expiration of the original term of such license, but not afterwards, shall repay to said person such portion of the license-fee by him or her paid as shall be fairly proportioned to the unexpired portion of said term; and that if any person, so licensed, shall be convicted, by the judgment of any court, of the violation of any ordinance or ordinances of the common council regulating restaurants, victualing

No person to be allowed to sell ale, beer, &c., without a license.

Fee for license and recommendation, to be filed.

Collector to refund portion of license fee, when revoked.

Licenses, how revoked

houses or cellars, ale and lager beer saloons and gardens, the said license, so granted to him or her, shall be thereby and for that cause revoked, for the balance of the term thereof, and he or she shall not be entitled to receive any new license for the sale of any or all of the above mentioned liquors, for the period of six months from the time of such conviction; and that if any person or persons shall violate any of the provisions of this section, by selling any or either of the above mentioned liquors, without such license, or after the same has been revoked as aforesaid, he, she, or they shall forfeit and pay a fine of twenty dollars for each and every offense; such fine, with costs of suit, to be recovered by the said city, in an action of debt, before the police justice or mayor of said city; and that such action may be prosecuted, and that execution may issue upon any judgment to be obtained therein, as nearly as possible in the same manner as in the recovery of a penalty for the violation of any ordinance of said common council; *provided, however*, that this section shall not apply to any inn or tavern-keeper, or to any person who may sell any such liquor for the purpose of being drank off the premises where sold.

Penalty for violation.

Penalty, how recovered.

Proviso.

Repealer.

9. *And be it enacted*, That the ninety-fourth section of said act, and the seventh section of a certain supplement thereto, which was approved March twenty-eighth, eighteen hundred and seventy-three, and the second and third sections of a certain other supplement thereto, which was approved March twenty-sixth, eighteen hundred and seventy-four, together with all acts, and parts of acts, inconsistent with the provisions of this act, shall be and are hereby repealed; and that this act shall be deemed and taken to be a public act, and shall take effect immediately.

Passed March 30, 1875.

CHAPTER CCXLVIII.

An Act to authorize the township committee of the township of Freehold, in the county of Monmouth, to borrow money.

Power of committee to 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 Freehold township, in the county of Monmouth, to provide for an existing indebtedness against said township by issuing bonds in the corporate name of said township, to be signed by said committee of said township, or any two of them, and attested by the clerk for an amount not exceeding twelve thousand dollars, in such sums and payable at such times as the said committee shall deem proper, and bearing interest at the rate of seven per cent. per annum, and to pledge the property and credit of said township for the payment of the same; *provided*, that no bond shall be sold for less than its par value.

Amount.

Proviso.

To provide by taxation, for payment of bonds &c.

2. *And be it enacted*, That the said township committee are hereby empowered to provide by taxation for the payment of such bonds, and the interest accruing thereon; and that the said township shall yearly, until the said bonds shall be redeemed and satisfied, cause to be assessed and collected by tax, at the time and in the manner that other taxes in said township are assessed and collected, a sum of money sufficient to pay the principal and interest accruing on the said bonds at such times as the same shall become due and payable; and that the collector of the said township of Freehold, when such tax or any part thereof shall be collected, shall pay the same to the township committee of said township, and the same money shall be by them applied to pay the principal money and interest accruing on said bonds as the same shall be due and payable.

Collector to pay over money.

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

Approved March 30, 1875.

CHAPTER CCXLIX.

An Act for the preservation of sheep in the township of Upper Pittsgrove, in the county of Salem.

Committee to ascertain amount of damages, &c., and number of dogs, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be and is hereby made the duty of the township committee of the township of Upper Pittsgrove, in the county of Salem, in each and every year after the passage of this act to ascertain the amount of damages which has been sustained during the past year by any resident of said township, by the destruction or wounding of his, her or their sheep or lambs by any dog or bitch, and also to ascertain the number of dogs and bitches owned or harbored in said township, and upon ascertaining the same the township committee of said township shall direct the assessor of said township to make an assessment upon all owners or harborers of any dogs or bitches therein, to an amount equivalent to the damages so sustained, said assessments to be made at such a rate upon every such owner or harborer of any dog or bitch as said township committee may deem equitable and just; *provided*, the rate so fixed to be paid by the owner or harborer of any open bitch shall be at least double that imposed upon the owner or harborer of any dog in said township.

Assessment upon owners of dogs, &c.

Proviso.

Money raised, how appropriated.

2. *And be it enacted*, That the sums of money collected by virtue of this act shall be exclusively appropriated by said township committee to make good any loss or losses which may be sustained by any person or persons, by the destruction or wounding of his or her or their sheep or lambs within said township; and the amount so directed to be assessed and collected each and every year in said township shall be assessed and collected by the assessors and collectors appointed or elected in said township for the assessing and collecting of the state, county and township tax therein, in the same manner and at the same time as the other annual taxes in said township are now or shall be hereafter assessed and collected.

How assessed and collected

3. *And be it enacted*, That all acts, so far as they apply to said township, which conflict with or are repugnant to this act, be and the same are hereby repealed, and this act shall take effect immediately. Repealer.

Approved March 30, 1875.

CHAPTER CCL.

An Act to authorize and empower "The Board of Chosen Freeholders of the county of Cumberland," to issue bonds to an amount not exceeding fifty thousand dollars.

WHEREAS, the county of Cumberland is already liable for the payment of a floating indebtedness, unsecured by bonds, of thirty thousand dollars or thereabouts, besides its war debt, and finds it will be probably necessary to incur an additional indebtedness for county purposes; *and whereas*, the said "The Board of Chosen Freeholders of the county of Cumberland," at its last meeting, deeming it inexpedient at the present time to raise the money by immediate taxation to pay such indebtedness, passed a resolution requesting that an application should be made to the legislature to pass an act authorizing and empowering said board to issue bonds to the amount of fifty thousand dollars to secure such already existing or future indebtedness; 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 said "The Board of Chosen Freeholders of the county of Cumberland," to issue bonds in the corporate name, and under the corporate seal, of said board, the same to be signed by the director and attested by the clerk of said board, for an amount of money not to exceed in the aggregate the sum of fifty thousand dollars, in such sums, and payable at such times as said board shall order and direct, and bearing interest at the rate of seven per centum per annum, payable semi-annually, and to pledge the property Power to issue bonds, and amount.

and credit of said county for the payment of the same, which said bonds it shall be lawful for said board to sell and assign.

Board to provide by taxation, for payment of bonds, &c.

2. *And be it enacted*, That the said "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 said bonds and the interest thereon, and shall yearly and every year, until said bonds shall be redeemed and fully paid, order and cause to be assessed and collected by taxes, at the time and in the manner that taxes in said county are assessed and collected, such sums of money as may be necessary and sufficient to pay the interest on said bonds, as the same shall become due and payable, and to pay and discharge the principal sums thereof at the several times they shall become due and payable.

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

Approved March 30, 1875.

CHAPTER CCLI.

A Supplement to an act entitled "The Act to incorporate the city of Beverly, in the county of Burlington," approved March twentieth, eighteen hundred and fifty-seven.

State, county, and school taxes, to be levied on property within city.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the corporate powers created by the above act, it shall and may be lawful for the assessor and collector of the said city of Beverly, to assess and collect the state, county, and school taxes levied on the property within the said city, and who shall perform the like duties as are now performed by the assessor and collector of the township of Beverly.

Taxes not to be levied by township authorities.

2. *And be it enacted*, That no taxes shall be levied on the persons or property within the corporate limits of the said city by the authorities of the township of Beverly.

Duty of assessor.

3. *And be it enacted*, That the assessor of said city shall return his duplicate of assessments to the city treasurer not later than the twentieth day of September.

Meeting of commissioners of appeal.

4. *And be it enacted*, That the commissioners of appeal in cases of taxation, in and for the city of Beverly, shall convene on the fourth Tuesday of October, annually, to hear and determine all appeals.

Treasurer to make list of delinquent tax-payers.

5. *And be it enacted*, That the city treasurer, in case of the non-payment of any taxes by the twentieth day of November, in each year, (excepting when it shall happen on a Sunday, then on the following day,) shall make out a list of the names of the delinquents, with the sums due from them respectively annexed, and deliver the same to the mayor, or resident justice of said city.

No street to be opened or extended, unless assent be first obtained of owners of two-thirds of lineal feet, &c.

6. *And be it enacted*, That the authority given the common council of the said city of Beverly to open streets therein be and the same is hereby modified, so that the assent in writing of the owners of two-thirds of the property in lineal feet upon line of any proposed street or upon any proposed extension of any street shall first be obtained.

Meetings of common council.

7. *And be it enacted*, That the common council of the city of Beverly shall, at their first annual meeting elect one of their own members as president, who shall preside at all meetings, and appoint all committees, of which he shall be a member ex-officio; in case of his absence, council shall appoint one other member present chairman pro tem.

Term of office, of mayor.

8. *And be it enacted*, That hereafter the mayor of said city shall be elected for the term of three years, and that he shall be exempt from being an officer of council.

Officers, how appointed.

9. *And be it enacted*, That hereafter the common council shall appoint the marshal of said city, together with the constables, harbor master, pound-keeper, and an overseer of the poor, instead of their being elected at the annual elections for other officers of the city; the said officers shall be liable to removal from office, at any time, by the said common council for neglect of duty, or for any other cause.

Justices of the peace.

10. *And be it enacted*, That one or more justices of the peace shall be elected at the next annual election for city officers, to be elected for the city of Beverly, who shall hold their office for the term of five years.

Repealer.

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

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

Approved March 30, 1875.

CHAPTER CCLII.

A Further Supplement to the act entitled "An Act to establish a new township in the county of Cumberland, to be called the township of Landis."

Power to erect, build and maintain, fountains, statues, &c., and to grant privileges, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of Landis township, in the county of Cumberland, are hereby authorized and empowered to erect, build, and maintain, or to give and grant the privilege to any person or persons, association, or corporation to erect, build, and maintain fountains, statues, and vases, in any of the public parks, squares, or streets in said township; *provided*, that no moneys shall be expended by the township committee for this purpose, unless first voted for by a majority of the voters at their annual town meeting, stating the sum to be raised, and specifying the purpose.

Proviso.

Penalty for injuring fountains, &c., statues, &c

2. *And be it enacted*, That if any person or persons shall wilfully do or cause to be done any act or acts whatsoever, whereby any of said fountains, statues, or vases shall be defaced or injured, the person or persons so offending shall be considered guilty of a misdemeanor, and on being thereof convicted, shall be punished by a fine not exceeding three hundred dollars, or imprisonment at hard labor not exceeding two years, or both, at the discretion of the court; such criminal prosecution shall not in any wise impair the right of action for damages by a civil suit hereby authorized to be brought for any such injury as aforesaid, in the corporate name of said town-

ship, in any court of this state having cognizance of the same.

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

Approved March 30, 1875.

CHAPTER CCLIII.

A Supplement to an act entitled "An Act to appoint harbor masters and inspectors," approved March thirty-first, eighteen hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, the jurisdiction of the harbor masters appointed under said act, shall be extended so as to apply to the entire county of Hudson, instead of the cities of Jersey City and Hoboken, as now provided for in said act. Jurisdiction extended.

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

Approved March 30, 1875.

CHAPTER CCLIV.

A Further Supplement to the act concerning roads, approved April sixteenth, eighteen hundred and forty-six, which supplement was approved March twenty-third, eighteen hundred and fifty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the word "Warren," in the twenty-second section of the act entitled "A supplement to an act concerning roads, approved April sixteenth, eighteen hundred and forty six," which supplement was Amendment.

approved March twenty-third, eighteen hundred and fifty-nine, be and the same is hereby stricken from the said section.

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

Approved March 30, 1875.

CHAPTER CCLXIV.

A Supplement to an act entitled "An Act to incorporate the Jersey City and Bergen Point Plank Road Company," approved March sixth, one thousand eight hundred and sixty.

Preamble.

WHEREAS, that portion of the plank road, of the Jersey City and Bergen Point Plank Road Company, lying between the southerly line of Forty-first or Division street, as the same is now laid out and opened in the city of Bayonne, and the northerly line of Huron avenue, as now laid out and opened in said city, has ceased to be used by the said company for the purposes contemplated in its charter and the several supplements thereto, and by the public as a highway, and such portion has been actually enclosed by the adjoining owners; and whereas, the said company are willing that the said portion of said road shall be vacated; therefore,

Part of road vacated, and closed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the said road heretofore laid out or used by the said "The Jersey City and Bergen Point Plank Road Company," as is situated between the southerly side of Forty-first or Division street, as now laid out and opened in the said city of Bayonne, and the southerly side of Huron avenue, as now opened in said city, is hereby vacated and closed.

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

Approved March 31, 1875.

CHAPTER CCLXV.

An Act to fix the salary of the Prosecutor of the Pleas of the county of Middlesex.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the prosecutor of the pleas in the county of Middlesex, shall receive an annual salary of three thousand dollars, to be paid quarterly, by the county collector of said county, upon orders drawn in the usual manner; and the said salary shall be in lieu of all fees and costs whatever. Salary of prosecutor of the pleas.

2. *And be it enacted*, That all fees and costs to which the said prosecutor of the pleas might by law be entitled, shall hereafter be paid to the county collector for the general purposes of said county. Fees and costs, to be paid to county collector.

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

Approved March 31, 1875.

CHAPTER CCLXVI.

An Act to fix the salary of the Prosecutor of the Pleas in the county of Gloucester.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the salary of the prosecutor of the pleas of the county of Gloucester, in this state, shall be eight hundred dollars per annum, which sum shall be paid to him in quarterly installments, on the first Tuesday of April, July, October and January, in each year, by the collector of said county, and shall be in lieu of the fees now received by him, and the said fees which said prosecutor is now entitled by law to receive, shall be Salary of prosecutor of pleas.

taxed in all bills of costs the same as are now taxed, and shall be collected by the sheriff of said county of Gloucester, and be by him paid over to the collector of said county for the use of said county.

Repealer.

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

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

Approved March 31, 1875.

CHAPTER CCLXVII.

An Act to fix the salary of the Prosecutor of the Pleas in the county of Somerset.

Salary of prosecutor of pleas.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the salary of the prosecutor of the pleas for the county of Somerset shall be eight hundred dollars per annum, which sum shall be paid to him in quarterly installments by the collector of said county, and shall be in lieu of all fees, costs and compensation now received by him; and all fees, costs and compensation that said prosecutor is now entitled by law to receive, shall be taxed in all bills of costs the same as are now taxed, and shall be collected by the sheriff of said county of Somerset, and be by him paid over to the collector of said county for the use of said county.

Repealer.

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

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

Approved March 31, 1875.

CHAPTER CCLXVIII.

An Act to confirm the acknowledgment and proof of deeds and other instruments of writing taken by James H. Van Cleef, Humphrey A. Bodine, Charles D. Jenkins, Charles H. Runyon and George Berdine.

Preamble.

WHEREAS, The said James H. Van Cleef, Humphrey A. Bodine, Charles D. Jenkins, Charles H. Runyon and George Berdine, were duly appointed commissioners of deeds for the sixth, third, fifth, fourth and first wards of the city of New Brunswick, respectively; *and whereas*, the said James H. Van Cleef, Humphrey A. Bodine, Charles D. Jenkins, Charles H. Runyon and George Berdine, after their appointment as commissioners of deeds for their respective wards, removed out of the wards for which they were severally appointed, and while not a resident for the said wards for which they were respectively appointed, and under a misapprehension of the law, did perform official duties as such commissioners; therefore, to remove all doubts as to the legality of the official acts of the said James H. Van Cleef, Humphrey A. Bodine, Charles D. Jenkins, Charles H. Runyon and George Berdine,

Official acts and acknowledgments, legalized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the official acts and the acknowledgments and proof of deeds and other instruments of writing, severally done or taken by the said James H. Van Cleef, Humphrey A. Bodine, Charles D. Jenkins, Charles H. Runyon and George Berdine, as commissioners as aforesaid, be and the same are hereby confirmed valid and made effectual, in like manner as though the same had been taken and certified by them severally before removal from their respective wards as aforesaid.

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

Approved March 31, 1875.

CHAPTER CCLXIX.

An Act to authorize the township committee of the township of Lebanon, in the county of Hunterdon, to purchase a farm for the use and support of the poor, or to contract for the keeping of the poor.

Committee may purchase a farm, &c., for support of poor.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the township committee of the township of Lebanon, in the county of Hunterdon, shall deem it to be to the best interest of the poor, and for the interest of the inhabitants of the township of Lebanon, in the county of Hunterdon, the township committee are hereby authorized to purchase a suitable farm and stock the same, and to do all things that are necessary to establish a poor farm for the support of the poor of said township.

May contract for support of poor.

2. *And be it enacted*, That the township committee are hereby authorized to contract the keeping of the poor of said township to any responsible person or persons until a farm is bought and established, or to hire a house or some suitable place wherein to keep and support said poor if they shall think best so to do for the interest of the inhabitants of said township.

May join with other townships for the purchase of farm, &c.

3. *And be it enacted*, That the township committee of Lebanon are authorized to join with any other township or townships in the county of Hunterdon, which township or townships are hereby through their township committee authorized to contract or join with said township of Lebanon on equitable terms in the purchasing of a farm for the support of the poor of said township or townships, and to take a good and sufficient deed to and in the name of the inhabitants of the township of Lebanon, and in the name of the inhabitants of any other township or townships that may so join with them to purchase said farm for the support of the poor of their respective townships.

Moneys raised, how applied.

4. *And be it enacted*, That said committee of Lebanon, or the committees of any other township or townships

that shall join in said purchase, to use the moneys voted for and raised in the township or townships for the support of the poor to pay for said farm and the support of the same, as far as the same can be properly applied.

Directors of farm, how appointed, and powers.

5. *And be it enacted*, That the township committe shall appoint three of their number directors of said farm, who shall have the entire supervision of said farm, but shall all join in said purchase and shall receive the same pay when on duty as they now receive for other township business; and the inhabitants of said township or townships may vote whatever money they shall consider necessary to purchase said farm and to support their said poor when in township meeting assembled, or at any special town meeting called for said purpose.

Money for purchase of farm, how raised.

May execute mortgage for part of purchase money.

6. *And be it enacted*, That the township committee are hereby authorized to execute a mortgage upon said farm for any part of the purchase money in the name of the inhabitants of the township or townships which may purchase said farm.

Repealer.

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

Approved March 31, 1875.

CHAPTER CCLXX.

An Act confirming and establishing the title of certain lands in the "Trustees of School District Number Seventy-two in the county of Morris," and authorizing them to sell and convey the same.

Preamble.

WHEREAS, Jacob Allen and wife, by deed bearing date September thirteenth, eighteen hundred and thirteen, conveyed to "Zopher Freeman, Eleazer Sturges, Luther Lindsley, Thomas Darling, Samuel Roberts, junior, John Sturges and Benoni Ward, trustees, chosen by a meeting of the Inhabitants of Green Village, for the purpose of purchasing a lot of land for the use of a

school in Green Village," a certain lot of land situate in Green Village, (at present in the township of Passaic,) in the county of Morris, containing sixty-two hundredths of an acre, and which deed is now recorded in Morris county records, Liber X of Deeds, folio three hundred and twenty-five and so forth; and whereas, the inhabitants of School District Number Seventy-two, immediately upon the delivery of said deed, entered upon said land and premises, and the same has been and now is used by School District Number Seventy-two, in the county of Morris, for school purposes; therefore,

Title, declared vested.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the title to the lot of land and premises so as aforesaid conveyed by the said Jacob Allen and wife, be and the same is hereby declared to be vested, in fee simple, absolute in the "Trustees of School District Number Seventy-two, in the county of Morris," and their successors in office.

Trustees may sell lands, and school house building.

2. *And be it enacted*, That the "Trustees of School District Number Seventy-two, in the county of Morris," now being, or their successors, or a majority of either of them, be and they are hereby empowered and authorized to sell and dispose of the said land and premises and school house building and appurtenances, and all fixtures and personal property thereto belonging, mentioned in the foregoing preamble, or any or either of them, at public sale, and to convey the said land and premises by deed of conveyance under their hands and seals, in fee simple, absolute to the purchaser or purchasers; and the said purchaser or purchasers, their heirs and assigns, shall hold the same under and by virtue of said conveyance, to and for their use, benefit and behoof forever, in fee simple.

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

Approved March 31, 1875.

CHAPTER CCLXXI.

A Supplement to an act entitled "An Act to facilitate Judicial Proceedings in the County of Mercer," approved March twenty-seventh, one thousand eight hundred and sixty-seven.

Compensation of clerk of grand juries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the clerk of the grand juries sitting in and for the county of Mercer, shall receive for his compensation at the rate of two hundred dollars per annum, to be paid by the collector of the said county.

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

Approved March 31, 1875.

CHAPTER CCLXXII.

An Act to extend the provisions of an act entitled "An Act to prevent horses, cattle, sheep and swine from running at large in the township of Clinton, in the county of Essex, and the township of Rahway, in the county of Union," to the township of Raritan, in the county of Monmouth.

Provisions of act extended to Raritan township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of an act entitled "An Act to prevent horses, cattle, sheep and swine from running at large in the township of Clinton, in the county of Essex, and the township of Rahway, in the county of Union," approved March fourth, one thousand eight hundred and fifty-eight, be and the same

are hereby extended to the township of Raritan, in the county of Monmouth.

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

Approved March 31, 1875.

CHAPTER CCLXXIX.

A Further Supplement to "An Act to regulate elections," approved April twenty-second, one thousand eight hundred and sixty-eight.

Township divided into two election districts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at all elections hereafter to be held in the township of Hopewell, in the county of Mercer, the said township shall be divided into two election districts, which shall be separated from each other by the following boundary line, to wit: beginning

Boundary line.

at the Hunterdon county line, in the middle of the public road leading from Marshall's Corner to Ringoes; and from thence running in a southerly direction in the middle of said road to said Marshall's Corner; thence from said Marshall's Corner, in a southerly direction in the middle of the public road leading from said Marshall's Corner to the village of Pennington to McCurrens' Corner; and thence from said McCurrens' Corner, in an easterly direction in the middle of the public road leading from McCurrens' Corner to Titus' mills; and thence running from said Titus' mills, in an easterly and southeasterly direction in the middle of the said road by the Centreville school house to the public road leading from Pennington to Mount Rose; thence running in a southerly direction in the middle of said road to Hunt's and Irwin's Corner; and thence running in a southeasterly direction in the middle of the public road leading from said corner by Merrel's blacksmith shop to

North district.

the Lawrence township line; and all that portion lying east and north of said boundary line heretofore described

shall be known as the North Hopewell District, and all that portion south of said boundary line shall be known as the South Hopewell District, of said township. South district.

2. *And be it enacted*, That at all spring elections hereafter held in the township of Hopewell, each election district hereby erected shall choose an election board; that each of said board shall consist of three judges whose members shall be residents of their respective districts; that no ballot shall contain more than two names, in case more than two names are voted for on the same ballot, the said ballot as to said judges of election shall be null and void, and the three persons who shall receive the highest number of votes at such election shall be deemed and taken to be the judges of election; and in case two persons upon the same ballot have received an equal number of votes, the one first named shall be deemed elected; the said judges shall hold their offices for one year, and shall possess the powers, be required to perform the duties, be subject to the liabilities, and receive the same compensation as other judges and inspectors of election, according to the general laws of New Jersey as they now are or may hereafter be, and shall act in their respective districts as judges of election. Judges of election, how chosen. Powers and compensation.

3. *And be it enacted*, That the legal voters of North Hopewell district shall meet at the public house of Edward Phillips in the village of Hopewell, and that the legal voters of South Hopewell district shall meet at the public house of Mrs. Rachel Richey, in the village of Pennington, on Monday the twelfth day of April next, at the time prescribed by law for the opening of elections, and shall by a majority of the legal voters present proceed to elect three judges, and a clerk of the board, to hold said first election; said judges shall be sworn in by the clerk elected, and one of the judges shall swear in the clerk as prescribed by law, which said judges and clerk, shall receive the same compensation and shall perform all the duties imposed by law in like cases, and shall perform the duties of said offices respectively until their successors shall be duly elected and qualified. Time of, and first meeting of voters.

4. *And be it enacted*, That each election district shall elect a clerk of the board of election who shall be residents of their respective districts who shall hold Election of clerk.

their offices for one year, and shall possess the powers, be required to perform the duties, be subject to the liabilities and receive the same compensation as other clerks of election, according the general laws of New Jersey as they now are or may hereafter be.

Notices of election, to be posted.

5. *And be it enacted*, That the present township clerk of the township of Hopewell is hereby authorized and required to give notice of the election for each of the election districts mentioned in said act, for the spring election of eighteen hundred and seventy-five, by posting up in each election district notices as now prescribed by the general election laws of New Jersey.

Board of election to designate places of election. Proviso.

6. *And be it enacted*, That each board of election shall designate the place of holding elections; *provided*, that the elections in South Hopewell District, shall be held at the village of Pennington, and the elections in North Hopewell District shall be held at the village of Hopewell.

Repealer.

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

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

Approved March 31, 1875.

CHAPTER CCLXXX.

A Further Supplement to the Act entitled "An Act constituting a public road board, for the laying out, constructing, appropriating, improving and maintaining public carriage roads in the county of Essex," approved March thirty-first, eighteen hundred and sixty-nine.

Power to reduce width of avenues.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said board shall have power, before construction, to reduce the width of any

avenues, or of any part thereof, if they shall deem it expedient, in which case they shall cause to be filed a map of the avenue or part thereof so reduced in width, in connection with the original map or survey of such avenue. Map to be filed.

2. *And be it enacted*, That section three of the supplement to said act, which supplement was approved March seventeenth, eighteen hundred and seventy, be amended by striking out therefrom the words "of so much of said avenues or any of them as is embraced in any city, town or township." Amendment.

3. *And be it enacted*, That where an assessment for benefits shall have been made, or shall hereafter be made under said act, or any supplement thereto, upon or against any lot or tract of land, in the name or names of any several owner or joint owners thereof, and the owner or owners thereof shall desire any portion of such lot or tract released from the lien of such assessment, or shall desire to have the whole amount of such assessment apportioned upon specific portions of such lot or tract, it shall be lawful for said board to release any such portion from the lien of any such assessment, upon being paid or secured a ratable proportion of the whole assessment, and also to make an apportionment and division of such assessment, so that any specified portion of the whole lot or tract shall be held and liable only for a definite proportion of the whole assessment, and be discharged therefrom upon the payment of such proportion. Board may release lots or portions of lots, from liens of assessments.

4. *And be it enacted*, That section four of the supplement approved March twenty-first, eighteen hundred and seventy-four, to the act to which this is a further supplement, be amended by striking out the word "any" where it first occurs in said section, and inserting in lieu thereof the word "no," and by inserting next after the word "certiorari," the words "shall issue." Amendment.

5. *And be it enacted*, That such lands and real estate as are not bid for when offered for sale or for re-sale, pursuant to the fifteenth section of the act to which this is a further supplement, shall be struck off to said board, by its corporate name, for the term of fifty years, and may be held and sold, assigned and disposed of by said board, for the use of the county, with all the rights and Lands not bid for, may be struck off to the board. Board may sell lands, so disposed of.

privileges of a purchaser at such sale, and subject to the same conditions and limitations.

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

Approved March 31, 1875.

CHAPTER CCLXXXI.

A Further Supplement to an act entitled "An Act to authorize the president and directors of the Hackettstown Aqueduct Company to convey their works and franchises to the inhabitants of the town of Hackettstown," etc., approved March seventeenth, eighteen hundred and seventy.

May issue water bonds, and the amount.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council of said town of Hackettstown shall have the right and privilege of issuing water bonds of said town, under the restrictions and limitations contained in the act to which this is a supplement, to the amount of seventy-five thousand dollars.

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

Approved March 31, 1875.

CHAPTER CCLXXXII.

A Supplement to an act to establish a system of Public Instruction.

Preamble. WHEREAS, The superintendent of public schools in the county of Warren has reconstructed and changed several of the school districts in said county, and renumbered them, thereby apparently changing the corporate liability from one school district to another, by which changes difficulties and contentions have been agitated as to the legal liabilities of said school district corporation; therefore,

Contracts, debts, &c., declared legal. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where any debt or debts have been contracted or liabilities incurred by the trustees of any school district, or any two of such trustees of any school district in the county of Warren, for school houses or other school purposes, or in anticipation of the assessing and collection of taxes authorized by law to be assessed and collected, and the number of such school district has heretofore been changed or shall hereafter be changed, such debt or debts, contract or contracts, as aforesaid, are hereby declared to be legal debts, contracts and claims against such school district, by whose trustees, or any two of them, the same were contracted, and shall be enforced against such school district by whatsoever number such school district may be now or hereafter designated.

How enforced.

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

Approved March 31, 1875.

CHAPTER CCLXXXIII.

A Further Supplement to the act entitled "An Act for the better government of the city of Paterson," approved March seventeenth, A. D. eighteen hundred and seventy.

Collector may adjourn sale for unpaid taxes, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the collector of revenue and assessments of the city of Paterson may hereafter, if he shall deem it proper, or shall be so advised by the finance committee of the board of aldermen, adjourn from time to time any sale or sales of land for unpaid taxes, for any time whatsoever, not exceeding the term of six months, from the day whereon said sale shall be first advertised to be sold, and notwithstanding any provision to the contrary in the act to which this is a further supplement, regulating sales of land; and said adjournments shall be for not less than four weeks each, and the publications of such adjournments shall contain only a general statement of the notice, and not more than five dollars shall be allowed for the publication of each adjournment.

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

Approved March 31, 1875.

CHAPTER CCLXXXIV.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be in and for the city of Newark, a board of excise commissioners, which shall consist of three resident freeholders of said city, to be nominated by the mayor and confirmed by the common council of said city, whose term of office (except as to the persons first constituting said board), shall be three years, and who shall each receive for their services such annual salary, not to exceed the sum of five hundred dollars, as the said common council may fix or determine. Board of excise commissioners, how appointed, term of office, and compensation.

2. *And be it enacted*, That all licenses for the sale of strong and spirituous liquors, wine, ale and beer within the limits of said city of Newark shall be granted by said board of excise commissioners; and said board shall have the power to grant license to any person or persons of good moral character who shall be approved of by them, permitting him or them to sell and dispose of at any one named place within such city, strong and spirituous liquors, wines, ale and beer in quantities less than five gallons at a time, upon receiving a license fee to be fixed by said board; and there shall be hereafter a separate license granted for the sale of ale and beer, and another for the sale of spirituous liquors and wines; the license fee for selling ale and beer shall be thirty dollars, and the license fee for selling spirituous liquors and wines shall not be less than fifty dollars, or more than one hundred dollars for each license; such licenses shall only be granted on written application to the said board, signed by the applicant or applicants, specifying the place for which license is asked, and the license shall be kept displayed by being hung up, by the person or persons licensed, in a conspicuous position in the room or place where his or their sales are made; any omission so Licenses, by whom granted. Power to grant license, for sale of strong liquors. License for ale and beer. Fee for license. Licenses, how granted.

New Jersey State Library

to display and exhibit such certificate shall be presumptive evidence that any person or persons omitting to exhibit and display the same, has and have no license;

Record to be kept.

the said board of excise commissioners shall keep a complete record of the names of all persons licensed as herein provided, with a statement of the place licensed, and license fee imposed and paid in each case; which record they shall at all times permit to be seen in a convenient place at their office in said city; persons not licensed may keep, and in quantities not less than five gallons at a time, sell and dispose of strong and spirituous liquors, wines, ale and beer in said city; *provided*, that no part thereof shall be drank or used in the building, garden or inclosure communicating with, or in any public street or place contiguous to the building in which the same is kept, disposed of, or sold.

Persons not licensed, may sell, &c.

Proviso.

Mayor to nominate board, &c.

3. *And be it enacted*, That the mayor of said city shall nominate to the common council of said city, at their first regular meeting held after the passage and approval of this act, three resident freeholders of said city, as members of said board, for the term to expire as hereinafter mentioned; all nominations made to the common council by the mayor, under the provisions of this act, shall be confirmed or rejected by said common council at once; and in case of the rejection of such nominees, or any of them, the mayor shall continue so to nominate one, two or three persons, as the case may be, until the nominations are confirmed, and the board is complete.

Term of office to be determined by lot.

4. *And be it enacted*, That the term of office of the three persons first constituting said board shall be determined by lot, one to remain in office until the first Tuesday after the first day of January in the year eighteen hundred and seventy-six, another to remain in office until one year thereafter, and the third to remain in office until the first Tuesday after the first day of January in the year one thousand eight hundred and seventy-eight; and that in the month of December, in the year eighteen hundred and seventy-five, and in the month of December, in each and every year thereafter, the mayor of said city shall nominate to the said common council, a resident freeholder of said city to be a member of said board for the term of three years, from the first Tuesday after the first day of January of the

Mayor to nominate.

following year; when, in case of the failure or refusal of the mayor to nominate, or of the common council to confirm, or for any other reason, the time for the commencement of any term of office of any member of said board as aforesaid, shall pass by without a new appointment having been made and confirmed, then the members of said board for the preceding term shall hold over, and perform all the duties of commissioners of excise until a new appointment shall be made and confirmed, and such new member shall qualify; in case of a vacancy in said board, by reason of death, resignation, failure to qualify according to law, or otherwise, the said mayor shall nominate to the said common council some eligible person or persons, to fill said vacancy or vacancies, and the person or persons nominated and confirmed, to fill said vacancy or vacancies, shall be members of the board for the remainder of the then unexpired term, and may hold over as above provided.

When to hold over.

Vacancies, how filled.

5. *And be it enacted*, That the said board shall meet regularly each and every week, and more frequently if necessary, for the purpose of receiving and passing upon applications for license, and for transaction of such business as may properly come before them, and shall keep or cause to be kept full and complete records and minutes of the doings of the said board, at each meeting held by them, in a proper book or books, which said book or books shall, except when the said board are in session, be kept in the office of the city clerk of said city, and shall be open to the inspection of the mayor and common council of said city and the officers of any department of the city government when required, and subject to such other provision as the common council may ordain; said board may appoint one of their own number to be president of the board, and may adopt such by-laws for the government of the board as they may deem proper; the said common council shall provide such room or rooms for the use of said board as to the said common council may seem best, and fit up the same and furnish all the books, blanks and stationery, license certificates, and other things necessary for the transaction of the business of said board; said common council shall, from time to time, appoint some suitable person to be inspector of excise, whose duty it shall be

Meetings of board.

Records to be kept.

May adopt by-laws, &c.

Inspector of excise, how appointed, and duties.

to faithfully and thoroughly inspect all places where strong and spirituous liquors, wines, ale or beer are sold within the said city of Newark, and promptly report to the said board the names and places of business of all persons who are selling without the license of the board, or who may violate any of the provisions of this act, and to perform such other duties as may be required of him by said board, or by the said common council, who shall have power by ordinance or by resolution to more fully define or prescribe the duties of said inspector; the common council shall fix the compensation to be paid to said inspector, and he may be removed from office by them at any time; the city clerk of said city shall be the clerk of said board; each person confirmed as a member of said board shall qualify within ten days thereafter by (before he enters upon the duties of his office) taking and subscribing the oaths provided for in section twenty-four, of the city charter, and shall also enter into, and deliver to the city clerk, a bond to the mayor and common council of the city of Newark in the sum of five thousand dollars, with two sufficient sureties, to be approved by the committee on finance of the common council.

Compensation.

Members of board to take oath, and give bond.

Act and license fees, to be printed.

6. *And be it enacted*, That said board shall cause to be printed in pamphlet or circulars this act, or a proper synopsis thereof, together with the rates of license fees adopted by them, which pamphlets or circulars shall be kept in their office for distribution to suitable persons, and for information and inspection, and a copy shall be given to each person to whom license shall be granted; each license shall be granted for one year only, and the full amount of the license fee shall be paid in when application is made for license, in each case, and no license shall be granted by said board until the full amount of the license fee is paid to them by the person or persons applying for the same.

Term of license.

Amount received to be paid over to comptroller, &c

7. *And be it enacted*, That said board shall each and every week pay over to the comptroller of the city of Newark the total amount received by them for license fees, during said week, and at the same time, present to the said comptroller a complete statement and account, in writing, of all the licenses granted by them during said week, the persons to whom granted, and the resi-

dence of said persons, and the amount of the license fee paid in each case, the time when it was paid and when the license was granted, and whether it was for the sale of strong and spirituous liquors, or wines, or ale, or beer, and the place where the same was licensed to be sold.

Penalty for selling without license.

8. *And be it enacted*, That whoever shall sell any strong or spirituous liquors, wines, ale, or beer, in quantities less than five gallons at a time, at any place within said city, without having a license therefor, granted as herein provided, shall forfeit and pay fifty dollars for each offence.

Penalty for selling to minors, &c.

9. *And be it enacted*, That no inn, tavern, hotel, victualing-house or saloon-keeper, or any other person licensed to sell any strong or spirituous liquors, or wines, within the said city, shall sell or give away any such liquors, or wine, to any apprentice or to any minor under the age of eighteen years, knowing or having reason to believe him to be such, under a penalty of ten dollars for each offence.

Police justices jurisdiction for violation of this act.

10. *And be it enacted*, That any special police justice of the city of Newark, shall have jurisdiction in the matter of all complaints for the violation of any of the provisions of this act, and shall have full power and authority to hear, adjudge and determine said complaints, and issue warrants and other processes and impose the fines and penalties provided for in this act; and every special police justice of said city shall make such return and payment of the fines and penalties and costs received by him in all matters coming before him under this act, as he is now required to make respecting fines, penalties and costs of suit paid to him under complaints for the violation of ordinances.

To make return of fines and costs, received.

Licenses heretofore granted, valid until expiration.

11. *And be it enacted*, That all licenses heretofore granted by the board of excise of said city of Newark and now unexpired, on which the full fees, required at the time of their granting, have been paid, shall be valid until the time for which they were granted shall expire; *provided* the holders of said licenses shall keep the same displayed and exhibit them as required in section two of this act, and provided they shall in other respects conform to the requirements of this act; and in case they shall violate any of the provisions of said section or any other provis-

Proviso.

ion of this act, they shall be subject to the penalties of said violations.

Repealer.

12. *And be it enacted*, That all the provisions 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, and in any of the supplements thereto providing for or in anywise relating to the election of members of the board of excise and their powers and duties, and all acts or parts of acts inconsistent with any of the provisions of this act are hereby repealed; and this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 31, 1875.

CHAPTER CCLXXXV.

An Act to set off from the township of Dover, in the county of Ocean, a new township to be called the township of Berkeley.

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 Dover, in the county of Ocean, contained within the following boundaries, that is to say: beginning at the southwest corner of the township of Dover, at a point where the road from Giberson's mill to Dover Forge crosses the easterly line of the township of Manchester; thence first, easterly along said road to Dover Forge, said road being the boundary line between the townships of Dover and Lacy; thence second, southerly along Guises road by Dover Forge pond to the middle of Cedar creek; thence third, easterly along the middle of Cedar creek to its junction with Barnegat bay; thence fourth, on a course due east to the Atlantic Ocean; the above metes and bounds being the division line between the townships of Dover and Lacy; thence fifth, northerly along said Atlantic Ocean to the south side of old Cranberry inlet; thence sixth, on a course westerly to the middle of

Toms river at its junction with Barnegat bay; thence seventh, westerly along the middle of said Toms river and up the north branch to the Toms River and Manchester Railroad; thence eighth, along said railroad to the east division line between the townships of Dover and Manchester; thence ninth, southerly along said division line to the place of beginning, be hereby set off into a new township, to be called the township of Berkeley. New township.

2. *And be it enacted*, That the inhabitants of the township of Berkeley 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 Berkeley, in the county of Ocean," and shall be entitled to all the rights, powers, authority, privileges, and advantages, and subject to the same regulations, governments, and liabilities as the inhabitants of other townships in the said county of Ocean are or may be entitled or subject to by existing laws of this state, except as may be hereinafter provided for. Body corporate, and title.

3. *And be it enacted*, That the inhabitants of the said township of Berkeley shall hold their first township meeting at the school house at Dover Chapel, in the said township of Berkeley, on the second Tuesday of April next, and afterward in each year, at such place as the legal voters of said township shall determine. First meeting.

4. *And be it enacted*, That the township committees of Berkeley and Dover shall meet on the third Tuesday of April next, at the court house at Toms River, 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 it shall be the duty of the said township committee, from the last assessment rolls of the said township of Dover, to ascertain the amount of indebtedness of the said township that shall be assumed by the township of Berkeley, for which amount, when ascertained, the township committee of the township of Berkeley shall issue a bond or bonds, with interest payable semi-annually to the township commit- Township committees to meet and allot and divide properties, and moneys. Township of Berkeley, to issue bond.

tee of the said township of Dover, which bond or bonds shall be conditioned so as to make the payments fall due at least ten days before the bond or bonds or other indebtedness of the said township of Dover shall become due, and if any of the persons comprising either of the township committees shall 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.

Surplus revenue, not to be affected.

5. *And be it enacted*, That nothing in this act shall be construed to impose or in any wise affect the rights of said township of Berkeley, to its just and legal proportion of the surplus revenue of the general government, and the interest due or becoming due thereon, and its proportion of all or any moneys due to the said township of Dover.

Elections to be by ballot.

6. *And be it enacted*, That at all elections held by the inhabitants of the township of Berkeley, at their town meetings held after the second Tuesday in April next, they shall vote by ballot until it be otherwise determined according to law, and that all the provisions and restrictions of an act entitled "An Act to authorize the inhabitants of the several townships of this state to vote by ballot at their town meeting," approved March twenty-second, one thousand eight hundred and sixty, and of the supplements thereto, shall apply to the inhabitants of the said township of Berkeley.

Act to apply to township.

Act not to interfere with officers set off from Dover township.

7. *And be it enacted*, That nothing in this act shall be so construed as to interfere with the officers now elected in that part of the township of Dover set off and called the township of Berkeley, nor with the commissions of justices of the peace nor commissioners to take the acknowledgments and proofs of deeds until they shall expire by their own limitation.

Appointment of election officers.

8. *And be it enacted*, That Henry F. Mott, William R. Jeffrey and Cornelius Lawrence be and they are hereby appointed judges of election to hold and preside over the first town meeting, and Charles W. Bunnell is hereby appointed clerk of said township of Berkeley, to hold their respective offices until their successors are elected and qualified in their stead, and any person acting as judge of election or town clerk, shall be entitled to hold any office in said township to which they, by a majority of the legal voters of said township, may be elected;

provided, that in case of the absence or inability to serve of any of said persons so appointed by this act, a majority of the legal voters present may fill such vacancy. Proviso.

9. *And be it enacted*, That it shall not be lawful for cattle, sheep and swine to run at large in the township of Berkeley, in the county of Ocean, and that from and after the passage of this act, the pound keeper in the township of Berkeley shall be entitled to have the sum of fifty cents for each head of cattle, sheep and swine, to be paid for the use of the pound keeper for letting in and out of the pound kept by him; and the person bringing such animal to be impounded shall also be intitled to receive the sum of fifty cents for every head so brought by him; and for feeding and attending, the pound keeper shall be entitled to receive and have the further sum of fifty cents per head for all such animals for every twenty-four hours they remain in the pound kept by him, and the further sum of one dollar for setting up the advertisement and notices of sale and selling every such animal in the manner prescribed by law. Animals not to run at large. Fees of pound keeper.

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

Approved March 31, 1875.

CHAPTER CCLXXXVI.

A Further Supplement to an act entitled "An Act to incorporate the town of Belvidere, in the county of Warren."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and common councilmen, at their first meeting after their election, shall elect one person to be overseer of the poor, for said town, and shall, at the same time, elect one person to be clerk of the said council, who shall each hold office during the pleasure of the said council, not exceeding one year. Power to elect overseer of poor, and clerk.

Repealer.

2. *And be it enacted*, That section seventeen of "An Act to incorporate the town of Belvidere, in the county of Warren," passed March ninteenth, one thousand eight hundred and forty-five, and section thirteen of "A Further Supplement to an act entitled 'An Act to incorporate the town of Belvidere,'" approved March tenth, one thousand eight hundred and sixty-nine, be and the same are hereby repealed; *provided nevertheless*, that the fees for license of all inns and taverns and saloons, hereafter to be licensed in the town of Belvidere, shall be paid into the treasury of the said town for the use of the town.

Proviso.

Repealer

3. *And be it enacted*, That section twelve of "A Further Supplement to 'An Act to incorporate the town of Belvidere,'" passed March tenth, one thousand eight hundred and sixty-nine, be and the same is hereby repealed.

Repealer.

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

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

Approved April 1, 1875.

CHAPTER CCLXXXVII.

A Supplement to an act entitled "An Act concerning roads," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Overseer to cause survey and estimate to be made of cost of opening, &c., any highway, exceeding a certain amount

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the probable cost of opening, clearing out and making any highway in the county of Mercer, or of repairing any one breach therein, as provided by section thirty-eight of the act to which this is a supplement, shall be estimated by the overseer thereof at a greater sum than fifty dollars, it shall be the duty of such overseer, having caused a survey and estimate to be made, showing the nature and amount of the work to be done, which survey, after having been

approved by the township committee of the township within which such highway may lie, shall be kept by the said overseer open to public inspection, forthwith to advertise for proposals for doing the work, by advertisements which shall describe shortly the work to be done, and shall refer to said survey and estimate; said advertisement shall be set up for at least ten days, in four of the most public places in the township, within the limits of which the said work is to be done; and shall also, in all cases where the cost shall be estimated to exceed one hundred and fifty dollars, be published at least one time in one newspaper printed and published nearest to the road district in which said highway may lie; the proposals received shall be opened by the said overseer, in the presence of the chairman of the township committee; and the work shall be awarded by the overseer to the lowest responsible bidder, and shall be done under the supervision of the said overseer.

Proposals for work, to be advertised.

Proposals, when published.

Awarded to the lowest bidder.

2. *And be it enacted*, That in case any new highway shall be laid out, so as to lie in two or more road districts, then the township committee shall cause a survey to be made, and advertise for proposals in the manner set forth in the preceding section, and shall award the contract; but the work in each road district shall be done under the supervision of the overseer thereof.

Survey to be made of new highways, and proposals advertised.

3. *And be it enacted*, That this act shall not apply to any incorporated city or borough in said county.

Act not to apply to any city, &c.

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

Approved April 1, 1875.

CHAPTER CCLXXXVIII.

A Supplement to an act entitled "An Act to regulate the salary of the Prosecutor of the Pleas in the county of Camden," approved March twenty-sixth, one thousand eight hundred and seventy-four.

Salary of prosecutor of pleas.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the salary of the prosecutor of the pleas for the county of Camden, shall be four thousand dollars per annum, and that the further sum of two thousand dollars per annum be paid to said prosecutor for the services of a competent assistant and for the necessary expenses of his office; the said sums to be paid monthly to said prosecutor by the collector of said county, and shall be in lieu of all fees, costs and compensation now received by him, and all fees, costs and compensation that said prosecutor is now entitled by law to receive, shall be taxed in all bills of costs the same as are now taxed, and shall be collected by the sheriff of the county of Camden, and be by him paid over to the collector of said county for the use of said county.

Fees to be paid to county.

How, and by whom collected.

Repealer.

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

Approved April 1, 1875.

CHAPTER CCLXXXIX.

An Act to authorize the Board of Chosen Freeholders of the county of Middlesex to borrow money and issue 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 Middlesex, to provide for the payment of bonds heretofore issued by said corporation, together with the interest thereon, as the same may become due and payable, and for other and future indebtedness that may be incurred by said board in executing the legal purposes, objects, business and affairs of said county, by issuing bonds in the corporate name and under the corporate seal of said board, to be signed by their director and attested by their clerk, for an amount not exceeding in the aggregate the sum of seventy-five thousand dollars, bearing legal interest, payable semi-annually, and to pledge the property and credit of the said county for the payment of the principal and interest of said bonds. Board to provide for payment of bonds heretofore issued, by the issuing of bonds. Amount.

2. *And be it enacted*, That the said bonds shall be made payable at such times as the finance committee of said board may designate, and shall be disposed of under the direction of said committee, as the same may be issued; *provided*, said bonds shall not be disposed of for less than their par value. Bonds payable, and how disposed of. Proviso.

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

4. *And be it enacted*, That the proceeds of the bonds issued under and by virtue of this act shall be applied by said board to the payment of the principal and interest Proceeds of bonds, how applied.

of the bonds heretofore issued, and for the legal purposes, objects and affairs of said county as the said board shall deem proper.

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

Approved April 1, 1875.

CHAPTER CCXC.

An Act to fix the salary of the Prosecutor of the Pleas in the county of Union.

Salary of prosecutor of pleas.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That the salary of the prosecutor of the pleas for the county of Union shall be three thousand dollars, which sum shall be paid to him in quarterly installments, by the collector of said county, and shall be in lieu of all fees, costs and compensation now received by him, and all fees, costs and compensation that said prosecutor is now entitled by law to receive, shall be taxed in all bills of costs the same as are now taxed, and shall be collected by the sheriff of the county of Union, and be by him paid over to the collector of said county, for the use of said county.

Fees, how collected, and to whom paid.

Repealer.

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

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

Approved April 1, 1875.

CHAPTER CCXCI.

An Act to set-off a part of the township of Mansfield to to the town of Hackettstown, in the county of Warren.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Mansfield, in the county of Warren, that lies north and northeast of the following described line, to wit: beginning at a point on the Morris canal, on a line between the lands formerly owned by William Osmun, now owned by the Hackettstown Land and Improvement Company, and the lands of William L. and George W. Johnson, formerly the John Osmun farm; and running thence southerly along the division between said lands to William D. Vliet's line; thence easterly along the line of William D. Vliet and John S. Labar to the trout brook, shall be set off from the township of Mansfield, and shall become a part of the said town of Hackettstown, and shall be subject to the said town in its corporate capacity. Part of township set off to Hackettstown.

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

Approved April 1, 1875.

CHAPTER CCCIII.

A Further Supplement to the act entitled "An Act to authorize the ditching and draining of the bog and fly meadow in Morris county," passed February twentieth, eighteen hundred and eleven.

WHEREAS, the ninth section of the original act to which this is a supplement is in words to wit, "*And be it* Preamble.

enacted, That the said managers commence their operations at Pequanock river, and shall clear, straighten, and ditch the Beaver Dam brook from said river to the meadows, (at the expense of the owners of the bog and fly meadows,) before they proceed to open any ditch within the meadow;" now, therefore—

Ninth section, amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said ninth section in the original act be amended so as to read as follows: (and the application hereto extend to the present managers, elected under the provisions of the original act,) to wit, "That the managers shall commence their operations at Pequanock river, and shall clear, straighten, widen, and ditch the Beaver Dam brook from said river to the terminus of the ditch, known as the west ditch, in the bog and fly meadow; and that all the owners of lands near to and along the said Beaver Dam brook, shall contribute and be liable to pay the expenses of the same, in proportion to the quantity of land each person or corporation may own, fronting either upon said brook or benefited by said opening, clearing out, widening, and straightening."

Managers may clean and clear out, at expense of owners of lands.

2. *And be it enacted*, That in each and every succeeding year after the said work so authorized shall be done, the said managers, if they shall deem it necessary, shall clean and clear out the same between the said river and the terminus of west ditch, at the like expense of the owners of lands as in the preceding section.

Power to cut down, &c., brush and timber, &c.

3. *And be it enacted*, That the managers are hereby empowered to have cut down and to keep cut down the brush and timber for the distance of three feet on each side of the east and west ditches and the Beaver Dam brook.

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

Approved April 1, 1875.

CHAPTER CCCIV.

A Supplement to an "An Act to authorize the township committee of the township of Plainfield, in the county of Union, to open, work and repair the public roads, streets, avenues and sidewalks in said townships," approved March seventeenth, one thousand eight hundred and seventy.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the legal voters of the several road districts of the township of Plainfield, in the county of Union, outside of the limits of the city of Plainfield, shall be and they are hereby empowered at the same time and place of holding their annual district road meetings, or at any other meeting duly held for the purpose to vote, grant and raise such sum or sums of money as they may then deem necessary for the opening, making, working and repairing of roads and keeping them in order; and in case any money shall be ordered by a vote of said meeting, the moderator of said meeting, shall make out and sign a certificate thereof under oath or affirmation, that the same is correct and true, and deliver the same to the assessor of the township of Plainfield, and to the township committee thereof; which said assessor shall assess on the inhabitants of said road districts and their estates, and the taxable property therein, in the same manner as township taxes are assessed, such sum or sums of money, as shall have been ordered to be raised by the said meeting in the manner aforesaid, and said money shall be assessed, levied and collected at the same time and in the manner that other township moneys are assessed, levied and collected; and it shall be the duty of the collector of said township to pay over all moneys by him received, which shall be assessed by virtue of such a vote of a district road meeting as aforesaid, on the order of the township committee of said township, to be used for the purposes directed by the district road meeting so held as aforesaid.

Legal voters may raise money for opening, working, repairing, &c., roads.

Assessor to assess amount, ordered to be raised.

Collector to pay over money.

On failure of legal voters to raise money, the township committee to direct sum to be assessed, as they deem necessary.

2. *And be it enacted*, That in case the legal voters of any such road district, at any annual meeting thereof, held as aforesaid, may refuse or neglect to vote, grant or raise any such sum or sums of money for the purposes mentioned in section first of this act, then the township committee of said township shall order and direct the sum or sums, which they may then deem necessary for such purposes in any such road district, to be assessed upon the taxable property of such district by the assessor of said township, and collected and paid over by the collector of said township, in the same manner as is directed in section first of this act.

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

Approved April 1, 1875.

CHAPTER CCCV.

A Supplement to the act entitled "An Act to authorize the Board of Chosen Freeholders of the county of Passaic, to purchase and vacate certain turnpikes in said county," approved March twenty-first, eighteen hundred and seventy-four.

Appointment of commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George V. DeMott, Cornelius S. Van Riper, John H. Van Houten and John O'Brien, be and they are hereby appointed commissioners in addition to those named in the act entitled "An Act to authorize the board of chosen freeholders of the county of Passaic, to purchase and vacate certain turnpikes in said county," approved March twenty-first, eighteen hundred and seventy-four, with the same powers as are granted to those named in said act, and that the commissioners named in said act and this supplement shall meet at the Hamilton house, in the city of Paterson, on the third day of May next, at ten o'clock in the forenoon, and shall

Powers of commissioners.

Time and place of meeting.

then and there organize and proceed to execute the duties imposed upon them by said act.

Majority, a quorum.

2. *And be it enacted*, That a majority of said commissioners who shall meet at said time and place shall constitute a quorum, and shall have power to vacate the offices of such commissioners as do not then and there attend, and the commissioners attending shall have full power to execute all the duties imposed by said act, or in their discretion they may appoint other just and reputable freeholders of the county of Passaic as commissioners to fill said vacancies, who, when so appointed, shall have the same powers as those named in said act.

Power to vacate office of those who do not attend, and may appoint others in their place.

Commissioner to give ten days' notice of time, &c., of meeting.

3. *And be it enacted*, That the said commissioner George V. DeMott, shall give ten days' previous notice, in writing, of the time and place of said meeting, to the commissioners named in said act and this supplement, by serving the same personally or by leaving the notice at the usual place of abode of the commissioner to be notified, or by transmitting the same through the mails, addressed to his usual post-office address.

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

Approved April 5, 1875.

CHAPTER CCCVI.

An Act to authorize the Trustees of School District Number Forty-eight, of the county of Warren, to build a school house therein, at Hackettstown.

Trustees may sell and dispose of real estate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the trustees of school district number forty-eight to dispose of and sell any or all of the real estate owned by the town of Hackettstown used for public schools, together with all the appurtenances thereto, and to convey the same by deed, in the name of the trustees of district number forty-eight aforesaid, which conveyance shall be sealed and

signed by at least two of the said trustees, one of whom shall be the district clerk.

May purchase lots, and build a school house.

2. *And be it enacted*, That the said trustees shall purchase one or more lots or real estate, upon which they shall be and are hereby authorized to build a commodious school building, sufficient for the wants of the inhabitants of school district number forty-eight aforesaid, the deed for which shall be taken in the name and made to the trustees of district number forty-eight aforesaid.

Trustees may issue bonds.

3. *And be it enacted*, That for the purpose of fulfilling the provisions and requirements in section second of this act, it shall be lawful for the trustees of school district number forty-eight aforesaid, in addition to what may be received and realized from the sale of property, as specified in the first section of this act, to issue coupon bonds in the name of the inhabitants of the town of Hackettstown for the said school district number forty-eight, to be called public school bonds of the town of Hackettstown, to the amount of thirty thousand dollars, in denominations of one hundred and five hundred dollars each, respectively, with coupons attached, said bonds to bear interest at the rate of seven per centum per annum, payable semi-annually, and which said bonds shall be sealed and signed by at least two of the trustees, one of whom shall be the district clerk, and shall be free from taxation for all municipal purposes.

Amount and denominations.

Exempt from taxation.

Bonds, when due and payable.

4. *And be it enacted*, That the said bonds, by the terms thereof, shall be made due and payable as follows, to wit, one thousand dollars thereof each and every year for two years, after that time two thousand dollars each and every year until the entire amount is paid; the first bond to be made to become due April first, anno domini eighteen hundred and seventy-six.

Assessors to assess annually amount sufficient to pay bonds and interest, falling due.

5. *And be it enacted*, That it shall be the duty of the several assessors of taxes having jurisdiction in and for the said school district number forty-eight, at the time they shall severally make their annual assessments of taxes, to assess yearly and every year on the estates of the inhabitants of school district number forty-eight aforesaid, and on all lands liable to be taxed therein, in the same manner as other taxes are assessed, sufficient moneys to pay the interest on said bonds and the principal as they shall become due, and until all the said bonds shall

be paid; and which moneys, so assessed as aforesaid, shall be collected by the several collectors of taxes in school district number forty-eight aforesaid, in the same manner as other taxes are collected, and when collected shall be immediately paid over to the treasurer of the town of Hackettstown, to be used by him for the purposes of paying the interest and principal of said bonds as before provided. How collected.

6. *And be it enacted*, That it shall not be lawful for the said trustees to dispose of any of the said bonds at less than their par value, and that the moneys derived from the sale or disposition thereof, as well as the money derived from the sale of the school property, shall be applied to the purchasing of the lot or lots aforesaid, and the school building and other necessary out buildings and improvements on said lots; and all moneys, when received as aforesaid, shall be immediately deposited in the Hackettstown National Bank, in the name of the trustees of said school district number forty-eight, to be drawn out by check of the district clerk, countersigned by at least one of the other trustees; *provided*, that the said trustees shall give to the inhabitants of the town of Hackettstown a good and sufficient bond in the sum of forty thousand dollars, conditioned for the true and faithful discharge of all their duties, said bond to be approved by the common council of said town, by them held for the use of said town, and which bond shall be recorded in the town records by the clerks of said town; *and provided*, that all bonds so aforesaid issued by the said trustees shall, before they are put in circulation, be registered and numbered in a town book of said town, especially kept for that purpose, and any bond not so as aforesaid registered shall be null and void, in whose hands soever they may be. Bonds, how disposed of. Moneys, how applied. Where money to be deposited. Proviso. Proviso.

7. *And be it enacted*, That this act shall take effect on the third Tuesday in April next; *provided*, the legal voters of said school district number forty-eight shall ratify the same by a majority of votes cast upon that day, five days' notice of time and place of such election shall be given in the newspapers, and notice posted in three public places in said district; and the said election shall be held at academy number one in said district, and the judges of said election shall be elected at the opening of the Act, when to take effect. Proviso.

polls, by a viva voce vote, of the legal voters there present; the election shall be governed and conducted, in all respects, in accordance with the provisions of the general school law, and the vote shall be by ballot; the polls shall open at two o'clock p. m. of said day, and be kept open until seven o'clock p. m.

Approved April 5, 1875.

CHAPTER CCCXIII.

A Further Supplement to an act entitled "An Act to revise and amend the charter of the town of Harrison," approved March the sixth, one thousand eight hundred and seventy-three.

Section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That the sixty fifth section of the act to which this is a supplement be amended, so that said section will read as follows:

Amendment.

"65. *And be it enacted,* That in order to provide for the payment of the costs, damages and expenses of laying out and opening, altering, widening, or straightening any street, road, highway or alley, within said town, the common council shall ascertain the whole amount of such costs, damages and expenses, and shall cause to be made a just and equitable assessment thereof upon the owners of all the lands and real estate peculiarly benefited thereby, to the extent and in proportion to the benefit each shall receive therefrom only; *provided,* that no lot, block, tract or parcel of land, shall be assessed a greater amount than it is actually benefited, and in case a part only of such assessment shall be assessed upon such owners, then the balance of the whole amount of such costs, damages and expenses, shall be assessed upon and paid by the town of Harrison; and that in order to provide for the payment of the costs, damages and expenses, of constructing any sewer or drain in any part of said town, the common council shall ascertain the

Proviso.

whole amount of such costs, damages and expenses, and shall cause to be made a just and equitable assessment thereof, either in whole or in part, upon the owners of all the lands and real estate peculiarly benefited thereby, to the extent and in proportion to the benefit each shall receive therefrom only; *provided*, that no lot, block, tract or parcel of land, shall be assessed a greater amount than it is actually benefited, and in case a part only of such amount shall be assessed upon each owner, then the balance of the whole amount of such costs, damages and expenses, shall be assessed upon and paid by the town of Harrison. Proviso.

2. *And be it enacted*, That the sixty-ninth section of the act to which this is a supplement be amended, so that said section will read as follows: Section amended.

"69. *And be it enacted*, That the whole amount of the costs and expenses of regulating, grading and paving any street or section of a street, or grading, flagging, macadamizing or otherwise improving any street or section of a street, shall be assessed upon the owners of lands and real estate peculiarly benefited thereby, to the extent and in proportion to the benefit each shall receive therefrom only; *provided*, that no lot, block, tract or parcel of land shall be assessed a greater amount than it is actually benefited; and whenever such improvement shall have been made under the provisions of this act or the act to which this is a supplement, the common council shall ascertain the whole amount of the costs and expenses of such improvement in any street or section of a street, and shall cause to be made a just and equitable assessment upon the owners of lands and real estate peculiarly benefited thereby, to the extent and in proportion to the benefit each shall receive therefrom only; *provided*, that no lot, block, tract or parcel of land shall be assessed a greater amount than it is actually benefited, by said commissioner, and in case a part only of such amount shall be assessed upon such owners, then the balance of the whole amount of such costs, damages and expenses shall be assessed upon and paid by the town of Harrison; *provided*, that the provisions of this act shall not be construed to apply to necessary repairs of any street, road, highway or alley; *provided also*, that if any street or section of a street shall be once entirely paved or macada- Amendment. Proviso. Proviso. Proviso. Proviso.

mized at the expense of the owners of property as aforesaid, the common council shall take charge of and keep the same in repair without further direct assessment on the property assessed as aforesaid."

Fees of clerk, on writ of certiorari.

3. *And be it enacted*, That in all cases where persons shall bring writs of certiorari to remove the proceedings of the common council of the town of Harrison, it shall be lawful for the town clerk to charge and receive from the parties bringing such certiorari at the rate of ten cents per folio for the necessary return thereto, and said party bringing such certiorari shall pay said sum to said clerk before the return day of said certiorari; *provided*, said clerk shall furnish said party or his attorney with said return, and in default thereof the court shall dismiss said certiorari with costs in favor of the defendants.

Proviso.

When ordinances, assessments, &c., are not invalidated, &c.

4. *And be it enacted*, That no ordinance, assessment or proceeding of the common council of the town of Harrison shall be deemed invalid or be set aside by reason of the return to any certiorari that has been or shall be hereafter granted, failing to show that all the requirements of this supplement and the act to which this a supplement or any supplement thereto, have been complied with; but after the filing by the said prosecutor of the reasons in certiorari, the clerk of said town may make a further return to such writ of certiorari, stating such additional facts as he may be advised are proper and necessary to state in answer to any reason, and the said common council may take proofs with reference to said facts, and if the same are established to the satisfaction of the court, then the court shall confirm the ordinance, assessment, or proceeding in question the same as if such facts had properly appeared in the minutes, records and proceedings of said common council, and whenever any assessment is set aside, either in whole or in part, the said common council may appoint new commissioners, whose duty it shall be to make a new assessment.

Clerk to make further return.

Court to confirm assessments, &c.

No writ of certiorari allowed to set aside any estimate, award, &c., at the expiration of six months, &c.

5. *And be it enacted*, That no writ of certiorari shall be allowed or issued on or in relation to any estimate, award or other proceeding whatsoever made or had by any of the provisions of the charter of the town of Harrison, or any supplement thereto, or on any ordinance, resolution, or proceeding of the common council of said town, or of any committee thereof, or of any act of any

commissioners or other person or persons appointed by said common council in the matter of any public improvement, or other matter after the expiration of six months from the date of the ratification of said assessment, award or other proceeding by the common council, or from the passage of said ordinance or resolution, or from the taking of such proceedings, or from the doing of said act, any law of the state of New Jersey to the contrary notwithstanding.

Town may plead payment, &c., when suit is brought to recover amount of award of damages, &c.

6. *And be it enacted*, That if any suit shall be brought by any person against the town of Harrison to recover the amount of any award of damages which has been made or shall hereafter be made by said town in connection with any improvement, it shall be lawful for the said town to plead payment of all or any part of the debt or award demanded, giving notice in writing with the said plea of what the said town will insist upon at the trial for its discharge, and to give in evidence any assessments for benefits made in connection with said improvement, whether the same was made or ratified after the award for damages, or before or after the right of action on said award had accrued; and if on such trial it shall appear that the debt, award or sum demanded is equal to and does not exceed the assessments for benefits, the jury shall find for the defendants, and judgment shall be entered accordingly with costs; and if on such trial it shall appear that any part of the award for damages, debt or sum demanded has been paid or satisfied by an assessment for benefits (and for the purposes of this act an assessment for benefit shall be treated and considered as payment as against an award for damages,) then such part shall operate as payment, and so far extinguish the said award for damages; and in such case it shall be the duty of the jury to set off so much as has been paid or satisfied, and to find a verdict for the amount of the residue or balance of said award, upon which the plaintiff shall have judgment with costs of suit, if costs ought to be awarded; and if on such trial it shall appear that the assessment for benefits exceeds the award of damages sued on, then it shall be considered that the plaintiff is overpaid, and it shall be the duty of the jury to find a verdict for the defendant for the amount for which the defendant shall have judg-

Proceedings when assessments for benefits exceed award for damages, &c.

ment and execution with costs, but the obtaining of said judgment shall not prevent the said town from proceeding to collect the said assessment in the manner provided for in the act to which this is a supplement, or any supplement thereto.

Assessments for benefits to be made and ratified.

7. *And be it enacted*, That all assessments for benefits hereafter to be made, under the act to which this is a supplement, or under any supplement thereto, shall be made and ratified by the common council, within six months after the date of the ratification of the award for damages in connection with said improvement, by the common council of said town.

Section sixty-three, amended.

8. *And be it enacted*, That section sixty-three of the act to which this is a supplement, be amended by striking out the words, "shall be conclusive evidence against the defendant," and in their place inserting the following, "may be received in evidence, but shall not be conclusive evidence against the defendant."

Amendment.

9. *And be it enacted*, That the word "fifty" in the fifth line of the twenty-fourth section of the act to which this is a supplement, be struck out and the words "one hundred" be substituted in its place, and that more than one

Penalty for violation of ordinances, &c.

penalty for separate and distinct violations of any such ordinance or ordinances as is mentioned in said section, may be included in the same action of debt, and that said action may be brought in the name of the town of Harrison, for the use of the said town, in any court in this state having competent jurisdiction, and in case where said action shall not be instituted before the officers named in said section, the first process shall be by summons, in which action it shall be lawful to declare generally in debt for such penalty or penalties and give the special matter in evidence; and in case of a recovery in said action or actions the town shall recover judgment for the amount of said penalty or penalties sued for together with the costs of the prosecution.

Section thirty-four, amended.

10. *And be it enacted*, That section thirty-four of the act to which this is a further supplement, shall be amended by having the following added thereto: "no person shall be eligible or shall be appointed or elected to the office of police justice of said town, for a second term immediately succeeding the term which he shall have served already; and said police justice shall receive

such salary as the common council shall deem proper; and all fees, fines and forfeitures received or collected by him as such police justice, shall be paid over to the town treasurer; and should the common council at any time, by reason of a tie vote or other cause, fail to appoint or elect a police justice, or should the police justice for the time being be disqualified or unable from any other cause to serve, then it shall be the duty of the president of the common council to appoint a member of the common council to serve as such police justice, pro tempore, who shall serve subject to removal by the president of the common council aforesaid; and said police justice pro tempore shall not receive any compensation for such service."

Offices abolished.

11. *And be it enacted*, That the officers heretofore existing and known as the "collector of taxes" and "collector of arrears of taxes," mentioned in sections four and seventeen of the act to which this act is a supplement, be and the same are hereby abolished; and all the duties of said collector of taxes and said collector of arrears of taxes shall hereafter be performed by the town treasurer.

Council may fix salaries of officers.

12. *And be it enacted*, That the common council of the town of Harrison may hereafter fix and regulate the salaries of assessors or other officers in and for the town of Harrison.

Advertisements, when deemed sufficient.

13 *And be it enacted*, That in cases where it has heretofore been necessary to advertise ten days successively in a daily paper, it shall be deemed sufficient to advertise for three weeks successively in a weekly paper published in the town of Harrison, should the common council so ordain.

Section sixty-nine, amended.

14. *And be it enacted*, That section sixty-nine of the act to which this act is a supplement, be amended by adding the following: " and the said commissioners shall make a report by a certificate in writing of the assessment so made, and before proceeding to sign the same shall give notice, by publishing the same in a newspaper circulating in said town, for ten days successively, or by publishing the same in a weekly newspaper generally circulating in said town, for three times in succession, that said report has been deposited in the town clerk's office for examination by the parties interested therein; and also of the time and place when and where the par-

ties interested can be heard by them; and after hearing the parties the said commissioners shall proceed and complete their report and sign the same, and return the said report, with all objections in writing which shall be presented to and left with them by any of the parties interested, to the common council.

Repealer.

15. *And be it enacted*, That the provisions of any act inconsistent with this act are hereby repealed, and this act shall be a public act and shall take effect immediately.

Approved April 6, 1875.

CHAPTER CCCXIV.

A Further Supplement to an act entitled "An Act relating to hawkers, pedlars and petty chapmen."

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in the county of Hudson, so much of the act entitled a further supplement to "An Act relating to hawkers, pedlars and petty chapmen," passed March fifteenth, one thousand eight hundred and sixty-one, as relates to the fees to be paid to the county in which the license is granted, fixing the same at twenty dollars, be and the same is hereby repealed, and section second of a further supplement, approved March fifteenth, one thousand eight hundred and sixty, fixing the said

Repealer.

fees to be paid for each license at fifty dollars, be and the same is hereby repealed, as far as relates to the county of

Fee and act, how construed.

Hudson, and the said fee shall be one hundred dollars in the county of Hudson; but nothing in this act shall be construed to apply to manufacturers in said county.

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

Approved April 6, 1875.

CHAPTER CCCXV.

A Further Supplement to an act entitled "An Act to establish a new township in the county of Union, called the township of Linden," approved March seventeenth, one thousand eight hundred and seventy.

Overseers of highways, to be elected.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the overseers of the highways for the four road districts of said township shall hereafter no longer be appointed by the township committee of said township, but the overseer in and for each of such districts shall be elected by the legal voters of such district, at an annual election to be held in each of such districts on the Saturday preceding the annual town meeting in such township; and public notice of such annual election shall be given by the clerk of said township, by notices signed by such clerk, and set up at three of the most public places in such district, stating the object of such meeting and the time and place of holding the same.

Notice of election, to be given.

Hours of holding elections.

2. *And be it enacted*, That such election shall each year be held between the hours of seven and nine o'clock in the afternoon of the day on which the same shall fall; that the legal voters who shall be present at the appointed place at the hour of seven o'clock in the afternoon on such appointed day, shall proceed to elect a judge of election and a secretary or clerk, who shall receive the votes and conduct such election in the same manner as the regular township election in said township is now conducted by law, except as otherwise provided by this act, and shall at the close of such election certify and return to the township committee of such township a statement of the whole number of votes, together with the names of the persons voted for, and the name of the person decided by such judge and clerk to be the person receiving the highest number of votes, which person

Election officers, how elected.

shall be the overseer of highways in and for such district for the ensuing year.

Bonds now authorized to be issued, not to exceed a certain amount.

3. *And be it enacted*, That the bonds which the township committee of said township are now authorized by law to issue to carry out the purposes of the third section of an act entitled "A Supplement to an act entitled 'A Supplement to an act to establish a new township in the county of Union called the township of Linden,'" approved March seventeenth, one thousand eight hundred and seventy, which supplement was approved April fifth, one thousand eight hundred and seventy-one, shall at no time exceed in amount the sum of forty thousand dollars in par value of such bonds actually outstanding.

Amount.

Assessments not to be made exclusively against owners, &c.

4. *And be it enacted*, That the assessments which the township committee of said township are authorized to make by the said third section of the act last above named, shall no longer exclusively be made against the owners on both sides of the street or avenue, road or highway, or part thereof, upon which an improvement shall be made, nor upon the basis prescribed in and by such section; but the basis of such assessment hereafter in all cases shall be the benefits actually derived by the respective owners of all the lands in the neighborhood of, and which shall be benefited by, the improvement, for the cost of which such assessment shall be made, including the owners of lands along such street, avenue, road or highway in proportion to the benefits received by each, and all such assessments shall be made accordingly.

Basis of assessment to be the benefits actually derived, &c.

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

Approved April 6, 1875.

CHAPTER CCCXVI.

A Further Supplement to the act entitled "An Act relating to the assessment and revision of taxes in the city of Newark," approved March fifteenth, one thousand eight hundred and sixty-six.

No deduction allowed on personal property, unless statement be made that indebtedness was not created for reducing taxes, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in making the valuation and assessment of personal property in said city of Newark for state, county and municipal taxes, no deduction of the amount of any personal indebtedness shall be made therefrom, unless the individual claiming such deduction, in addition to the statement in writing under oath or affirmation now required by law to be made for that purpose, shall sign a statement under oath or affirmation that no part of such indebtedness was created for the purpose of reducing the taxes of such individual; also, that the stated actual value of the personal property of such individual includes not only that to which such individual holds the title or possession, but also that to which any other person or persons hold the title or possession for such individual, whether the same be held in trust or otherwise.

Penalty for false swearing, &c.

2. *And be it enacted*, That any person guilty of wilful and corrupt false swearing, or affirming, in taking any oath or affirmation required by this act, shall be guilty of perjury, and punishable accordingly.

Deductions for all debts may be made from real and personal estate, &c.

3. *And be it enacted*, That in all cases when the provisions of this act and the act to which this is a supplement and all other laws relating thereto are bona fide complied with, deduction shall be made from the personal and real estate of every person assessed for all debts bona fide due or owing to creditors residing in this state, and that all acts or parts of acts inconsistent herewith are hereby repealed.

Repealer.

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

Approved April 6, 1875.

CHAPTER CCCXVII.

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

Number of councilmen.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That on and after the first Monday in May next, the council of the city of Hoboken, shall be composed of two councilmen from each ward of said city.

Members to divide by lot into classes, &c.

2. *And be it enacted*, That the councilmen of each ward, first elected under and by virtue of this act, shall at their first meeting after their election by lot divide themselves into two equal classes, one of which shall go out of office at the expiration of the first year, and the other at the expiration of the second year; and that on the second Tuesday of April, of the year one thousand eight hundred and seventy six, and every year thereafter, there shall be elected one person as councilman from each ward, who shall hold his office for two years.

When wards may be divided into districts.

3. *And be it enacted*, That whenever any ward shall poll over eight hundred votes at any election, the council of the city of Hoboken, may by ordinance divide the same into two election districts, making the said district as nearly equal in respect to votes as possible; and a judge and inspectors of election, and a ward clerk may be thereafter elected within and for each of said districts; whenever any such division shall be made, it shall be the duty of the council at the time of making the same,

Officers elected and appointed.

to appoint an additional judge of election, two inspectors of election and one ward clerk for said ward, who shall serve until their successors are elected; the officers so appointed shall perform their duties within the election district within which they shall severally reside; and in making such appointment, the council shall have reference not only to the residence of the officers so appointed, but to the residence of the like officers already elected

for said ward; the said inspectors so appointed shall not belong to the same political party.

Board of police commissioners may punish members of police force, &c.

4. *And be it enacted*, That the board of police commissioners of the city of Hoboken shall have power to punish any member of the police force of said city, who may have been found guilty of a violation of the rules of said board, or any one of them, by reprimand, forfeiting or withholding of pay for a specified time or dismissal from the force, but not more than fifteen days' pay shall be forfeited or withheld for any one offence.

Police force not to exceed a certain number.

5. *And be it enacted*, That the police force of said city shall not be increased to exceed forty-five men, and chance men shall not be appointed unless to take the place of those members of the police force who may be actually absent from duty by reason of sickness or from other causes.

Repealer.

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

Approved April 6, 1875.

CHAPTER CCCXVIII.

A Further Supplement to the act entitled "An Act to revise and amend the charter of the city of Newark."

Number of commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners to be hereafter appointed to estimate and assess damages and benefits under the act to which this is a supplement, or any supplement thereto, shall be only three in number, and that no estimate and assessment of benefits shall hereafter be made under said act and supplements by the city surveyor, or otherwise than by said commissioners.

Assessments to be made by commissioners.

Persons aggrieved, &c., may appeal,

2. *And be it enacted*, That any person or persons conceiving himself, herself, or themselves aggrieved by the proceedings or report of said commissioners, in respect to

and proceedings in case of appeal.

the estimate and assessment of damages for any property taken for any public improvement in said city, may appeal therefrom to the supreme court of this state, within sixty days after the date of the confirmation of such report, and the said supreme court shall thereupon order a trial by jury to re-assess the damages sustained by the party so appealing, on an issue to be framed for that purpose, the trial whereof shall be conducted as in other cases of trial by jury; and if the said jury shall find a greater sum than shall have been awarded or assessed by the said commissioners in favor of the party appellant, then judgment thereon with costs shall be entered against the said city; but if the jury shall find the same or a less sum, then such judgment shall be entered therefor, without costs, in favor of the appellant, and a judgment for costs shall be awarded in favor of the city, against the appellant, which may be deducted from the sum found for the appellant, but such appeal shall not prevent the city from taking said property and proceeding with the local improvement.

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

Approved April 6, 1875.

CHAPTER CCCXXII.

A Further Supplement to the act entitled "An Act constituting a Public Road Board for the laying out, constructing, appropriating, improving, and maintaining public carriage roads in the county of Essex," approved March thirty-first, eighteen hundred and sixty-nine.

When any assessment is set aside, the court may appoint other assessors, and to order a new assessment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any assessment made under said act or any supplement thereto, has been or shall be set aside only as to the prosecutor or prosecutors of any writ or writs of certiorari, by any court of review,

the court or any judge thereof shall thereupon order a new assessment and appoint the same or other assessors to re-assess the amount of the assessments so set aside, together with the lawful interest accrued thereon, the costs and expenses of such review, and of such re-assessment, to be estimated and laid before them by the Essex public road board; and said assessors so appointed shall proceed as provided in respect to the original assessment, and report to the said board; but in making such re-assessment no tracts or lots of land originally assessed for the benefits of the said improvement, and the original assessments upon which shall not have been set aside, shall be liable to be re-assessed, but the same shall be exempt from such re-assessment, and that this act shall take effect immediately.

Assessor to make a report to board.

What lands are exempt from re-assessment.

Approved April 7, 1875.

CHAPTER CCCXXIII.

An Act to vacate Plymouth street, in Jersey City.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Plymouth street, in Jersey City, between Greene street on the east and Washington street on the west, shall be vacated when the owners of the property situated fronting on each side of said street shall file their consent thereto, in the office of the secretary of state, which consent shall be in writing and under seal, and shall be acknowledged or proved in the manner in which deeds are required by the laws of the state of New Jersey to be acknowledged or proved; and said consent shall be so filed on or before the first day of January, eighteen hundred and seventy-six.

Plymouth street vacated, when owners of lands consent, &c.

Consent, when to be filed.

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

Approved April 7, 1875.

CHAPTER CCCXXIV.

A Further Supplement to an act entitled "An Act to revise and amend the charter of the town of Orange," approved March third, eighteen hundred and sixty-nine.

Words stricken out.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the words "forty-fourth" in the third section of the supplement of the above entitled act, which said supplement was passed March thirtieth, eighteen hundred and seventy-five, be and the same are hereby stricken out and the words "fifty-fourth" inserted in lieu thereof.

Words inserted.

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

Approved April 7, 1875.

CHAPTER CCCXXV.

A Further Supplement to an act entitled "An Act to incorporate the Chosen Freeholders in the respective counties of the State," revision, approved April sixteenth, one thousand eight hundred and forty-six.

Board empowered to elect auditor.

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 Essex, state of New Jersey, are hereby authorized and empowered to elect a suitable person who shall be known and designated by the name of "the auditor of the county of Essex," and who shall perform such duties as may from time to time be imposed by said board, for the purpose of exercising a thorough

Duties of.

supervision over the expenditure and receipt of moneys by the collector of said county, and who shall give such security for the faithful discharge of his duties as may be required by said board.

Annual election of auditor.

2. *And be it enacted*, That the said auditor shall be elected, and his annual compensation determined by a vote of the majority of all the members of said board, at their first annual meeting next ensuing, and at their first annual meeting in each and every year thereafter, and shall hold his office for one year or until his successor shall have been elected, or he shall have been removed by a majority vote of all the members of said board, which power of removal for cause is hereby vested in said board.

Term of office.

Powers of board of freeholders.

3. *And be it enacted*, That the said board of chosen freeholders are hereby invested with full powers to enable them to render effectual the purpose named in the first section of this act or supplement thereto.

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

Approved April 7, 1875.

CHAPTER CCCXXVI.

A Further Supplement to an act entitled "An Act to enable the Trustees of Freehold School District Number Seven to sell the present school property, and to buy other property and erect a school house thereon, and to issue bonds in payment therefor."

Trustees may issue bonds, and amount.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the trustees of Freehold School District Number Seven to issue bonds in addition to those already issued, by said act, the amount not to exceed twelve hundred dollars, and that the additional bonds shall not be payable until the bonds already issued are redeemed and canceled.

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

Approved April 7, 1875.

CHAPTER CCCXXVII.

An Act to regulate the salary of the Prosecutor of the Pleas in the county of Warren.

Salary of prosecutor of pleas.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That the salary of the prosecutor of the pleas for the county of Warren shall be one thousand dollars per annum, which sum shall be paid to him in quarterly installments by the collector of said county, and shall be in lieu of all fees, costs and compensation now received by him; and all fees, costs and compensation that the said prosecutor is now entitled by law to receive, shall be taxed in all bills of costs as the same are now taxed, and shall be collected by the sheriff of said county of Warren, and be by him paid to the collector of said county for the use of said county.

Fees, how taxed and collected.

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

Approved April 7, 1875.

CHAPTER CCCXXIX.

An Act to authorize the voters of that part of Westfield township called Scotch Plains, and its vicinity, within certain boundaries, to open the polls and vote at Scotch Plains, for all officers and purposes voted for by Westfield township at their regular or ordered meetings.

Township divided into two election districts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of Westfield township, in Union county, commencing on the Terril road, at its junction with Green brook and Plainfield, thence northerly, following the Green brook to Feltville, until it meets the road coming down the mountain near the factory; thence in a southerly direction, straight over the mountain until it strikes the Jerusalem road where the Morse road meets the Jerusalem road; thence in a straight line to where the Central Railroad crosses the Westfield road near the Case place; thence in a southerly course, a straight line to the Hand road east of George Squier's residence; thence still in a southerly direction, following that road to the Terril road; thence westerly following the Terril road to the place of beginning, including all the inhabitants within said limits, shall constitute an election district within said township, and that any qualified voter residing in said district may vote therein, and not elsewhere in said township.

Election officers, how elected, &c.

2. *And be it enacted*, That the judges and clerk of election of said district shall be elected and appointed in the same way and manner, and their duties shall be the same, except as hereinafter provided, as is now provided by law at township elections, and the assessor and collector of said township, or either of them residing in said district, shall be judges or judge of election in said district.

Who to be judges of election.

Statement of result of election to be made, &c.

3. *And be it enacted*, That the judges of election of said district, as soon as may be after any election held therein, shall transmit a statement of the result thereof, and a certificate in like form with that prescribed in the sixty-

second section of the act entitled "An Act to regulate elections," approved April sixteenth, eighteen hundred and forty-six, to the board of election of said township, and shall deliver the poll book of election and the ballots which shall have been received therein, as well, those which shall have been deemed and taken to be null and of no effect, as those which shall have been estimated and canvassed, to the clerk of said township, and the said statement, poll book and ballots, shall be treated by such judges and clerk the same as if made and received by them at the township election.

Appointment of election officers.

4. *And be it enacted*, That George Squeir (the present collector of said township), James A. Baker and William C. Stransberry, shall be the first judges of election in said district, and that Thomas Nicholl shall be the first clerk of election of said district.

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

Approved April 7, 1875.

CHAPTER CCCXXX.

An Act to authorize the inhabitants of the township of Delaware, in the county of Hunterdon, to vote by ballot at their annual town meetings.

Inhabitants 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 Delaware, in the county of Hunterdon, be and they are hereby authorized and required to elect by ballot, at their annual town meeting between the hours of ten o'clock in the morning and seven o'clock in the afternoon (excepting one hour adjournment between the hours of twelve o'clock noon, and one o'clock in the afternoon,) in the manner now authorized by law for the election of state and county officers, all such township officers (excepting overseers of the highways) as the inhabitants of the said township are now or hereafter may

be authorized or required to elect; and shall at one o'clock of said day fix by viva voce vote the amounts of money to be raised by the said township for schools, roads and other purposes, and also the place of holding the next regular election in said township for the election of state and county officers. Amount of money to be raised by vote, for schools, roads, &c.

2. *And be it enacted*, That the inspectors of elections elected at the last general election for state and county officers, or at any future election for such officers, shall preside at and conduct the election at the next ensuing annual town meetings in said townships, respectively, which town meetings shall be held at the same place as the regular election for state and county officers next preceding the same was held. Elections, by whom conducted, &c.

3. *And be it enacted*, That in case of a tie vote, or a neglect or refusal of any officer elected to serve, the township committee shall have power to fill such vacancy at their next meeting after such election, and to decide between those having an equal number of votes. Vacancies in office, how filled.

4. *And be it enacted*, That hereafter the acting overseer of the highways in each and every road district in said township, shall call a meeting of the voters of said road district, to be held on Saturday previous to the next regular town meeting, at two o'clock in the afternoon, by a notice in writing, under the hand of said acting overseer of the highways in said district, set up at three of the most public places in said district for at least five days previous to such meeting, for the purpose of electing an overseer of the roads for said district for the ensuing year, and the person who shall receive a majority of the votes cast at such meeting thus called shall be the overseer of said respective road district for the next year, and it shall be the duty of the late overseer to report the result of such election to the town committee elected at their town meeting next succeeding the same. Overseer of highways to call meetings, and give notice thereof. Who deemed elected.

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

Approved April 7, 1875.

CHAPTER CCCXXXI.

A Further Supplement to the act entitled "An Act to revise and amend the charter of the city of Newark."

Power to issue bonds, and the amount.

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, for an amount not exceeding four hundred thousand dollars, bearing interest at the rate of seven per cent. per annum, registered or otherwise, with coupons attached or otherwise, and payable at such time or times as may be agreed upon by the common council, not exceeding twenty years from the date thereof, pledging the credit and whole property of the said city for the payment of the same; which bonds it shall be lawful for the mayor and common council of the city of Newark to sell at public or private sale, for the best price they can obtain for the same, and to apply the proceeds thereof to the payment of the bonds issued by virtue of an act of the legislature, entitled "A further supplement to the act entitled an act to revise and amend the charter of the city of Newark," approved March eleventh, eighteen hundred and fifty-seven, which said supplement was approved February twenty-third, eighteen hundred and seventy.

May sell bonds, and apply proceeds thereof for payment of bonds authorized by certain act, &c.

Interest, &c., on bonds issued, to be provided by a special tax, and a sinking fund created.

2. *And be it enacted*, That the said common council shall provide, by a special tax, for the payment of the interest on the bonds hereby authorized to be issued, and shall also create a sinking fund, for the payment of the same, and for that purpose shall assess and collect a special tax equal to three per cent. on the whole amount of said debt.

3. *And be it enacted*, That all moneys arising from the sale of lands now held by the mayor and common council of the city of Newark, known as lands purchased for the improvement of Clinton Hill, and more fully de-

scribed on a map deposited in the office of the city comptroller, shall be paid to the commissioners of the sinking fund, and all bonds and mortgages and other evidences of debt received as consideration for any portion of the above mentioned lands, shall be delivered to the said commissioners of the sinking fund, and all sums collected thereon, whether as principal or interest, and all moneys derived from any assessment for benefits hereby or heretofore authorized to be assessed by the commissioners, created by the act to which this is a supplement, or by their successors, shall be devoted by the said commissioners of the sinking fund to the payment of the principal of the bonds authorized by this act; and the commissioners of the sinking fund shall, on the first day of December in each and every year, report the condition of the same to the common council.

Moneys arising from sale of lands and assessments, &c., bonds and mortgages, &c., shall be devoted to payment of principal and interest of bonds, &c.

Commissioners to make report.

4. *And be it enacted*, That in case the said commissioners of the sinking fund find, at any time before the maturity of said bonds, that the amount of moneys and securities in their hands will enable them to pay said bonds at their maturity, they shall immediately thereupon report the said fact to the common council, who shall thereupon cease to levy the tax authorized by this act, and the said commissioners of the sinking fund shall take such measures to call in and redeem said bonds as they may deem expedient.

Tax to cease when commissioners have amount of money, &c., on hand, to pay bonds, &c.

5. *And be it enacted*, That all acts or parts of acts inconsistent with or repugnant to 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 April 7, 1875.

CHAPTER CCCXXXII.

A Further Supplement to an act entitled "An Act for the improvement of Flemington," approved the fourteenth day of March, in the year of our Lord one thousand eight hundred and seventy.

Commissioners may acquire and hold title to land, fire engine, &c.

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 commissioners of Flemington to acquire and hold title to the lot of land situated in the village of Flemington, adjoining lands of Alexander Wurts, and others, whereon the engine house is erected, and also to acquire and hold title to the fire engine, hose and all apparatus thereto belonging, now used and kept in the said village of Flemington.

When commissioners may expend money for repair of fire engine house, &c.

2. *And be it enacted*, That it shall and may be lawful for said commissioners, out of the moneys placed at their disposal by the act to which this is a supplement, to expend such sum as may be necessary to keep said engine house in a proper state of repair, and the said fire engine, hose, and apparatus in good working order, but no such expenditure shall be made until a fund of five hundred dollars, contributed by the citizens of Flemington, with the accumulations thereon, shall have been properly expended for the repair of said engine house, and in keeping said fire engine, hose, and apparatus in good working order.

Commissioners to publish statement of moneys received and disbursed, &c.

3. *And be it enacted*, That the said commissioners shall on or before the fifteenth day of May of the present year, and of each year hereafter, publish for one week, in the two newspapers printed and published in the town of Flemington, a detailed statement of all moneys received by them, and how disbursed, particularly showing to whom paid, in what amounts, what for, and when.

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

Approved April 7, 1875.

CHAPTER CCCXXXIV.

An Act to repeal an act entitled "An Act to authorize and provide for a transcript of certain deeds, mortgages and official records of lands and real estate in the county of Union," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An Act to authorize and provide for a transcript of certain deeds, mortgages and official records of land and real estate in the county of Union," approved March twenty-seventh, one thousand eight hundred and seventy-four, be and the same is hereby repealed.

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

Approved April 7, 1875.

CHAPTER CCCXXXVII.

Supplement to the charter of Hackettstown.

Power of appointment of policemen.

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 have the right by not less than five concurring votes, of appointing policemen for said town upon the nomination of the mayor, as many as they may from time to time deem necessary to preserve

good order in said town, and at such salary as they may deem just and right.

Mayor may discharge police.

2. *And be it enacted*, That the said mayor shall have the right to discharge any or all of the said policemen whenever he shall deem it proper.

Police to arrest disorderly and drunken persons.

3. *And be it enacted*, That it shall be the duty of such policemen to patrol the streets and prevent riot and disturbance in the streets and disorderly conduct, and to arrest disorderly and drunken persons found in the streets, and put them in the common jail of the town, who shall be there detained until released by order of the mayor or some member of the common council, and it shall be also the duty of said policeman to inform the mayor within twenty-four hours after putting such disorderly person or persons in the common jail of the said town of such imprisonment, and the number of persons so locked up, and the mayor shall thereupon order the said disorderly person or persons to be brought before him, who shall be fined such sum as he may deem just, not less than one dollar, nor more than twenty-five dollars, and discharge the same from custody upon the payment of the fine; and in case the mayor at the time shall be out of town, or not to be found, the said policeman shall notify any member of the common council, who may order the said disorderly person or persons brought before him, and thereupon he shall examine into the same and impose such fine as aforesaid, and upon receiving said fine or fines shall discharge the prisoner or prisoners, but no person shall be confined in said jail for any longer term than seven days.

Duties of any member, in absence of the mayor.

Power to license billiard saloons.

4. *And be it enacted*, That the mayor and common council of said town shall have the right to license all public billiard saloons in said town, and make and pass ordinances relating to the same, and to close up all such public place or places as shall not be duly licensed by them, and it shall be unlawful for any person or persons to keep any public room where billiards are played without a license, first had and obtained from the mayor and common council, and for every violation of this enactment every offender, upon conviction, shall be liable to pay a penalty of twenty-five dollars, to be recovered by action of debt by any person who shall sue for the same in the name of the treasurer of said town for the benefit

Penalty for keeping saloon without license.

of the inhabitants thereof; said suit shall be brought before the mayor of said town, who shall be and hereby is empowered to hear and try the same, and to render judgment and issue execution for the same against the goods and chattels of the said offender, and deliver the same to any of the constables of said town, who is hereby commanded to make the moneys mentioned in said execution, with costs, out of the goods and chattels of such offender; *provided*, that any person feeling himself or herself aggrieved by the decision of the mayor, he, she or they may appeal to the said mayor and common council within ten days after the decision of said mayor; and the said mayor and common council shall re-try the said cause, and give judgment on the same, and the mayor shall issue execution according to the judgment and decision of said mayor and common council; *provided also*, that the defendant shall have the right of removing all of the proceedings before said common council to the supreme court of New Jersey by certiorari, in the same manner and way as in other cases. Proviso. Proviso.

Contracts, when null and void.

5. *And be it enacted*, That hereafter the said common council of Hackettstown shall not let or hire out any job of work of any kind or description, to any member of the said common council, either directly or indirectly, and all contracts made in violation hereof, shall be null and void; and all jobs of work amounting to one hundred dollars or over, shall be duly advertised for one week in two of the newspapers circulating in said town, and upon the day specified in such advertisement, the said work or job shall be let or sold out to the lowest bidder for the same; *provided*, the common council shall be satisfied as to the ability of the bidder to complete the work. Work to be advertised, and given to the lowest bidder. Proviso.

Unlawful for common council to expend, lay out, order, &c., amount of money, &c.

6. *And be it enacted*, That the common council of the town of Hackettstown, shall not hereafter in any one year vote, lay out, expend or order to be paid any sum or sums of money of three thousand dollars or over that amount, without first by lawful vote ordering it to be assessed and levied the same year in which the work is to be done, excepting for debts already incurred, and all contracts or engagements by the said common council, made in violation of this provision, shall be absolutely null and void; *provided*, that nothing herein contained Proviso.

shall interfere with the charter and laws of the water board of said town.

Proceedings in taking and appropriating lands for laying out, widening, altering, and opening any new street or streets.

7. *And be it enacted*, That hereafter when the common council shall deem it necessary to take and appropriate any land and premises for the purpose of laying out, widening, altering and opening any new street or streets in said town of Hackettstown, whether the same be taken and appropriated by the common council by purchase or condemnation, the amount so designated to be paid by the common council, by either purchase or award of commissioners, shall be assessed and levied upon all the lands and premises benefited and improved by the opening of such street or streets, and the mayor and common council shall appoint three disinterested freeholders of said town to be commissioners to make an assessment of damages for the taking of the said land, if by condemnation, and of the amount to be assessed and levied upon each lot of land and premises so benefited and improved, sufficient to defray all expense that may accrue in the laying out, widening, altering and opening said street or streets; such assessment and levy shall be made by the commissioners appointed as aforesaid, with due regard to the benefit, profit and advantages that laying out and opening said street or streets may be to the lands and premises so assessed; the said commissioners shall make a report to the common council of the damages assessed and the amount of the levy and assessment made upon each lot of land and premises so benefited, within forty days from the time of their appointment; such assessment and levies shall be and remain a lien upon said lands and premises, according to the report of said commissioners; *provided*, that in case said lands and premises are taken by condemnation or purchase, the owner or owners of said lands and premises so benefited, shall be at liberty at any time within six months from the filing the award of the commissioners by the common council, in the town records, to appeal from said assessment of said commissioners, to the circuit court of the county of Warren, by simply giving a written notice of the same to the said common council, and which said appeal shall be tried by jury; and the aforesaid lien or liens shall, in all respects, conform to such final decision, and if the said assessment be not paid or satisfied

Proviso.

within six months from the time of rendering such assessment, or within ninety days from the final decision of said court, and after ten days' notice, signed by the town clerk and served upon the owner or owners of said lands and premises, then the common council may proceed and order the property so held as a lien to be sold, and sell the same at public sale, to pay the amount of said levy and assessment; *and provided also*, that any person or persons conceiving himself, herself, or themselves aggrieved by the proceedings of said common council or commissioners as to the award rendered as damages to the owner by said commissioners, for taking any land and premises, and appropriating the same for laying out, widening or altering any new street, may appeal within six months after making the final order of said common council, to either the court of common pleas of said county of Warren, or to the circuit court of said county, and said courts, or either of them, shall order a trial by jury to assess the damages sustained by the owner or owners of the land or lands thus taken for said street or streets, the trial or trials whereof shall be conducted as in other cases of trial by jury, and for making such appeal it shall only be necessary for the party aggrieved to give a written notice of such appeal to the said common council, who shall certify the proceedings thereof to said court or courts. Proviso.

Owners to lay at their own expense curb stones, and make gutters, &c.

8. *And be it enacted*, That on all the public streets in said town, where flag-stone walks are already laid, or where they shall hereafter be laid in said town, the owner or owners of lands along said streets, shall be compelled to lay down, at their own expense, good and sufficient curb stones outside of said walks and make good and sufficient gutters along the same, in accordance with ordinance or ordinances legally passed or which may hereafter be legally passed by the said common council for that purpose; and in case the common council of said town shall have legally passed any ordinance or ordinances in relation to the same, having given three months' notice thereof to the owner or owners of said lot or lots along said street or streets, and the owner or owners of the same shall have neglected to lay the curb stones and make gutters as aforesaid for the space of three months, then the common council shall

If owners neglect to lay, curb and gutter, council may lay the same.

have the right to lay the curb stones and make the gutters as aforesaid, at reasonable costs and charges; and all the costs and charges arising from the purchasing, laying and making the same shall be and remain a lien on said land of said owners till the said costs, charges and expenses are duly paid, but each lot shall be liable only for the expenses incurred by such improvement in its own front and distance; and should the said costs and expenses and charges remain unpaid for the period of one year after the making and laying said curb stones and gutters, it shall then be lawful for the said common council to order the lot or lots of land and premises upon which said lien exist to be sold by public sale, for such time as shall be necessary to pay the said costs, charges and expenses with legal interest thereon, and to make sale thereof accordingly, having first advertised the same for the space of twenty days in two of the newspapers circulating in said town.

Costs and charges, to remain a lien.

Council may order lots sold to pay costs, &c.

Preamble.

AND WHEREAS, The said town of Hackettstown is now indebted in the sum of seventy-one thousand dollars; therefore,

Power of council to issue bonds, for the payment of debt.

Amount.

9. *And be it enacted*, That it shall be lawful for said common council of said town, for the purpose of paying off the said debt of said town, to issue bonds of said town in sums not less than one hundred dollars to the amount of seventy-one thousand dollars, and which said bonds shall be sealed with the common seal of the town of Hackettstown, and signed by the mayor and attested by the treasurer of said town, and which said bond or bonds shall be used only for the purpose of paying the said indebtedness of said town, and the town clerk shall keep a true and accurate account and record of all bonds so as aforesaid issued, and record the same in the town records in a book provided for that purpose, and which record shall give an accurate description of each and every bond, stating the number of said bond or bonds, the amount of money it calls for, the date of its issue and the time when it shall fall due, and before any bond or bonds so as aforesaid made, shall be put in circulation, it or they shall be first numbered in figures on the margin thereof, and the number thereof shall be also written or printed in the body of the same, and any and every bond of said town, made under this act, which is

Clerk to keep record.

not so as aforesaid, particularly specified and registered in the town records as aforesaid, shall be null and void, in whose hands soever the same may be, and said bonds shall be due and payable in not more than ten years and not less than two years from the date thereof, and should any of the said bonds by the said mayor and common council, or any member thereof, or any other person, be sold, transferred, passed or put in circulation for any other purpose than that of paying off the present indebtedness of said town, it shall be a high crime and misdemeanor, and on conviction thereof, the said mayor or any member of said common council, his or their aiders or abettors, shall be fined to the full amount of said bond or bonds to and for the use of said town, and which said fine shall be and remain a lien upon the real estate, goods and chattels of such offender until paid, and the said offender shall, in addition, be liable to imprisonment at hard labor for not less than one year nor more than ten years at the discretion of court; *provided*, that no bond authorized by this act shall be sold for less than ninety-five per centum of its par value.

Bonds, when null and void.

When bonds are due and payable, and penalty for issuing the bonds for other purposes.

Proviso.

10. *And be it enacted* That the fourth section of the charter of the town of Hackettstown, be so far modified and changed, that at the annual town meetings of said town, the citizens thereof qualified to vote, shall elect by ballot seven common councilmen, all of whom shall hold their respective offices for one year, and until others are chosen and legally qualified in their stead, and at the first meeting of said common council after being duly sworn in, they shall elect by ballot, one of their number to preside over them in all their meetings, and who shall not be entitled to a vote on any question except in cases of a tie, and no ordinances or resolutions shall be passed by said common council, without four concurring votes, and the mayor of said town shall not be entitled to a vote in any case, but whenever any ordinance or resolution receives four concurring votes, it shall be copied and given by the clerk of said town to the mayor for his approval, and if approved by him, he shall so certify by endorsing such appoval on the back thereof, under his own hand and signature; but if he disapproves of the same, he shall so certify to the common council with his reasons for the same, and at the next regular meeting of

Election of councilmen, and their meetings.

Ordinances and resolutions, how passed, and mayor to approve.

said common council, they shall consider the objections of the said mayor so sent into them, and if after mature deliberation, the common council, or a majority of them, think the reasons assigned by the mayor insufficient, they shall so order and may then pass the said ordinance or resolution by not less than four concurring votes; and whenever any ordinance is so passed, it shall be recorded and then published in both of the newspapers edited in said town for the space of one month, after which the ordinance shall be a valid law of said town.

Town of Hackettstown, to be at the expense of leveling and grading sidewalks.

11. *And be it enacted*, That sections nine, ten and eleven of the charter of the town of Hackettstown, be so far modified and changed that the town of Hackettstown, shall be at the whole expense of leveling and grading the sidewalks in all the streets in said town whenever the same shall be done, and that the owners of lands adjoining said streets, shall not be liable for any expenses of doing such work beyond their ordinary taxation; and all walks hereafter laid in said town by paving, planking and making of the same in any of the streets thereof, shall be made by the owners of land along the same.

Walks hereafter laid, to be made by owners, &c.

Repealer.

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

Commissioner of streets &c., how appointed, and his duties.

13. *And be it enacted*, That the mayor, with the approval of the common council, shall nominate and appoint one person to be commissioner of the public streets, highways, alleys and sidewalks of said town, whose duty it shall be to repair, amend and superintend the same, remove nuisances and obstructions therefrom, and perform all duties now enjoined by law upon overseers of the highways in the several towns and townships of this state, and hereafter no overseer of the roads shall be elected in said town, but all duties now performed or enjoined upon him shall be performed by said commissioner.

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

Approved April 8, 1875.

CHAPTER CCCXXXVIII.

A Further Supplement to an act entitled "An Act to establish the Long Branch Police, Sanitary and Improvement Commission," approved April eleventh, Anno Domini eighteen hundred and sixty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners provided for by said act and its supplements shall hereafter be seven in number, three of whom shall be appointed as provided for in the supplement to the original act to which this is a supplement, approved March thirty-first, one thousand eight hundred and sixty-nine, said commissioners to be appointed on the second Tuesday in May of each and every year, and shall hold their office for one year and until others are appointed and qualified in their stead, and four shall be elected annually on the second Tuesday in May by ballot, from and within the limits specified in said act and supplement thereto, approved April third, one thousand eight hundred and sixty-eight, said election to be held at such place or places as the commissioners, or a majority of them, may appoint, notice of which shall be given by the clerk of said board of commissioners at least one week before the day of election in a newspaper printed within said limits, and also by six or more printed advertisements set up in as many public places in said limits, and shall also elect district clerk, one assessor, one collector, one clerk of election, one judge of election, and two inspectors of election, and three commissioners of appeals, all of which said officers so elected shall hold their offices for one year and until others are elected in their stead, and all or any officer elected or appointed by the provisions of this act shall, before entering into the duties of said office, take and subscribe an oath or affirmation before some person authorized by the laws of this state to administer an oath that they will faithfully discharge the duties of said office.

Officers elected, and term of office.

Notice to be given.

Election, how conducted, and by whom.

2. *And be it enacted*, That the aforesaid annual election shall be held and conducted by the judge, inspectors and clerk of election in the same manner and under the same regulations, in all things, as prescribed by law for the state election for members of the legislature, and who shall serve without compensation for their services.

Who entitled to vote.

3. *And be it enacted*, That every person who would be entitled to vote by the existing laws of this state at an election for members of the legislature, if held on that day, and who is at the time an actual resident of the said district, shall be entitled to vote for all or any of the officers to be chosen at such election.

Who to be declared elected

4. *And be it enacted*, That immediately after closing the polls at each election the board of election shall count the votes, and the persons having the greatest number of votes shall be declared elected to the offices for which they shall have been voted for, respectively, and shall certify, under their hands, the result of said election, and shall deliver the same to the clerk of said board of commissioners, who shall file the same in his office.

Who eligible to office, &c

5. *And be it enacted*, That no person shall be eligible to any office at any such election unless he shall then be an elector and resident of said district, and when any officer elected at any such election shall cease to reside in said district, his office shall thereby become vacant.

Vacancies in office, how filled.

6. *And be it enacted*, That whenever a vacancy shall occur in any of the offices herein provided for, by refusal or neglect of such officer to take the oath of office within the time required by law, by his death, resignation, ceasing to be an inhabitant of said district from which he shall have been elected, or by any other cause, the commissioners may appoint a special election to supply such vacancy, of which special election the same notice shall be given as is required by this act to be given of the annual election, and such special election shall be conducted and the result be determined and certified in the manner prescribed in this act of conducting and determining the result of the annual election for the same office.

Vacancies to be designated on ballot.

7. *And be it enacted*, That if at any annual election there shall be one or more vacancies to be supplied, in any office, at the same time any person is to be elected for the full term of said office, the term for which each

person voted for for said office is intended, shall be designated on the ballot; and if any person who shall be elected to any office at the annual election shall not qualify according to law for the space of twenty days after such election, or if any person who shall be elected or appointed to fill any vacancy in any of the said offices, shall not qualify according to law, for the space of twenty days after such election or appointment, his office shall be deemed vacant. Offices, when deemed vacant.

8. *And be it enacted*, That in case of death, resignation, inability, disqualification, removal from office, neglect or refusal to act, or removal out of the said district, of any of the officers thereof, or any vacancy in any office, it shall be lawful for the commissioners to appoint others in their stead until the next election, or in the case of appointed officers, until the regular period for appointment, who shall, during the said time, perform the like services, be entitled to the same fees, and be subject to the same responsibilities, as though elected at the annual election, or appointed at the regular time; *provided*, that all resignations shall be sent to the clerk and he shall report the same to the commissioners at its next meeting thereafter. Commissioners may appoint to fill vacancy. Proviso.

9. *And be it enacted*, That the said judges and inspectors of election shall take the same oaths, and conduct such elections, and make returns thereof, except as hereinbefore provided, in reference to the annual election, in the same manner as township officers of election are or may be by law required to do, and shall be vested with the same powers and authority, and perform the same duties, and be subject to the same penalties as the like officers of the townships of this state are or may be by law vested with, allowed or subject to; and in case of the absence, death, incompetency or refusal to serve of any of the said officers of elections at any election provided for by this act, such vacancy or vacancies shall be supplied in the manner prescribed by law for supplying such vacancies in the townships of this state; and the clerks of said election shall procure an election box for the use of said district, in such manner and of such description as are required to be procured by the township clerks of this state, and be subject to the same penalties as township Elections, how conducted, and by whom. Vacancies in election officers, how filled.

clerks are subject to for neglecting to procure such box and keeping it in repair.

Officers appointed.

10. *And be it enacted*, That the commissioners, at the regular meeting on the first Saturday in May after the annual election, or as soon thereafter as circumstances will permit, shall, by the vote of a majority of all its members, appoint a city solicitor, a street commissioner, keepers of the public pounds, one police justice, and may at the same time elect by ballot one person to act as city physician; and may, from time to time, appoint such other subordinate officers as they may deem necessary for the ordering and governing of the said district and the execution of the powers and duties conferred and imposed upon the commissioners by this act; the officers above named shall hold their several offices for one year, unless sooner removed, and until their successors shall be appointed and qualified.

Term of office.

Officers, to take oath.

11. *And be it enacted*, That every person elected or appointed to any office in pursuance of this act, or of any law or ordinance of the commissioners, shall, before he enters upon the duties of such office, take and subscribe, before the clerk of each commissioner, an oath or affirmation, faithfully and impartially to execute the duties of his office to the best of his knowledge, skill and ability, and such other oaths as may be required by the laws of this state; all such oaths or affirmations shall be filed by the clerk in his office; the treasurer, constables, and such other officers as the commissioners may require, shall, also, before entering upon their duties, each give bond to the said commissioners, in such sum and with such sureties as the commissioners may approve, or as may be required by any act of the legislature of this state, conditioned for the faithful performance of the duties of their respective offices; and if at any time the commissioners shall deem the sureties of any other officer insufficient, they shall require him to give additional security.

Officers, to give bonds

Officers, how removed.

12. *And be it enacted*, That any officers appointed may be removed from office by resolution of the commissioners for malfeasance, nonfeasance, disability, or other good cause shown, upon complaint in writing to the commissioners setting forth such cause, and supported by one or more affidavits of the truth of the facts therein alleged; *provided*, that no such removal shall take place

Proviso.

until the person sought to be removed has had an opportunity to be heard in his defence, nor unless a majority of all the members of the commissioners shall vote for such removal; *and provided further*, that police officers may be removed in such manner as shall be prescribed by ordinance of said commissioners. Proviso.

TITLE III.

OF THE POWERS AND DUTIES OF CITY OFFICERS AND THE ENFORCEMENT OF THE ORDINANCES.

13. *And be it enacted*, That the president of the board shall have the power, and it shall be his duty to recommend to the commissioners all such measures connected with the security, health, cleanliness and ornament of the said district, and the protection and improvement of its government and finances, as he shall deem expedient; to cause the laws and ordinances to be duly executed and enforced, and to exercise a supervision over the official acts of the subordinate officers, and to report any dereliction of duty to the commissioners, and generally to perform all such duties as may be required of him by law or the ordinances of said commissioners; he may, under the direction of the commissioners, offer rewards for the detection or apprehension of the perpetrator of any offences against any ordinance, or of any high crime or misdemeanor committed within the said district, to be paid on the conviction of the criminal. Power and duties of president of board.

14. *And be it enacted*, That the president is hereby invested with all the powers and duties which any police justice now or may hereafter be invested with, and for the purpose of quelling any insurrection, riot, disturbance or disorderly assemblage, shall have control of the marshals, constables, watchmen and other police force of said district, and the power to call upon the citizens for aid in all such cases, and when he shall deem it proper to call out the militia of said city, and employ the same in quelling any insurrection, riot or disturbance of the peace, and on parades and other public gatherings, when he shall deem it necessary to preserve the public peace and good order; he may appoint for the occasion Invested with powers of police justice, &c.

such special policeman as he may deem necessary, and the commissioners shall provide for their compensation.

Powers and duties of other officers.

16. *And be it enacted*, That the commissioners of appeal in cases of taxation, and district clerk, elected or appointed as aforesaid, shall respectively possess the powers and perform the duties of like officers of any township of this state, so far as such powers and duties shall be consistent with the provisions of this act; and that the collector shall possess the powers and perform the duties of collectors of the several townships, so far as such powers and duties shall be consistent with the provisions of this act; the judge and inspectors of elections in said district, shall respectively possess the powers and perform the duties of the like officers of any township of this state, to the same extent and in the same manner in all respects as if said district was constituted a separate township of the county of Monmouth, so far as such powers and duties shall be consistent with the provisions of this act.

Duties of collector of taxes.

17. *And be it enacted*, That the said collector of taxes shall enter in suitable books, to be kept for that purpose, the sums received by him for taxes respectively, with the names of the persons on whose account the same shall be paid on each day.

Collector to give bonds.

18. *And be it enacted*, That the collector who shall act as treasurer shall give bonds satisfactory to the commissioners, possess the power and perform the duties, and be subject to the same penalties as the collector of Ocean township, and receive all moneys, etc., as hereafter prescribed, and for which service he shall receive a yearly

Compensation.

compensation not to exceed three hundred dollars, and in addition thereto the costs accruing upon the collection of delinquent taxes, and upon the receipt of the duplicate of assessment of taxes, shall proceed in the collection thereof as now required by law to be done by the collector of the said township of Ocean.

Collector to publish statement.

19. *And be it enacted*, That the collector acting as treasurer shall publish, during the months of May and October of each and every year, in a newspaper published in said district, a statement over his signature of—

Moneys on hand.

First. The moneys of said corporation in the hands of treasurer and other officers;

Second. The value of and location of real estate owned by the district; Real estate owned.

Third. The amount of debts owing to the district, and their character; Amount of debts owing to district, &c., and for what purposes, &c.

Fourth. The amount of debts owing to the district, specified whether by notes, bonds, or otherwise, and specify the amount of said debt, and for what purposes incurred.

20. *And be it enacted*, That the collector shall receive all moneys, bonds, or evidences of indebtedness belonging to or issued by the said commissioners, and shall deposit and keep the same as directed by the commissioners, and pay out such moneys, bonds, or evidence of indebtedness, only upon the warrant of the commissioners, signed by the president and clerk, and shall perform such other duties appertaining to his office as may be required of him by law, or by any ordinance or resolution of the commissioners; the said collector shall, at the close of the fiscal year, or oftener, if required by the commissioners, make out a true and full account of the receipts and expenditures of the district, and also the state of the treasury, and within twenty days thereafter deliver said account to the clerk, who shall lay the same before the commissioners at their next meeting; and if upon examination it shall be found correct, it shall be filed in the office of the clerk; and it shall be the duty of the said treasurer to cause a statement of the moneys received by tax, loan or otherwise, and of the expenditure of the same, to be published in one or more newspapers printed and published in said district, at least ten days before the annual election; the fiscal year shall commence on the first day of May each and every year. Duties of collector. Fiscal year.

21. *And be it enacted*, That the clerk shall keep all the records, books, papers and documents of the district, the corporate seal, countersign all licenses signed by the president, and keep the record of the proceedings of the commissioners; he shall engross all the ordinances of the commissioners in a book to be provided for that purpose, with a proper index, which book shall be deemed a public record of such ordinances, and such ordinances shall be signed in said book by the president or president pro tempore of the commissioners and said clerk; and copies of all papers duly filed in the office of the Duties of clerk.

clerk, and transcripts thereof, and of the records and proceedings of the commissioners, and copies of the laws or ordinances of the said commissioners, certified by him under the corporate seal, shall be evidence in all courts and places; he shall also receive and pay over to the treasurer all moneys which by any law, ordinance or usage are paid to the clerk; and for such services rendered shall receive an annual compensation not to exceed three hundred dollars.

Compensation

Powers and duties of other officers.

22. *And be it enacted*, That the street commissioner, solicitor and all other officers appointed by the commissioners shall possess the powers and be subject to the obligations conferred and imposed on them by law, or by the ordinances, by-laws, rules and regulations of the commissioners; and the said street commissioner shall receive an annual compensation for services rendered not to exceed four hundred dollars.

Duties and compensation of assessor.

23. *And be it enacted*, That the assessor shall posess the powers and perform the duties in the same way as the assessor of Ocean township is now required to do, for which said services he shall receive twelve cents per name for each person assessed, and immediately after the first Monday in June in each and every year shall proceed to make, and by the fifteenth of July following shall have made, a full and fair valuation, enumeration and assessment of all the taxable real and personal property in said district according to law and the requirements of the ordinances of the commissioners, and on or before the first Monday in August shall deliver the duplicate of such assessment to the collector.

Commissioners to serve without compensation.

24. *And be it enacted*, That the commissioners shall serve without compensation for their services.

TITLE IV.

POWERS AND DUTIES OF POLICE JUSTICES, ETC.

Police justice to give bond, and powers and duties.

25. *And be it enacted*, That the police justice shall give bond in the sum of two thousand dollars, with sureties satisfactory to the commissioners, for the faithful discharge of the trusts reposed in him, and shall be entitled to use and exercise the like power, authority and jurisdiction in all criminal matters and complaints arising in the said

district as the justices of the peace in and for the several counties of this state are or may be by law entitled to use and exercise, and they shall also be authorized and empowered to hear, try and determine all such matters and complaints of a criminal nature as any justices of the peace are or may be by law authorized and empowered to hear, try and determine.

Actions, &c., before police justice, how regulated.

26. *And be it enacted*, That, unless when otherwise directed, all actions or proceedings before the police justice, under the provisions of this act, shall, as nearly as may be, be regulated by the provisions of and conducted in the manner prescribed in and by an act entitled "An Act constituting courts for the trial of small causes," and the several supplements thereto, and that the court held by the police justice in and for the said district shall be a court of record, and vested for the purposes mentioned in this act, with all such powers as is usual in courts of record of this state.

Police justice may issue processes for violation of ordinances.

27. *And be it enacted*, That the police justice shall be empowered on oath or affirmation, made according to law and filed in his office, that any person or persons has or have been guilty of a violation of any of the ordinances of the said commissioners, to issue a process either in the nature of a warrant or a summons against the person or persons so charged, which process shall, when in the nature of a warrant, be returnable forthwith, and when in the nature of a summons be returnable in not less than five or more than fifteen days; that such process shall state what ordinance the defendants named therein has or have violated, the time when and in what manner the same has been violated, and that on return of such process or at the time to which the justice shall have adjourned the same, the justice shall proceed to hear testimony and to determine and give judgment in the matter without filing of any pleadings; and in all matters and causes pending before him may award and issue writs of subpœna and testificandum in any county of this state; and that the justice shall, if the defendant or defendants be adjudged before him to be guilty of such violation, forthwith issue execution against the goods and chattels and person of the defendant or defendants for the amount of fine imposed with costs, or shall commit said defendant or defendants to the county jail if judgment of imprison-

Penalty for violation of ordinances.

ment shall have been pronounced and given by said justice for such violation.

Police, &c., may arrest offenders, without warrants.

28. *And be it enacted*, That the policemen shall, in addition to the authority conferred upon them by the ordinances, by-laws, rules and regulations of commissioners, possess and have all the powers of constables within the district limits for the purpose of preserving the peace and enforcing the ordinances of the said commissioners, and it shall be the duty of the said marshal and policemen, on witnessing any breach of the peace or violation of any of the city ordinances, to forthwith arrest such offender without warrant or process, and take such offender or offenders immediately before the police justices for a hearing.

TITLE V.

POWERS AND DUTIES OF THE COMMISSIONERS.

Powers and duties of commissioners.

29. *And be it enacted*, That the commissioners shall before entering upon the duties of their office choose officers, appoint its times and places of meeting, determine the rules of its own proceedings, be the sole judge of the election, returns and qualification of its own members, keep a journal of its proceedings, and may punish or expel a member for disorderly conduct, or a violation of its rules; but no expulsion shall take place except by the vote of two-thirds of all the members elected, nor until the delinquent member shall have had five days' notice of the proceeding, and an opportunity to be heard in his defence; and the first meeting of the commissioners after the annual election shall be held on the first Saturday in May after the annual election, every year.

Duties of clerk.

30. *And be it enacted*, That the district clerk shall be the clerk of the board of commission; he shall keep accurate minutes of the proceedings of the commissioners, and shall perform such other duties as may be prescribed for him.

Quorum, and special meetings.

31. *And be it enacted*, That a majority of the whole number of members of the commissioners shall constitute a quorum for the transaction of business; but a smaller number may adjourn from time to time, and compel the attendance of absent members; the president shall be authorized to call special meetings of the commissioners

when the public good shall, in his opinion, render it necessary; and on the request of three members of the board of commissioners, in writing, addressed to the president, it shall be his duty, or, in his absence, it shall be the duty of the clerk, to call a special meeting.

Ordinances, how passed or repealed.

32. *And be it enacted*, That no ordinance shall be passed or repealed by the commissioners, except with the concurrence of a majority of all the members, and no ordinance shall be altered or repealed, save by ordinance to that effect.

May make, establish, &c., ordinances, &c.

33. *And be it enacted*, That the commissioners shall have power within the said district to make, establish, publish and modify, amend or repeal ordinances, rules, regulations and by-laws for the following purposes:

Finances, &c.

I. To manage, regulate and control the finances and property, real and personal, of the said district; to borrow money and negotiate temporary loans, in anticipation of taxes for any current year, not exceeding in amount ten thousand dollars, and for payment for any public improvement, not exceeding the amount of the specific assessment for such improvement;

To prevent vice, &c.

II. To prevent vice, drunkenness and immorality, to preserve public peace and good order, to prevent and quell riots, disturbances and disorderly assemblages;

Gaming houses.

III. To restrain and suppress disorderly and gaming houses and houses of ill fame, all instruments and devices for gaming, and to prohibit all gaming and fraudulent devices;

To license saloons, &c.

IV. To license and regulate restaurants, victualling houses or cellars, ale and lager beer saloons or gardens, billiard tables and bowling alleys, and to prohibit the keeping the same, except by persons duly licensed;

Sports, &c.

V. To prohibit, restrain, regulate and license all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses, or other public performances and exhibitions for money, and fix the sums to be paid for such licenses to the treasurer;

Boundaries of streets.

VI. To ascertain and establish the boundaries of all streets, avenues, highways, lanes and alleys in said district, and prevent and remove all encroachments upon said streets, avenues, highways, lanes and alleys;

To regulate, clean, &c., streets, &c.

VII. To regulate, clean, and keep in repair the streets, highways, avenues, lanes and alleys, bridges, wharves and

docks in said district, and to prevent and remove obstructions and encumbrances in and upon all streets, highways, sidewalks, crosswalks, bridges, sewers, drains, aqueducts, watercourses, wharves or docks, in any manner whatever; to prescribe the manner in which corporations or persons shall exercise any privilege granted to them in the use of any street, avenue, highway, or alley in said district, or in digging up any street, avenue, highway, or alley, for the purpose of laying down pipes or any other purpose whatever, and to prohibit and prevent any such use or work at such times and seasons of the year as they may designate; to direct and regulate the planting, rearing, trimming, and preserving of ornamental shade trees in the streets, avenues, parks and grounds in the district, and to authorize or prohibit the removal or destruction of such shade trees, and to enforce the removal of snow, ice, or dirt from the sidewalks and gutters, by the owners or occupants of the premises fronting thereon;

Shade trees.

To widen, grade, flag, curb, &c., sidewalks, &c.

VIII. To widen, level, grade, gravel, water, flag or re-flag, curb or re-curb, gutter or re-gutter, pave or re-pave, or gravel the sidewalks and gutters, to lay drains or construct sewers in any street, avenue, highway, or section thereof; to prescribe the manner in which any such work shall be performed and the mode in which the expense thereof shall be ascertained, and to cause such expense, or any portion thereof, to be assessed in just and equitable proportion on the property, whether improved or unimproved, receiving benefit from such improvement, and to determine the time and manner in which such assessments shall be collected;

Draining, filling up, &c., fencing of lots, &c.

IX. To direct the digging down, draining, filling up, or fencing of lots, pieces or parcels of ground in said district which shall be deemed dangerous or unwholesome or necessary to carry out any improvement authorized by this act, to prescribe the manner in which the said work shall be performed, and to cause the expense thereof to be assessed on such lots, pieces or parcels of ground, whether improved or unimproved, and to determine the time and manner in which such assessments shall be collected;

Erection of bay windows, &c.

X. To prevent or regulate the erection or construction of any stoop, step, platform, bay window, cellar door, area, descent into a cellar or basement, sign, or any post

or erection, or any projection or otherwise, in, over or upon any street or avenue, and to remove the same where already erected at the expense of the owner or occupant of the premises;

Horse racing, &c.

XI. To prevent and punish horse racing and immoderate driving or riding in any street, and to authorize the stopping and detaining any person who shall be guilty of immoderate driving or riding in any street, and to regulate the speed and running of locomotive engines and railroad cars through said district, and designate the crossings at which any railroad company shall be required by the commissioners to station flagmen or signals to warn travelers of the approach of locomotive engines or railroad cars;

Running of locomotive engines, &c.

Droves of cattle, &c.

XII. To prohibit the driving any drove or droves of cattle through any of the streets on the first day of the week, commonly called Sunday, and to regulate the same at other times;

Public grounds.

XIII. To regulate, protect and improve the parks, public burial grounds, and other public grounds in said district;

Lighting of streets.

XIV. To provide lamps and gas fixtures and to light the streets, parks and public places of every description in said district;

Wells, cisterns, &c.

XV. To make and regulate wells, pumps, aqueducts and cisterns in the public streets;

Running at large of animals, &c.

XVI. To establish and regulate one or more pounds, and to restrain and regulate the running at large of horses, cattle, swine and other animals, geese and other poultry, and to authorize the impounding and sale of the same for the penalty incurred, and the costs of keeping, and impounding, and sale;

Dogs, &c.

XVII. To regulate and prevent the running at large of dogs, to authorize the destruction of dogs running at large, and to impose taxes on the owners of dogs;

Slaughter houses.

XVIII. To locate, regulate and remove slaughter houses;

Frightening of animals.

XIX. To regulate or prohibit any practice having a tendency to frighten animals or to annoy persons passing in the streets or on the sidewalks in said district;

Drunkards, &c.

XX. To restrain and punish drunkards, vagrants, mendicants and street beggars.;

Board of health.

XXI. To establish a board of health, define its powers

and duties, and provide for the protection and maintenance of the health of the inhabitants;

Contracts, &c. XXII. To prescribe the manner in which all contracts for performing work or furnishing materials for the district shall be made and executed;

Nuisances, &c. XXIII. To abate and remove nuisances of every kind, and to require the owner or occupant of any grocery, cellar, tallow chandler's shop, butcher's stall, soap factory, tannery, stable, privy, hog pen, sewer or other offensive or unwholesome house or place, lot or enclosure, to cleanse or remove or abate the same, or in a summary manner to cause the same to be done at the expense of the owner or occupant thereof;

Burial of dead, &c. XXIV. To regulate the burial of the dead, prohibit interments within such limits as it may prescribe, purchase land for public burial places, direct the keeping and return of bills of mortality, and to establish such regulations for conveying the dead through the streets of said district as the health, quiet and good order, in their opinion, require;

To license cartmen, porters, &c. XXV. To license and regulate cartmen, porters, hack, cab, omnibus, stage and truck owners and drivers, carriages and vehicles used for the transportation of passengers and merchandise, auctioneers, common criers, pawnbrokers, junk-shopkeepers, sweep and scavengers, and to fix the rates of compensation to be allowed to them, and to prohibit unlicensed persons from acting in such capacities;

Ringing of bells, &c. XXVI. To regulate the ringing of bells and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets;

Bathing. XXVII. To regulate bathing in the waters of or bounding said district;

Weights and measures. XXVIII. To regulate weights and measures in conformity with the standard of weights and measures established by law, and to require every merchant, retailer, trader and dealer in merchandise or property of any description which is sold by measure or weight, to cause their weights and measures to be sealed and to be subject to their inspection;

Police. XXIX. To establish, regulate and control a day and night police, and to regulate and define the manner of

their appointment and removal, their duties and their compensation;

XXX. To establish, regulate and control a fire department, to regulate and define the manner of the appointment and removal of the officers and members of the fire department, their duties and their compensation, to provide fire engines and other apparatus and engine houses and other places for keeping and preserving the same, and to provide water for extinguishing fires. Fire department.

XXXI. To regulate and control the manner of building dwelling houses and other buildings, and to prohibit within certain limits, to be from time to time prescribed by ordinance, the building or erection of any dwelling house, store, stable or other building of wood or other combustible material, to regulate the construction of chimneys and to compel the sweeping thereof, to prevent the setting up or construction of furnaces, stoves, boilers, ovens or other things in such a manner as to be dangerous, to prohibit the deposit of ashes in unsafe places or in any of the streets or alleys, to authorize any officer or person or persons whom they may designate for that purpose, to enter upon and inspect any place or places for the purpose of ascertaining whether the same is or are in a safe condition, and if not, to direct or cause the same to be made so, to regulate or prohibit the carrying on of manufactories dangerous in causing or promoting fires, to regulate or prohibit the manufacture, sale or use of fire-works and the use of fire-arms, to regulate or prohibit the keeping or conveying gun-powder, camphene, spirit gas, petroleum, and other dangerous material, and the use of candles and lights in barns, stables and other buildings, to raise or demolish any building or erection which by reason of fire, contagion or any cause may become dangerous to human life or health or tend to extend conflagration, to require all such further or other acts to be done, and to regulate and prohibit the doing all such further or other acts as they may deem proper to prevent their occurrence, and provide for the extinguishment of fires; Erection of buildings. Stoves, boilers Fire arms, gunpowder.

XXXII. To adopt all legal and requisite measures for levying and collecting all taxes, fines, penalties, and all assessments for public improvement; Levying and collecting of taxes.

XXXIII. To prescribe and define the duties of officers

Define duties, penalties, of officers.

when not otherwise prescribed by law, and their compensation and the penalty or penalties for failing to perform such duties, and to prescribe the bonds and sureties to be given by the officers of the said district for the discharge of their duties, and the time for executing the same in cases not otherwise provided by law;

Compensation of officers.

XXXIV. To fix and determine a reasonable compensation to be paid to any officer of said district, or other person employed by the commissioners, for any service required of him by this act, or by any ordinance or resolution passed by them for which no specific fee or compensation is provided to be paid by the person or persons for whom such service shall be performed;

Sprinkling of streets.

XXXV. To provide for the watering or sprinkling of the streets, highways and avenues, to prescribe the manner in which such work shall be performed, and the mode in which the expense thereof shall be ascertained, and to cause such expense, or any portion thereof, to be assessed in just and equitable proportion upon the owners of lands fronting on such street, highway or avenue, whether improved or unimproved, according to the relative value of such lands; to cause a map to be made of all lots, tracts or parcels of land within the limits of their jurisdiction, and said map to be filed in their office.

May establish ordinances, rules.

34. *And be it enacted*, That the commissioners shall have power to make and establish such other ordinances, rules, regulations and by-laws, not contrary to the laws of this state or of the United States, as they may deem necessary to carry into effect the powers and duties conferred and imposed on them by this act or by any other law of this state, and such also as they may deem necessary and proper for the good government, order, protection of persons and property, and for the preservation of the public health and prosperity of its inhabitants, and the same to alter, amend and repeal.

Ordinances may prescribe penalties.

35. *And be it enacted*, That in all cases where, by the provisions of this act, the commissioners have authority to pass ordinances on any subject, they may prescribe a penalty or penalties for the violation thereof, either by imprisonment in the district or county jail not exceeding ten days, or by a fine not exceeding one hundred dollars;

Ordinances to be received as evidence.

the book of record of the ordinances and by-laws of the said commissioners shall be taken and received as evi-

dence of the due passage by said commissioners of all ordinances and by-laws recorded therein; and further, the volume of ordinances and by-laws printed and published by authority of the commissioners shall in like manner be taken and received as evidence of the ordinances and by-laws of the said commissioners, and the publication of the said ordinances and by-laws in the public newspapers, according to law, shall in all cases be presumed to have been made until the contrary be proved.

May borrow money, and issue bond, to secure payment.

35. *And be it enacted*, That the commissioners shall have power to borrow money from time to time for all purposes for which they are authorized to raise money by tax by this act, and to secure the payment thereof by bond or other instrument, under the common seal of the district, and the signature of the president and treasurer, to provide, by tax, for the payment thereof; *provided*, that all such loans shall be authorized by an ordinance of said commissioners, which ordinance shall distinctly specify and provide the object or objects for which said loan is authorized, the ways and means, exclusive of loans, to pay the principal of such loans within twenty years from the time of the contracting of the debt, and also the interest of such loan annually, which ordinance shall be irrepealable until such debt be paid; and said bonds or other instruments shall not be disposed of at less than their par value; *and provided further*, that the total of said bonds or other instruments outstanding and unpaid at any one time, shall not exceed the sum of twenty thousand dollars.

Proviso.

Proviso.

TITLE VI.

OF THE ASSESSMENT AND COLLECTION OF TAXES.

Power to raise money, by tax.

37. *And be it enacted*, That the commissioners shall have power to raise by tax, in each year, such sum or sums of money as they shall deem expedient, for the following purposes:

Lighting of streets.

I. For lighting the streets;

Regulating streets.

II. For regulating, cleaning, graveling, and keeping in repair the streets and highways, and the construction of crosswalks;

Public grounds.

III. For regulating, improving and protecting the public grounds and parks;

Police.

IV. For the support of the police department;

Fire department.

V. For the support of the fire department;

Loans and interest.

VI. For the payment of interest upon the district debt and upon temporary loans, and such part of the principal thereof as may be due and payable;

Contingent expenses.

VII. For the contingent expenses of the district and for all other objects and purposes authorized by this act;

Proviso.

provided always, that it shall not be lawful for the commissioners to raise by taxation in any one year, in the general assessment for district purposes, an amount of money that shall cause a greater rate than thirty cents on one hundred dollars of the valuation of the real and personal estate of the citizens.

TITLE VII.

ASSESSMENT AND COLLECTION OF TAXES.

May order and cause tax to be raised.

38. *And be it enacted*, That it shall be lawful for the said commissioners to order the raising, and cause to be raised by tax in each year, such sum or sums of money as they shall deem expedient for defraying the expenses of said commissioners, and for all other objects and purposes authorized by this act for the payment of all the legal debts and liabilities of said district, which taxes, when collected, shall be paid to the treasurer of said commissioners, and be subject to the order of the said commissioners; that no person, persons or body corporate shall have the right to appeal by certiorari or otherwise from any assessments for taxes to any court, unless he, she or they shall have first made application to the commissioners of appeal of said district for a revision or reduction thereof.

Duties of assessor and collector.

39. *And be it enacted*, That the assessor of said district shall assess upon persons and property within said district, and the collector shall collect all the taxes required to be assessed and collected for the use of the said district in the same manner except as herein altered.

Taxes to be raised upon real estate and chattels.

40. *And be it enacted*, That all taxes hereafter to be assessed and raised in said district, as provided for in this act, shall be assessed and raised by such a per centum

upon all real estate and chattels situate in said district, both of residents and non-residents, by valuing the same at the true, full and fair value thereof, as shall be necessary to make the amount required for such taxes, and not otherwise; and the assessor shall designate in his assessments the numbers or general description of lots or parcels of land, and where adjoining lots are about of equal value belonging to the same owner or owners, or owner unknown, they shall be entered on the assessment in one entry or name, naming the number of each of the lots and value of each lot before carrying it out in total; and if the name of any person shall be on any duplicate of assessment who is not liable to said tax, and the commissioners of appeal shall deduct or remit the whole of said tax, the assessors shall not receive any pay for assessing the same; they shall also designate the value of all chattels which they assess to each person or party; the word inhabitant, above, shall be construed to include bodies corporate and politic, and the word chattels shall be held to include all personal estate taxable by law; and all real estate and personal shall be assessed at its full and fair value, without any deductions for mortgages thereupon; and all mortgages upon real or personal property within said city shall be exempt from taxation in the hands of any inhabitant of this state; and in the amount so required to be raised for taxes shall be included the fees for assessing and collecting the same, and a reasonable allowance for losses from delinquents.

Assessor to designate number or description of lots.

Mortgages exempt from taxation

41. *And be it enacted*, That the commissioners of appeal in cases of taxation shall meet on the second Tuesday of September in each year, at such place in said city as the board of commissioners shall designate, through the clerk, and upon the same notice given as was by law required for the meeting of the like officers of the township of Ocean; and when so met, they shall have full power and authority to hear and determine all complaints of unjust taxation, in the same manner as the like officers of the township of Ocean were authorized and required to do; and it shall be the duty of the assessor to attend at the same time and place before the said commissioners, and to offer such reasons as he may think proper in support of the assessment or assessments appealed from, and any person may call the said com-

Time of meeting of commissioners of appeal

Duty of assessor.

missioners together at any time within two months after said day, to hear and determine complaints as aforesaid; and in such cases, if no deduction is made in the assessment complained of, the party appealing shall pay all fees incurred, and in case he shall fail to pay such fees forthwith, the amount thereof shall be added to his taxes, and be collected with the same; and no certiorari to remove any assessment shall be allowed, unless application for relief shall have been first made to the commissioners of appeal and been disallowed, and said commissioners may in all cases subpœna and examine witnesses touching any matter of appeal pending before them.

When certiorari not to be allowed.

Duties of collector.

42. *And be it enacted*, That it shall be the duty of the collector to receive and collect all moneys due to said district, whether for taxes, assessments, arrears of taxes or otherwise, and he shall do and perform all the duties which the said board of commissioners may by ordinance, prescribing his duties, ordain; and it shall be his duty to give a full return and statement on or before the second Monday in January in each year, to the board of commissioners of said district of the taxes upon his books remaining unpaid on the first day of May in each year, and on or before the first Monday in July the board of commissioners shall issue an order to the said collector, signed by the president and clerk, and bearing the seal of said district to go on and sell as provided for in this act in cases of delinquent taxes; and further, the said collector in advertising said sale of land or real estate, shall describe said land or real estate by giving the number of the lot or lots, and the name of the owner, if known, and if unknown, then it shall be so stated, or such other short description as may be necessary to identify the said lands or real estate.

Notices to be put up, when taxes are due.

43. *And be it enacted*, That the collector shall within ten days of the time of receiving the duplicate of assessment from the assessor, put up not less than ten public notices in the said district, stating therein that the said taxes are now due and payable to him, when and where he will receive the same, and when the interest will be added to all taxes remaining unpaid, and in which notice shall also be given of the time and place of the meeting of the commissioners of appeal in cases of taxation.

Collector to report all taxes due.

44. *And be it enacted*, That all taxes due said district on the first day of January, A. D. eighteen hundred and seventy-five, shall be reported by the collector to the said commissioners on or before the second Monday in May next, and the board of commissioners shall, and they are hereby authorized on or before the first Monday in July, to issue an order to the collector to go on and sell as herein ordered in cases of delinquent taxes.

Taxes not paid, to draw interest.

45. *And be it enacted*, That the collector shall add five per centum to the whole amount of all taxes remaining unpaid on the fifteenth day of October of each year; and he shall, on the first day of December in each year, add an additional five per centum to all taxes then remaining on his books unpaid, and an additional five per centum to all taxes remaining unpaid on the first day of February thereafter, making in all fifteen per centum additional on all taxes unpaid on said first day of February, as a penalty for non-payment, and said fifteen per centum shall be, and is hereby declared a part of the annual taxes of said district, and shall become and remain a lien on all property, real and personal, and shall be collected in the manner prescribed for the collection of taxes in this act.

Taxes a lien, and how collected.

Powers of collector of revenue.

46. *And be it enacted*, That the said collector of revenue shall, on and after the fifteenth day of October in each and every year, without any return or warrant, have all the power and perform all the duties required of the collector of arrears of taxes, according to the eighteenth section of the act entitled "An act concerning Taxes," revision, approved April fourteenth, eighteen hundred and forty-six.

Assessor to deliver duplicate of assessments.

47. *And be it enacted*, That the assessor shall, within fifteen days after the time appointed by law for delivering to the collector the duplicate of assessments, deliver to the clerk of said district a true copy, under oath, of the duplicate of assessments delivered by him to said collector, for which service they shall each receive one and one-half cents per name on said duplicate, which copy shall be and remain the property of said district, and be preserved by the clerk; and if such assessor shall neglect or refuse to comply herewith, he shall forfeit and pay to said district the sum of fifty dollars, to be sued for in an

Compensation and penalty for failure.

action of debt and recovered for the said district, with costs, before the police justice.

Assessment of taxes to remain a lien on lands.

48. *And be it enacted*, That any assessment of taxes hereafter made in said district against any person or persons on account of any lands, tenements, hereditaments or real estate of such persons or person or body corporate, shall be and remain a lien on all lands, tenements, hereditaments or real estate, on account of which said assessments shall be made as aforesaid, with the lawful interest thereon accruing, and all costs and fees in relation to said assessments and collection thereon, for the space of five years from the time when the taxes so as aforesaid assessed were payable.

Collector to give notice of time and place of sale of lands.

49. *And be it enacted*, That it shall be the duty of the collector, to whom such order shall be directed as above specified, before he sells by virtue thereof, to give notice of the time and place of the sale of any lands, tenements, hereditaments or real estate under this act, by advertisement, signed by the collector, and inserted in a newspaper printed and published in said county, for at least six weeks, once in each week, before the time appointed for such sale, and also set up for the same period in ten of the most public places in said district; *provided, however*, such sale may be adjourned from time to time, not exceeding ninety days in the whole.

Proviso.

Collector to sell lands, tenements.

50. *And be it enacted*, That it shall and may be lawful for the said collector to whom such order shall be directed at the time and place specified in the above required notice, or at the time and place to which he shall adjourn, as provided for in the last preceding section, to sell and strike off such lands, tenements, hereditaments or real estate, as may be set forth in said order or any part thereof, to such persons as will agree to take the same for the shortest term, and pay such taxes as may be assessed as aforesaid on account thereof, and the interest thereon, and all costs, fees, charges and expenses, and thereupon to execute and deliver to any such person or persons a deed for the same, under his hand and seal, which deed shall recite the terms upon which and by whom, if known, such property may be redeemed; and such person or persons, and his, her or their legal representatives shall, by virtue thereof, lawfully hold and enjoy the said lands, tenement, hereditaments or real estate during the

To execute deeds to purchasers.

term for which he, she or they shall have purchased the same, for his, her or their own proper use and benefit against the owner or owners thereof; and all and every person or persons claiming under him, her or them until said term shall be fully completed and ended, unless redeemed as hereinafter mentioned, and shall be at liberty at or before the expiration of said term to remove any building or buildings, and any material erected and placed by him, her or them thereon, and when said term shall have been ended, shall quietly and peaceably yield up the same to the lawful owner or owners thereof, in as good condition as when he, she or they took possession of the same, damage resulting from ordinary use and the elements excepted.

Owners may redeem lands within a certain time.

51. *And be it enacted*, That the owner, mortgagee, occupant, or any person having a legal or equitable interest in any lands or real estate sold for taxes as aforesaid may redeem the same at any time within one year from the time of such sale by paying to the said purchaser, his executors, administrators or assigns, the amount so by him paid for the same, together with the amount paid for any fences erected, constructed or made thereon with twelve per centum interest, and thereupon the said owner, mortgagee or occupant aforesaid, as the case may be, shall be entitled to re-enter and re-possess the said lands and real estate in the same manner to all intents as if such sale had not been made.

Mistake in name of owners of lands, not to invalidate assessment.

52. *And be it enacted*, That notwithstanding any mistake in the name or names or omission to name the real owner or owners of any lands, tenements, hereditaments or real estate in said district in assessing the taxes on account thereof as aforesaid, such assessment shall be valid and effectual in law against said lands, tenements, hereditaments or real estate, and the same may be proceeded against and sold in the manner prescribed herein.

Fees of collector.

53. *And be it enacted*, That the collector to whom such order, as aforesaid, shall be directed shall be entitled to receive the sum of one dollar for executing the same, and, in addition thereto, two cents on each dollar by him collected and paid over to the commissioners, and for advertising the sale of any lands, tenements or hereditaments or real estate for each delinquent the same fees which the sheriff of the county is entitled to for the like

services, and for a deed to the purchaser the sum of two dollars.

Owner, mortgagee, may have lands redeemed by payment of taxes.

54. *And be it enacted,* That the tender of payment by the owner, mortgagee, occupant, judgment creditor, or any person having a legal or equitable interest in any lands sold for taxes, his, her or their agent or attorney at law in this state, acting in his, her or their behalf, of the sum of money and costs of sale at such tax sale upon the lands sought to be redeemed with the sum provided in said act for the deed, together with twelve per centum interest thereon; it shall be the duty of the holder or purchaser of such tax title, his, her or their assignee or assignees, to execute to the owner, at his request, or upon the request of the mortgagee, occupant, judgment creditor, or any person having a legal or equitable interest in such lands, his, her or their agent or attorney as aforesaid, in behalf of the person or persons having the legal title to such land, a good and sufficient deed, duly signed, sealed and acknowledged, and delivered, and sufficient in law to pass real estate of the term of years of the estate sought to be released from such tax sale: *provided, however,* that the expense of drawing such deed and acknowledgment of the same, not exceeding two dollars, shall be paid by the party or parties applying for such release, their agent or attorney, together with twelve per centum interest on the amount paid for such lands at the tax sale, and also that the tender of payment, as aforesaid, shall be made within twelve months from the date of the deed of such sale.

Purchaser may execute deed.

Proviso.

Proceeding in case holder of tax title, refuse to execute deeds.

55. *And be it enacted,* That in case of the holder or holders of any such tax title, his, her or their assignee or assignees, upon such tender as aforesaid, for three days thereafter upon demand made and tender as aforesaid, shall neglect or refuse to execute such deed as aforesaid, or in case the owner or holder of such tax title, his, her or their assignee or assignees, shall have removed out of the county of Monmouth, or cannot be found therein, then it shall be lawful, on affidavit duly filed in the clerk's office of said county that such tender of payment had been made and that the owner or owners of such tax title had neglected and refused to execute such release, or that on diligent inquiry within said county the owner or owners of such tax title could not be found

in said county, and upon filing such affidavit with the clerk of said county, within one year from the date of such tax sale, such affidavit and the sum of money paid for such tax title at the tax sale thereof, together with interest thereon at twelve per centum per annum, and the cost provided in said act for drawing the deed of sale, that the filing of such affidavit and depositing such money with the clerk of said county, shall effectually bar, defeat and set aside the tax title to the land thus sought to be redeemed.

Duties of county clerk.

56. *And be it enacted*, That the clerk of said county shall, upon the filing of such affidavit and deposit of money as aforesaid with him, write across the record of such tax deed, in the usual manner of cancelling mortgages, in the words following, to wit, "This tax title is defeated and cancelled of record and set aside by deposit of ——— dollars and ——— cents;" and shall be signed by the clerk of said county for the time, and thereupon any person so redeeming said land, his agent or attorney, or any person for him, her or them, may enter into, possess and enjoy the land so redeemed as fully, to all intents and purposes, as though no such tax sale had been made.

Owner of tax title, not entitled to receive compensation for construction of fences.

57. *And be it enacted*, That when the owner or holder of any such tax title to land, his, her or their assignees, that before such sale may have been mapped, plotted and laid out as building lots, has inclosed different parcels of such land, so sold for taxes, by a fence occupying any other line or lines than the survey of such lots would show, or has enclosed one or more parcels for agricultural purposes, such owner or owners, holder or holders of the tax title to such lots, his, her or their assignees, shall not be entitled to receive any compensation for the construction of such fence, nor claim that the same is a lien upon such lands, or demand compensation therefor, but may remove the same.

Fees of county clerk.

58. *And be it enacted*, That the clerk of said county, for the services designated in this act, shall be entitled to receive the following fees, and no more, to wit: For search for such sale and record thereof, fifty cents; for filing affidavit, ten cents; receiving and paying deposit tender, fifty cents; for entering cancellation, twenty-five cents; and the same shall be deducted from the sum of

money so deposited with him, and the remainder paid to the person or persons entitled to receive the same.

Lands may be struck off to district.

59. *And be it enacted*, That whenever any lands or real estate be offered for sale by virtue of the provisions of this act, or any previous act in relation to the district, and it shall happen that no person bids for the same, it shall be struck off to the district for the term of fifty years; that if the district becomes the purchaser of any lands and real estate upon any such sale, they shall receive a certificate of sale for said lands and real estate from the collector, which certificate of sale shall be assignable; and all the provisions of said act in relation to such sale shall apply to the district as to any other purchasers.

City to receive a certificate.

Clerk to keep record of sales.

60. *And be it enacted*, That the clerk of said district shall keep in a book to be provided for that purpose, a record of all sales of land, which record shall contain an abstract of the declarations of such sales; such book shall be deposited in the office of the clerk of said district.

TITLE VIII.

STREETS.

Power of commissioners, by ordinance.

61. *And be it enacted*, That it shall be lawful for the board of commissioners, whenever in their opinion the public good requires it, by ordinance:

To lay out and open streets.

I. To lay out and open any street, road, highway or alley within said district; to order and cause any street, road, highway or alley already laid out, to be vacated, straightened, altered or widened; and to take and appropriate for such purpose any lands and real estate upon making compensation to the owner or owners thereof, as is hereinafter mentioned and provided.

To cause streets to be graded, paved.

II. To order and cause any street, or section of a street, to be graded, graveled, paved, flagged, macadamized or otherwise improved or regulated in such manner as they may deem advisable, under the supervision of the superintendent of streets, at the expense of the owners of lands and real estate on the line of said street, or section of a street, and at the expense of the property benefited thereby.

Ordinances making improvements. notice to be given and published.

62. *And be it enacted*, That no ordinance shall be introduced or presented to the board of commissioners for making any improvement or performing any work under and by virtue of the provisions of the last preceding section of this act, or either of the subdivisions thereof, unless public notice shall have been given of such intended improvement and work, by the board of commissioners, and to that end it shall be the duty of the clerk to have said notice published in a newspaper printed and published in the district of such intended improvement and work, and requesting all persons objecting to the same to present their objections in writing to the board of commissioners or to the clerk, on or before the expiration of ten days from the date of such notice; *provided*, no such ordinance as aforesaid shall be passed by the board of commissioners unless by a vote of a majority of the members elected for the time being.

Proviso.

May, by resolution, direct carriage ways, to be repaired.

63. *And be it enacted*, That the board of commissioners may, by resolution passed at any meeting, direct any repairs in the carriageways of any street, road or avenue within said district, whenever they shall deem such repairs necessary, and the expense thereof shall be paid by the board of commissioners out of the moneys raised by tax for repairs of streets; and that all repairs to sidewalks shall be made by the owner or owners of the land in front of which any such repairs shall be necessary, upon the written notice of the street superintendent to them, and if any owner or owners shall be non-residents of or cannot be found in said district, or unknown, it shall be sufficient for the street superintendent to set up such notice upon or near the lot or lands in front of which the sidewalk may require to be repaired or relaid, and if the same shall not be repaired within ten days from the time of serving or setting up of said notice, then it shall be lawful for the board of commissioners by resolution to direct the street superintendent to have the same done and repaired; the costs, charges and expenses for repairing as aforesaid, shall be charged upon the lands in front of which said repairs shall be made, and shall be and remain a lien thereon, and may be collected the same as taxes are; *provided*, that all sidewalks in the district which are or shall be paved to the full width

Owners of lands, to repair sidewalks.

Proviso.

with good substantial blue flagging, shall be kept in good order and repair by and at the expense of the district.

Removal of buildings.

64. *And be it enacted*, That the board of commissioners may permit any building which shall be either partly or wholly on and within the lines of any street, avenue or highway, which may be opened, to remain unremoved for such time as they think it proper and necessary.

Grade of street not to be changed, except upon application of three-fourths of owners of lands.

65. *And be it enacted*, That the grade of any street, road, avenue or highway, when established in accordance with an ordinance for that purpose, shall be and remain the permanent grade thereof, and shall not be changed or altered except upon an application to said board of commissioners by at least three-fourths of the owners of the lands and real estate affected thereby, nor without paying to the owner or owners of any buildings where damages are sustained by the alteration of such grade, the amount of the damage, which shall be ascertained and determined by the commissioners making such assessment;

Proviso.

provided, that the board of commissioners may, without application, change the grade of any street or part of a street, by ordinance passed by three-fourths of all its members voting in favor thereof, and that the costs and expenses of establishing and authenticating such grade shall be paid by the commissioners, and one-half thereof shall be assessed upon the land fronting on said street, road, avenue or highway on which, or on part of which, such grade shall be established and authenticated, and upon such other land as the said commissioners shall consider benefited thereby, and in proportion to any benefit, and the same shall be and remain a lien thereon, and the payment thereof enforced in the same manner and to the same extent as other assessments in this act;

Proviso.

provided, that the like advertisement or notice be given and made as required.

Authorized to treat with owners for laying out and opening streets, sewers.

66. *And be it enacted*, That whenever the board of commissioners shall determine to lay out and open any street, road, highway or alley within said district, or to alter, widen or straighten any street, road, highway or alley, or make any sewer or drain in any part of said district, and to take and appropriate for such purpose or purposes any lands and real estate, they are hereby authorized to treat with the owner or owners of such land and real estate for the same, and may purchase the same and

make such compensation therefor as they shall judge reasonable, and shall thereupon receive from such owner or owners a conveyance of such lands and real estate to the commissioners, and such compensation shall constitute a part of the whole amount of costs, damages and expenses to be assessed under and in pursuance of the provisions of this act.

Notice of hearing objections to be published, when board propose to open streets.

67. *And be it enacted*, That when any application shall be made for the opening, altering or widening any street, highway or alley, or when the board of commissioners shall propose to open, alter or widen any street, highway or alley in said district, the board of commissioners shall appoint a time and place when and where persons interested therein may be heard before them, or the appropriate committee, on the merits thereof, and shall give notice of such application or proposition, and the time and place of hearing, in a newspaper printed and published in the district for twenty days before such time of hearing; and if the board of commissioners shall thereafter determine to open, alter or widen such street, highway or alley, they shall, after determining and defining the precise improvements to be made, appoint three judicious, disinterested freeholders, residents of said district, commissioners, who shall determine what lands and real estate will be benefited by said improvements, and shall estimate the whole cost of said improvement according to the best of their judgment, and shall cause a survey and map thereof to be made, and of the lots or parcels of land benefited thereby, distinguishing each lot or parcel by number on such map, and shall assess such estimated costs, including the proceedings of the commissioners, maps and returns, upon such lands to be benefited thereby, in proportion to the benefit to be done to the residue of any lot or parcel, of which a part may be taken for such improvements, and the erections thereon, and the damages aforesaid, if any, by taking the same, and shall report to whom said lands so taken belongs, and the interest and estate of the several owners in the same, if known, as far as practicable, and shall deposit said report and map with the clerk within forty-five days after their appointment; whereupon the clerk shall, within ten days after the same shall be deposited with him as aforesaid, give notice in a newspaper printed

Proceedings in case board of commissioners determine to open, alter, or widen any street.

and published in the district, and shall continue the same therein for two weeks, that such report has been deposited as aforesaid, and also of the time and place, when and where the parties interested therein may present their objections in writing before the board of commissioners or a committee thereof; and the board of commissioners shall refer said report to a committee of three members of said board for consideration; and in case any objection in writing shall be made, the said committee shall examine the matters and report to the board of commissioners, and return the said report of the said commissioners, with the objections of the parties, together with the views and opinions of the said committee respecting the said report.

Vacancies in commissioners, how filled.

68. *And be it enacted*, That in case of the resignation, death, removal from the district, or refusal of any of the commissioners appointed under the provisions of this act, it shall be lawful for the board of commissioners to supply, by appointment, the vacancy or vacancies so made.

Report of commissioners may be ratified, if three-fourths of owners remonstrate.

69. *And be it enacted*, That after the committee shall have made to the board of commissioners the report required to be made, as aforesaid, the board of commissioners shall thereupon examine the matter, and may correct said report and assessment, if they deem right and proper, and ratify the same, from which no appeal shall be taken; which report upon being duly ratified by the board of commissioners, and filed with the clerk, shall be final and conclusive, unless in twenty days after the filing of said report three-fourths of the owners of lands to be assessed for such improvements shall file with the clerk a remonstrance signed by them or their agents lawfully authorized; and if such remonstrance shall be filed as aforesaid, the board of commissioners shall proceed no further in such improvement so remonstrated against within that year, nor under the same proceeding; and all costs and expenses incurred by the board of commissioners in such proceeding shall be repaid to the commissioners by the petitioners for such improvement, unless two-thirds of the members of the board of commissioners elected shall vote in favor thereof; and the board of commissioners may make such regulations touching the receiving and proceeding upon such peti-

Costs and expenses incurred, to be repaid.

tions, and security for the expenses thereof, as they may deem proper; and if no such remonstrance be filed, or if two-thirds of the members of the board of commissioners elected shall vote in favor thereof, the amount reported by said commissioners and ratified or amended by said board as the value of any lands and buildings to be taken, and the damages for the same shall be the amount to be paid by the said board of commissioners to the respective owners of said lands; and the expenses of said improvement, when completed with all interest and costs of the proceedings, shall be assessed upon the property reported by the said commissioner, as benefited thereby, and in the proportion reported by them; if the owner of any lands so taken shall file a remonstrance against any such improvement, which he is hereby authorized to do, and is dissatisfied with such assessment, he may apply to the justices of the supreme court at the term of said court held next after the end of twenty days from the expiration of the time limited for filing a remonstrance, as above provided, giving ten days' notice of such application to the clerk, or in his absence to the president, and the justices of the supreme court, or a majority of them at said term, upon petition by such person or persons so remonstrating, or any of them, setting forth the causes of his, her or their complaint, shall appoint three disinterested persons commissioners, who shall be the same persons in all applications regarding the same improvement; and such commissioners shall meet on ten days' notice given by any of said persons so applying, to each of the others or to his or their attorney or attorneys if residing in the district, and to the district clerk, and shall proceed to examine the premises, with power to send for persons and papers, to swear witnesses and to compel their attendance by process of subpœna, to issue out of the supreme court and shall review the proceedings of the said commissioners appointed by the board of aldermen, so far only as the petition of the applicants to the justices of the supreme court is concerned, and shall report in writing under their hands to the board of commissioners their estimate of the value of such lands and buildings taken, and damages, and their assessment of such expenses on lands benefited, which report shall be filed by the district clerk, and shall be

Proceedings in case no remonstrance is filed.

Persons dissatisfied, may apply to supreme court.

Meeting of commissioners, notice to be given.

Costs, how and by whom paid.

conclusive on all parties; and the costs of their appointment, and of the proceedings of said commissioners shall, in case their report is more favorable to the applicant or applicants than that of the first commissioners, be paid by the district and added to the expenses of the improvement; and in case such report is not favorable to any applicant or applicants than the first report, then the said applicant or applicants shall pay all such costs and expenses, and the proportion of such costs paid by the district shall be deducted from the sum to be paid to him, (if any,) or be assessed upon his property by the board of commissioners, and shall become a lien thereon, and be collected therefrom in the same manner as the assessment for any improvement authorized by this act; and in case the lands so valued or damaged by such taking shall be held by a tenant for life or years, and the fee in remainder or reversion, such commissioners shall in their report apportion such value and damages between them; and in case any lands assessed shall be held by a tenant for years or life, and such tenant shall pay such assessment, or the same be made by a sale of his

Assessments to remain a lien.

interest in said lands, said tenant or his legal representatives shall at the termination of his estate, be repaid such principal sum by the reversioner, his heirs or assigns, and shall have a lien upon said lands for the same, and may by bill in chancery have said lands sold to pay such lien, and the proceedings thereon in the court of chancery, except the allegations in the bill, shall be the same as if said reversioner had given a mortgage on said lands, and said bill was filed for the foreclosure thereof, and such lien shall have priority of all other encumbrances, and all such assessments so made on any lot as aforesaid, shall be and remain a lien thereon until paid or otherwise satisfied; and the amount assessed shall be raised by the board of commissioners by a sale of the property so assessed in the same manner in all respects as is provided in this act for opening, widening or altering streets.

Property may be sold for non-payment of assessments.

Costs and expenses upon each lot, to be fixed by resolution.

70. *And be it enacted*, That after such improvement shall be completed, all the costs and expenses of making the same shall be reported to and settled by the board of commissioners, and the proportion of each lot or parcel of land designated on the original assessment map, shall be fixed and settled by a resolution of the board of com-

missioners according to the provisions of this act, which resolution shall be recorded by the district clerk in a book kept for that purpose, to be called the assessment book, and shall be signed by the district clerk, which book or a transcript thereof, certified by the clerk, under the district seal, shall be conclusive evidence of such assessment.

Treasurer to pay owners damages, for taking of lands.

71. *And be it enacted*, That upon completing the report of the commissioners assessing the value of lands or buildings taken, and the damages thereby, the district treasurer shall tender and pay to the owner of said lands, if a resident in the district, the amount of such assessment due to him; but if such owner is not a resident in the district, or upon due inquiry cannot be found therein, or is a lunatic, or idiot, or an infant, or if from any lawful cause he is incapacitated to receive the same, or if such owner will not accept the same and sign a receipt therefor when tendered, then the district treasurer shall make affidavit of such facts, and file the same with the district clerk; and the board of commissioners shall, after inquiry into the facts of the case, direct the amount of such assessment to be placed either in the district treasury or in some safe bank for the use of the person to whom the same may be due; and upon filing such receipt of the owner or the passing of such resolution by the board of commissioners, the said lands shall be vested in the district, and the district officers may proceed with such improvement; and the said moneys so deposited shall be paid by the district to the person entitled thereto on demand, without interest, except from such time as a demand may be made and payment refused.

Proceedings in case owners are incapacitated.

Proceedings in case assessments are set aside.

72. *And be it enacted*, That any assessment or estimate of value or damages made by any commissioners under this act that may be made upon principles contrary to law and to the provisions of this act may be reviewed and for such cause set aside by the supreme court upon certiorari, and the said court shall, in the case of setting aside any such assessment or valuation, appoint new commissioners to examaine into and report anew as to the part set aside; and for the purpose of such examination the supreme court may require by rule the commissioners to certify specifically as to the principle on which their assessment was made, or may inquire into the same by affidavits to be taken for that purpose, and the district,

in case of reversal, shall pay the costs on such certiorari, and add the same to the expenses of the improvement.

Commissioners of assessments, to take oath.

73. *And be it enacted*, That all commissioners of assessment appointed by or under this act shall, before they proceed to the duties of their appointment, subscribe and take an oath before some person lawfully authorized to administer oaths, faithfully, honestly and impartially to perform the duties required of them, and shall receive such compensation for their services as the board of commissioners shall by general ordinance fix and ordain.

Commissioners authorized to borrow money, to pay assessments.

74. *And be it enacted*, That in cases where the board of commissioners are authorized to make or levy an assessment for any of the said improvements mentioned in section sixty-first, they shall be authorized to borrow the amount necessary to pay any such assessment in anticipation of the collection thereof.

Contracts to be given to the lowest bidder.

75. *And be it enacted*, That all contracts for doing the work or furnishing the materials for the improvements provided for in this act shall, at all times, be given to the lowest bidder, he or they giving ample security for doing the same according to contract; and all contracts which shall have been drawn for the completion of any work or for the furnishing of any materials, shall be read before the board of commissioners, and if approved by the said board, the same shall be sent to the chairman for his signature, and when duly signed shall be entered in the contract book; no party shall be allowed to enter upon any work or furnish any material until the said contract is signed by the contracting parties, with two satisfactory securities; the board of aldermen shall be under no obligation to accept the lowest bid, but may reject all bids if they shall deem it for the interest of the district so to do, and advertise for new proposals.

Board may reject all bids, and re-advertise.

Board may retain amount of damages, until assessments for benefits are paid.

76. *And be it enacted*, That it shall be lawful for the board of commissioners to pay (and deduct and retain accordingly) out of the amount of any assessment which by the sixty-first section of this act they are directed to cause to be placed either in the district treasury, or in some safe bank, for the use of the person to whom the same may be due, the amount of any unpaid assessment for benefits, or in respect of any improvements which under this act may be assessed against and be payable by such person or persons, if the amount of damages

shall be sufficient therefor, and if the same shall not be sufficient for the payment thereof, then it shall be lawful for the board of aldermen to apply such amount of damages in part payment thereof, and the balance of such assessment shall be collectable by the same means and proceedings provided in this act for collecting assessments for improvements; and if the amount of damages shall exceed the amount of the assessment for improvement, the board of commissioners shall direct the excess to be placed in some safe bank, for the use of the person or persons entitled thereto, on demand, without interest, except from such time as the demand thereof may be made and payment refused; *provided, always*, that it shall and may be lawful for the said board of commissioners to apply such excess or such part thereof as may be necessary for the purpose, to any other or future assessment for improvement under this act, which may become due from the person or persons entitled to such excess before the making of such demand. Proviso.

77. *And be it enacted*, That notwithstanding any mistake occurring in the name or names of the owner or owners, or omissions to name the real owner or owners of any lands or real estate or chattels in the said district, in assessing the taxes thereon, or in assessing the land and real estate for any street improvement authorized by this act or any supplement hereafter to be passed, such assessment shall be valid and effectual in law against such land or real estate or chattels, and the same may be proceeded against and sold, in the manner prescribed in this act, with the same effect as though such assessment had been made in the name of the true owner or owners thereof, and this shall be held to apply to any assessment heretofore made for any street improvement; *provided*, that in the advertisement of sale of land and real estate for said improvement the name or names of the true owner or owners shall be made to appear, if discovered, at the time of the first advertising. Mistake or omission to name real owner of lands, not to invalidate any assessment for taxes, or street improvement. Proviso.

78. *And be it enacted*, That wherever proceedings shall be taken for the opening or widening of any street, avenue, road or highway, it shall not be lawful for the board of commissioners or for the commissioners appointed to make an estimate and assessment of the damages which any owner or owners of any lands and real estate will Unlawful for commissioners to allow compensation for buildings, which may be erected after filing of maps of intended improvement.

sustain by the opening or widening of any such street, avenue, road or highway, to allow any sum or compensation whatsoever for any building or buildings or improvements of any kind or description which may at any time after the filing of the aforesaid map or maps of the city have been built, placed, erected or made, in whole or in part, on such street, avenue, road or highway; but compensation and recompense shall be made to the owner or owners thereof and the persons interested therein for all buildings and improvements built, placed, erected and made, wholly or in part, upon any street, avenue, road or highway so to be opened at any time before the filing of the said map or maps.

When compensation to be allowed.

Ordinance to prescribe manner of grading, paving, sidewalks.

79. *And be it enacted*, That the board of commissioners are hereby authorized to prescribe by ordinance the manner in which the sidewalks shall be leveled, graded, curbed, paved, flagged or gravelled, by and at the expense of the owners or occupants of lots fronting or adjoining said street or streets; and the said ordinance shall prescribe the time within which the said work shall be done, which time shall not be less than thirty days nor more than four months from the passage or adoption thereof.

Board to cause work to be done, on neglect of owners to grade sidewalks.

80. *And be it enacted*, That if any lot in front whereof the sidewalk shall by such ordinance be directed to be leveled, graded, curbed, paved, flagged or gravelled, and the owner or owners thereof shall neglect to comply with such ordinance within the time therein required and specified, it shall be lawful for the board of commissioners to cause said work to be done and an estimate of the expense of conforming to such ordinance with respect to such lot to be made, assessed and certified by three impartial assessors, to be appointed by the board of commissioners; and if the same be approved by the board of commissioners they shall cause an advertisement to be inserted in a newspaper printed and published in the district limits, for one month, stating the amount of such assessment and requiring the owner or owners of said lots to pay the same, with the costs and charges thereof, with interest thereon, to the collector of revenue of said district, appointing a day and a place when and where said lot will be sold at public auction, for the lowest term of years at which any person shall offer to take the same,

Expenses to be assessed.

Lots to be sold for non-payment of costs.

in consideration of advancing the sum so assessed, with costs and charges, including the advertisement thereof and interest thereon at the rate of seven per centum per annum; it shall be lawful for the said board of commissioners to cause said lot to be sold at public auction for a term of years, at the time, for the purpose, and in the manner expressed in said advertisement; *provided*, such sale may be adjourned from time to time, not exceeding in the whole two months, and to give a declaration of such sale to the purchaser thereof, under the common seal of said district, signed by the chairman; and such purchaser, his executors, administrators and assigns shall, by virtue thereof and of this act, lawfully hold and enjoy the same for his and their own proper use against the owner or owners and all claiming under him or them, until his term therein shall be fully completed and ended, and shall be at liberty to remove all buildings and materials which he or they shall erect or place thereon; but he or they shall leave such lot at the expiration of the said term in sufficient fence, and the sidewalk in front thereof in the order required by such ordinance; *provided, always*, if the owner or owners, mortgagee or mortgagees of said lot shall, within one year after such sale thereof, pay to the purchaser, his executors, administrators or assigns, the amount of money, including taxes or other assessments so by him or them paid to the district, with twelve per centum interest thereon, then the said owner or owners, mortgagee or mortgagees, as the case may be, shall be entitled to reenter and re-possess the said lot, in the same manner to all intents as if such sale had not been made.

Proviso.

Proviso.

81. *And be it enacted*, That whenever any street or part of a street occupied or used by the track of any railroad company shall require to be altered or widened for the convenience of public travel, and proceedings for the altering or widening thereof shall have been taken, it shall be lawful for the commissioners appointed by the board of commissioners to make a just and equitable assessment of the whole amount of the costs, damages and expenses of such altering or widening among the owners of all the lands and real estate intended to be benefited thereby, or, in their discretion, to assess the whole or such portion of said costs, damages and expenses

Assessments for widening or altering streets where railroad tracks are laid therein, how assessed.

upon the corporation or company owning or using said railroad track, as to them shall seem equitable and just; and such assessment shall be a lien upon any property of said district or company in said district, and may also be enforced in the same manner as the assessment upon such owners of lands and real estate intended to be benefited thereby.

Unlawful to construct railroad within limits of district, unless consent is first had.

82. *And be it enacted*, That it shall not be lawful for any person or persons, or corporation, to construct any passenger or other railroad for cars or carriages, to be drawn by horses or horse power, within the limits of the district, without the permission or consent of the board of commissioners first had and obtained, which permission and consent the board of commissioners are hereby empowered to give to any person or persons, or corporation, who shall be authorized to construct such railroad by any laws of this state; *provided, always*, that no such permission or consent shall ever be given by the said board of commissioners until a majority of the owners of the lands in front of any such railroad and along which the same may be intended to be made and constructed shall first consent in writing to the making and constructing thereof, and which consent in writing of said land owners shall be first filed in the district clerk's office.

Proviso.

Railroads subject to general regulations of board of commissioners.

83. *And be it enacted*, That said railroads, when constructed, shall be subject to such general and police regulations of the board of commissioners as now exist or may hereafter be ordained or established in regard to the same.

Board may, by resolution, order the draining and filling of lots.

84. *And be it enacted*, That the board of commissioners may, by a resolution passed by a concurring vote of two-thirds of its members and approved by the president of the said board, order and direct the digging down, draining, filling up or fencing of lots, pieces or parcels of ground, in all cases where the same is, in their opinion, necessary to prevent or abate a nuisance, and order any sidewalk to be filled, re-filled or repaired in case the owner or owners thereof shall refuse or neglect to do so for ten days after the approval by the president of such resolution: and the expenses of such digging down, filling, re-filling, draining and fencing, or any of them, shall be assessed on such lots, pieces or parcels of ground,

Expenses, how assessed and collected.

whether improved or unimproved, and collected in the same manner as for grading and paving streets, unless the board of commissioners shall in any case prefer suing for the same.

Commissioners may issue scrip, for payment of grading.

85. *And be it enacted*, That the commissioners shall have power and are hereby authorized to issue scrip for the payment of the grading, paving, curbing, macadamizing, digging down, filling or re-filling of any street, avenue, highway, road, alley or sidewalk or part thereof in said district, until the same can be collected from the owner or owners of property liable therefor, to be paid to the contractor or other person having done such grading, paving, curbing, macadamizing, digging down, filling or re-filling, or to other persons entitled to the payment thereof, which scrip shall bear interest at the rate of seven per centum per annum until paid, and the same shall be paid within three months of the time of the completion of the assessment, and the amount of said scrip, with the interest thereon, shall be assessed with the other expenses upon the property liable therefor.

Writs of certiorari, compensation for return of.

86. *And be it enacted*, That in all cases in which persons bring writs of certiorari directed to the Long Branch commissioners, or any officer of the said commissioners, it shall be lawful for the officer required to make a return thereto, to demand and receive compensation from the parties bringing such certiorari at the rate of eight cents per folio for the necessary returns thereto, to be paid before such returns are made.

When assessments are set aside, new assessments may be made.

87. *And be it enacted*, That whenever, by the judgment of any court wherein any certiorari may be brought, any assessment made by commissioners under the provisions of this act shall be set aside for irregularity or illegality in such assessment it shall be lawful for the said commissioners to cause a new assessment to be made of so much of the amount of the original assessment as shall be so set aside, or of the amount thereof still remaining unpaid, said assessment to be made and become a lien, and to be proceeded on, in all respects, in conformity with this act.

Proceedings in case any improvement is set aside, by reason of any informality.

88. *And be it enacted*, That whenever, by reason of any informality or illegality in any proceedings of the said Long Branch commissions, or commissioners, or agents of the Long Branch commissions, or officers of, for car-

rying out or executing any of the improvements or work authorized by this act, any assessment shall be set aside by judicial authority it shall be lawful for the commissioners to reinstitute the proceedings set aside upon the same basis upon which the original proceedings were based, or otherwise, if they see fit so to do, and lawfully proceed therein the same as if the former proceedings had not been had; or the commissioners may reinstitute the said proceedings from the point where such informality or illegality may have been so decreed; and whenever the commissioners shall discover that any such proceedings are liable to be set aside by judicial authority, they may reinstitute said proceedings from the point where such informality or illegality commenced; and no assessment shall be deemed invalid in consequence thereof.

When writs of certiorari are not to be allowed.

89. *And be it enacted*, That no writ of certiorari shall be allowed or issue to remove any assessment for any improvement in said district, unless the same be applied for within three months after the confirmation of such assessment by the said commissions.

Books of record, to be evidence.

90. *And be it enacted*, That a certified copy of the books of record kept by any of the officers of the said commission, under and by virtue of the provisions of any district ordinance, shall be admitted as evidence of the matters and things therein contained and received in all courts and places whatsoever.

No commissioner to be interested in any contract or assessment.

91. *And be it enacted*, That no member of the commission shall, during the period for which he was elected, be appointed to or competent to hold any office, the salary or emoluments of which are paid from the district treasury, or be directly or indirectly interested in any contract, work or business, or in the sale of any article, the expense, price or consideration of which is paid from the treasury, or by an assessment levied by any act or ordinance of said council, nor shall any such member be directly or indirectly interested in the purchase of any real estate or other property belonging to the district, or become security for any officer appointed by said commission, or for any contractor under the district government, under a penalty of five hundred dollars for each offence, to be recoverable by suit in the name of said commission.

Penalty

92. *And be it enacted*, That any person having been an officer of the said district shall not, within ten days after he shall have vacated or been removed from his office, and upon notification and request by the clerk, or within such reasonable time thereafter as the commissioners shall allow, deliver over to his successor in office all the property, books and papers belonging to the district or appertaining to such office in his possession or under his control, he shall forfeit and pay to the district the sum of five hundred dollars, to be sued for and recovered with costs. Officers of district to deliver over books.

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

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

Approved April 8, 1875.

CHAPTER CCCXXXIX.

A Further Supplement to an act entitled "An Act for the better protection of the agricultural and horticultural interests of the county of Atlantic."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter no person suffering any cattle or sheep to run at large in the township of Weymouth, in the county of Atlantic, shall be liable to the provisions and penalties of section one of an act entitled "Supplement to an act entitled 'An Act for the better protection of the agricultural and horticultural interests of the county of Atlantic,'" approved April fifth, eighteen hundred and sixty-five, which said supplement was approved February twenty-seventh, eighteen hundred and sixty-six; *provided*, such person owning or having Provisions and penalties of certain act, not to apply to residents of township. Proviso.

the keeping of such cattle or sheep shall be a resident of said township.

Act not to extend to residents.

2. *And be it enacted*, That section two of said supplement approved February twenty-seventh, eighteen hundred and sixty-six, shall not hereafter extend to trespasses by cattle and sheep in said township of Weymouth, belonging to or in the keeping of a resident of said township.

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

Approved April 8, 1875.

CHAPTER CCCXL.

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

Debt, not to exceed a certain amount.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the debt of Atlantic City shall at no time exceed the sum of thirty-five thousand dollars, and that not more than twenty thousand dollars debt shall be contracted by said city in any one year.

Election of a justice of the peace.

2. *And be it enacted*, That at the next annual town meeting in said city, there shall be elected one justice of the peace for Atlantic City, and that thereafter there shall be one justice of the peace in said city.

Number of councilmen.

3. *And be it enacted*, That at all elections to take place in said city hereafter of officers of said city, there shall be elected nine councilmen instead of six; and all laws now in force, which apply to the councilmen of said city, shall be taken and construed to apply to said nine councilmen.

Repealer.

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

Approved April 8, 1875.

CHAPTER CCCXLI.

A Further Supplement to an act entitled "An Act to improve Paterson avenue, from the westerly line of the Paterson plank road to the Secaucus road, and the Secaucus road from Paterson avenue to Pen Hornes Creek, in the county of Hudson," approved April first, eighteen hundred and sixty-nine.

Commissioners authorized to determine amount of money, to be paid by county of Hudson.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if the said commissioners of assessments appointed under and by virtue of the supplementary act approved March twenty-sixth, eighteen hundred and seventy-four, shall be of the opinion that any part or portion of the costs, charges and expenses of the improvements described in and made under and by virtue of said supplementary act, approved March twenty-sixth, eighteen hundred and seventy-four, and the original act or acts to which said act is supplementary, should be assessed upon and paid by the county of Hudson, or the towns, townships or cities through which said road passes; then, and in that case, it shall be lawful for said commissioners, and they are hereby authorized, to determine the amount which shall be paid by the county of Hudson on account of said improvements, and said sum so determined shall be raised by general taxation as other county taxes are raised, and when collected shall be paid over to the treasurer authorized to receive the moneys arising from said improvements, to be by him applied according to law; and the balance of the costs, charges and expenses of said improvements, after deducting the amounts charged to said county of Hudson, shall be assessed as provided in section one of said supplementary act, approved March twenty-sixth, eighteen hundred and seventy-four.

Amount, how raised, and to whom paid.

Vacancy in office of commissioners, how appointed.

2. *And be it enacted*, That if one or more of the commissioners who were appointed under and by virtue of the supplement approved March twenty-six, eighteen

hundred and seventy-four, to the act to which this is a supplement, should die or for any reason cease to act, the court of common pleas of Hudson county may appoint another commissioner in the place of the one dying or ceasing to act, and the said commissioners heretofore appointed as aforesaid or who may be appointed, may, in their discretion, if in their judgment unnecessary expenses will thereby be avoided, make a single assessment for the whole of the improvements, to make an assessment of the costs, charges and expenses of which they were or may be appointed, and may make one report and map of the same, specifying as to each parcel of land and real estate specially designated and assessed by them, only the whole amount assessed thereon.

Commissioners may make a single assessment, for the whole of the improvement

3. *And be it enacted*, That if in the opinion of said commissioners any land and real estate which by said supplement of March twenty-sixth, eighteen hundred and seventy-four, is exempt from assessment is benefited by such improvements, no part of the benefits to such exempt lands and real estate shall be assessed on any parcel of land and real estate specially designated and assessed by them, nor shall any sum assessed on any such last mentioned parcel of land and real estate exceed the amount which in their opinion the same is benefited by the improvements, for the costs, charges and expenses of which such assessment is made.

No part of benefits to exempt lands, to be assessed on land specially designated.

Assessment not to exceed amount the land is benefited.

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

Repealer

Approved April 8, 1875.

CHAPTER CCCXLII.

An Act to authorize the inhabitants of the road districts in the township of Holmdel, 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 Holmdel, 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. Inhabitants of road districts, to elect overseers

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

Approved April 8, 1875.

CHAPTER CCCXLIII.

Supplement to "An Act concerning roads in the township of Palisades, in the county of Bergen," approved March twenty-second, eighteen hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section six of said act be so amended that the election specified in said section to be held between the tenth and twenty-fifth days of March, in each road district in said township of Palisades, shall apply only to the election of a commissioner for each Amendment.

of said road districts, and the time for calling an assembly of the legal voters of said township to raise money by vote in each of said road districts is hereby amended so that said assemblies shall be called to vote such money for keeping and maintaining the public highways in each of said districts, between the tenth and thirtieth days of April after the passage of this act.

Amendment.

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

Approved April 8, 1875.

CHAPTER CCCL.

An Act to provide for sewerage and drainage, and for introducing pure water in the township of Englewood, county of Bergen.

Sewerage, drainage, and water district.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all of that territory of the township of Englewood, in the county of Bergen, lying easterly of a line five hundred feet westerly of and parallel with the public road commonly known as the Teaneck road, and between the northerly and southerly boundaries of said township, shall constitute, and hereby is created the sewerage, drainage, and water district of the township of Englewood.

District divided into sections.

2. *And be it enacted*, That the said district shall be and hereby is divided into three sections, to be known respectively as "section number one," "section number two," and "section number three," of the sewerage, drainage, and water district in the township of Englewood, and

Section number one.

that section number one shall comprise all of the territory within the following limits, namely: all that part of the township of Englewood east of the road known as Jones' road, running from Palisade avenue to the southerly line of said township; also, all of said township east of Brayton street, continued in a straight line northerly to the north line of said township; and that section

number two shall comprise all of that territory within the following limits, namely: all that part of said township bounded easterly by the westerly line of section number one of said district, northerly by the southerly line of Palisades township, westerly by the line of the Northern railroad of New Jersey, and southerly by the northerly line of Ridgefield township; and that section number three shall comprise all that territory within the following limits, namely: all that part of said township bounded easterly by the westerly line of section number two of said district, northerly by the southerly line of Palisades township, westerly by a line five hundred feet westerly of and parallel with the road commonly known as Teaneck road, and southerly by the northerly line of Ridgefield township. Number two. Number three.

3. *And be it enacted*, That for the purposes of this act, a board of commissioners consisting of seven persons is hereby created, to be known as the drainage and water commissioners of the township of Englewood, which shall consist of two citizens of the state of New Jersey, from and representing each of said sections, and who shall be freeholders in and residents of the sections which they respectively represent, and one commissioner at large, who shall be a citizen of the state of New Jersey, and a resident freeholder in the township of Englewood, and when any commissioner shall cease to be a resident freeholder as herein provided, his office shall be vacated. Board of commissioners, created.

4. *And be it enacted*, That the term of office of each commissioner shall be five years, from the third Tuesday in the month of May in the year in which an election for said commissioners is held, and until their successors are elected and duly qualified; *provided, nevertheless*, that when an election is held to fill a vacancy caused by death, resignation, removal, or other disqualification, the term of office of the person elected to fill such vacancy shall be only for the balance of the term of the commissioner whose office has become vacated. Term of office of commissioners. Proviso.

5. *And be it enacted*, That, the first election of commissioners under this act shall be held on the first Tuesday in the month of May next following the passage of this act, and thereafter an election for said commissioners shall be held every fifth year on the first Tuesday in the month of May, and in case of a vacancy in the office Election of commissioners.

of either of said commissioners, caused by death, removal, resignation, or other disqualification, a special election shall be called by the commissioners, to be held at such time and place as they may designate in said call.

Committee to designate place of holding first election.

6. *And be it enacted*, That the township committee of the township of Englewood shall, at least one week previous to the first Tuesday in the month of May next after the passage of this act, designate a place in each of the said sections of said district for holding the first election for drainage and water commissioners and inspectors of election to be elected under this act, and shall give notice thereof by advertising the said election once in a newspaper published in the county of Bergen, and by posting a printed or written, or partly printed and partly written notice of the said election in four public places in said township of Englewood, and shall appoint an inspector of election for said first election for each of said sections, and for every election held thereafter, the said drainage and water commissioners shall call an election by giving notice thereof at least one week previous to the time for holding the same, in the same manner as is herein required to be done by the said township committee for the said first election, but this act, nor any part hereof, shall not be abrogated by the failure or neglect of said township committee to call said first election, or of the failure or neglect of said commissioners to call any subsequent election; if for any reason the first election hereby provided for shall not be held on the day provided for herein, then the said township committee shall within sixty days from said day call an election, and appoint inspectors of election in the same manner as they are required to do if it is held on the said first Tuesday in May next after the passage of this act, and in like manner if for any reason any subsequent election hereby provided for shall not be held on the day herein provided for holding the same, the said commissioners shall call an election within sixty days from said day.

Notice to be given.

Commissioners to call elections.

Elections, how conducted, and by whom.

7. *And be it enacted*, That at every election for said commissioners every freeholder residing in said township of Englewood may vote for two commissioners and one inspector of election for the next election in each of said sections of said district in which he or she owns land in

fee simple, and may also vote in the section of said district in which he or she resides for a commissioner at large; all votes shall be by ballot, and all elections shall be presided over by the duly appointed or elected inspector of election for the section in which it is held, or in case he shall not be present the electors in attendance may appoint an inspector of election to preside; inspectors of election at such elections are authorized to preserve order, and to administer oaths to persons offering to vote, touching their qualifications to vote at such election; they shall also canvass the ballots in their respective sections immediately after the closing of the polls, and shall declare the persons elected by the greatest number of votes as said commissioners and inspectors of election from their respective sections, and shall also jointly canvass the ballots cast in all of the sections for a commissioner at large, and declare the person elected to that office by the greatest number of votes, and shall file statements thereof with the clerk of the county of Bergen, giving the names of persons voted for each office, and the number of votes cast for each person; they shall file said statements within two days after holding said election; the polls shall be opened from eight o'clock A. M. until six o'clock P. M. of the day on which the election is held; every person elected at any such election shall be notified of his election within ten days thereafter by the said clerk of the county of Bergen, and shall, before he enters upon the duties of the office to which he is elected, take and subscribe the oath required by the constitution or laws of the state, which may be taken before and certified by any officer authorized to administer oaths, and shall be filed with the said clerk of the county of Bergen.

Statements of elections, to be made.

Opening and closing of polls.

Persons elected, to take oath.

8. *And be it enacted*, That after each election for said commissioners (excepting elections to fill vacancies caused by death, removal, resignation or other disqualification) they shall designate one of their number to be president of the board, who shall hold his office during the term for which he was elected a commissioner; and four of their number shall constitute a quorum for the transaction of business at any meeting; they shall also have power to adopt such by-laws and rules (not inconsistent with the constitution or laws of this state) for their proper government as they may deem

Meeting of commissioners.

May make by-laws, rules.

proper, and to alter and amend the same at their pleasure; they shall also have power to hire a suitable office, and to furnish the same for convenient use and the safe keeping of their books and papers, and to purchase such books, stationery and other supplies as they may from time to time require, and to contract for such printing and advertising as may be necessary; they shall not receive any compensation for their own services, but shall be entitled to charge and receive for any expenses incurred and paid by them while engaged in performing the duties of their office, which shall be approved of by a majority of said commissioners; they shall also have power to appoint, employ, remove and discharge, from time to time, such superintendents, surveyors, engineers and other employees as they may deem necessary in order more effectually to carry out the provisions and intentions of this act, and to pay them such compensation or wages as they shall deem fair and reasonable; they shall also have power to purchase such materials, tools and implements as they may find necessary for repairing and maintaining the drains and sewers constructed in accordance with this act; they shall also have power to prepare or cause to be prepared at an expense of not exceeding three thousand dollars suitable plans and specifications for the proper drainage and sewerage of the drainage, sewerage and water district hereinbefore created by section one of this act, and also to prepare or cause to be prepared suitable plans and specifications for supplying said district with pure water.

Not to receive compensation.

May appoint officers, agents.

May purchase materials.

May prepare plans for drainage and sewerage.

9. *And be it enacted*, That there shall be levied upon and collected from the lands and tenements within the territory of the said sewerage, drainage and water district in each and every year, at the time and in the manner provided for the levying and collection of taxes, a sum sufficient to defray such expenses, costs, charges and other general expenditures which the said commissioners are or may become liable for by virtue of section eight of this act, and which they may certify to the assessor of the said township of Englewood as necessary, and also a sum sufficient to pay the annual interest on the bonds hereinafter authorized to be issued by section eleven of this act, and also a sum sufficient to provide for the sinking fund hereinafter provided for by

Amount necessary to defray costs, expenses, to be assessed on lands.

section thirteen of this act, and the moneys so assessed and collected shall be paid by the collector of said township over to the president of the said board of commissioners as collected, and the said commissioners shall once in each year publish, in a newspaper published in the county of Bergen, a full and accurate account of their receipts and expenditures, stating when and for what purpose the same have been made.

Amount to pay interest on bonds, and to provide for a sinking fund.

10. *And be it enacted*, That it shall be the duty of said commissioners as soon as may be practicable to have prepared, by competent civil engineers and surveyors, a plan for properly draining and sewering said district, with maps and specifications, showing, first, the location and size of all main sewers and drains necessary or desirable, in their judgment, to be constructed for receiving and carrying off water and sewerage matter from said district, that may be discharged into them from the system of tributary drains and sewers, or otherwise; and, second, a plan or plans, showing a system of tributary sewers and drains to receive and carry into said main sewers and drains water and sewerage matter from said district; they shall also have estimates made of the probable cost of constructing that part of the work first above provided for to be planned, and when such plans, maps, specifications and estimates are completed and filed in their office they shall give notice thereof by publication, once a week for four weeks, in a newspaper published in the county of Bergen, and also by posting notices written or printed, or partly written and partly printed, in at least four public places in said district, and said plans, maps, specifications and estimates shall be open to inspection at all reasonable times by any person desiring to inspect the same; after the expiration of the four weeks during which said notice is to be given, as aforesaid, they shall have power to call an election for the purpose of determining whether said plans for main drains and sewers shall be adopted, and whether the district shall issue bonds to procure money necessary to pay for the same in accordance with section eleven of this act, and shall give notice of the time and place of holding said election in the same manner as is provided in section six of this act for giving notice of an election for commissioners; at said

Commissioners to prepare plan for draining and sewering district.

Estimates to be made of probable cost of work.

Notice to be published.

Power to call election to adopt plans, and issue bonds.

Elections, how held, and by whom conducted.

election the polls shall be open from eight o'clock A. M. until six o'clock P. M., on the day on which it is held, and every person duly qualified to vote for said commissioners by virtue of section seven of this act shall be entitled to vote thereat, and the president of said board of commissioners, or in his absence a commissioner designated by the electors in attendance, shall be inspector of election, and shall preside at said election and exercise like powers as are given to inspectors of election by section seven of this act, and shall certify the result to the said board of commissioners, and also to the clerk of Bergen county; should a majority of the votes cast be against either or both propositions submitted to the electors for their approval or disapproval the commissioners shall have power, from time to time, to submit the same or other plans and propositions in like manner for approval or disapproval of the electors duly qualified at the time said plans and propositions are submitted.

Commissioners may construct drains and sewers, when adopted by majority of legal voters.

11. *And be it enacted*, That whenever, at any election called in accordance with section ten of this act, a majority of the duly qualified electors shall vote for the adoption of any plan for locating and constructing said main sewers and drains, and for issuing district bonds to procure money to pay the cost of the same, and the result of such election shall have been duly certified to the said commissioners and to the clerk of Bergen county, then the said commissioners shall have power to construct or cause to be constructed the said main drains and sewers, and also to issue district bonds, due and payable not more than thirty years after the date of said bonds to an amount sufficient to pay for the same, which bonds shall be in sums of not less than five hundred dollars each, and shall bear interest at the rate of seven per cent. per annum, payable semi-annually, on the first day of February and August in each year, at such place as may be designated by said commissioners, and said bonds shall be signed by the commissioner at large for said district, and by one commissioner from each section of said district, and shall be registered and signed by the clerk of Bergen county; the bonds so issued shall be a charge upon all real estate comprised within said district, to be collected and paid by a tax upon the same in the same

May issue bonds.

Bonds, how paid.

manner as other taxes and as in this act hereinbefore provided.

Power of commissioners to construct main drains and sewers, through or across any public street or private land.

12. *And be it enacted*, That the said commissioners shall have power to construct or cause to be constructed, said main drains and sewers according to the plans approved and adopted in accordance with sections ten and eleven of this act, through and across any of the public roads and streets in said district, and through and across any road or street in said district, opened for travel, but not accepted as a public road or street, and also through any private lands, in which latter case they shall have power to award the owner or owners of such lands, such compensation therefor as they may deem just, and to add the amount of such compensation to the cost of constructing the said main sewers or drains; and if it shall be necessary or desirable, in the judgment of said commissioners, to empty said main drains or sewers into the Overpeck Creek Canal, or into any continuation thereof, or into any other canal or outlet constructed or to be constructed by the Overpeck Creek Canal Company, or by any other company, or person, or persons, they shall have power to do so, and to contract with or compensate any such company, or person, or persons, for the perpetual use of any such canal, or canals, or outlets, and to include the cost of such use or compensation in the cost of constructing said main sewers and drains, and if it shall be necessary or desirable, in the judgment of said commissioners, to empty said main drains or sewers through any such canal, canals, or outlets, or in any other manner into any branch of, or stream emptying into, the Hackensack river at a point within the territory of the township of Ridgefield, they shall have power to do so, and to construct said main drains or sewers through or across any street or road opened for travel in said township of Ridgefield, through the meadows or low-lands west of the line of the Northern Railroad of New Jersey, and east of the highlands commonly known as Teaneck Ridge, or through any private lands in said locality in said township, in which latter case they shall have power to award the owner or owners of such lands, such compensation therefor as they may deem just, and to add the amount of such compensation to the cost of said main drains or sewers; when any compensation is awarded to any company, or

May empty drains, and may contract with company or persons for use of canal.

person or persons, for land or property taken or used, or to be taken or used in accordance with the foregoing provisions of this section of this act, the said commissioners shall give written notice of the same to the company, or person or persons to whom such award is made.

Establishment of a sinking fund, and per-centum levied and collected, annually.

13. *And be it enacted*, That in order to provide for the payment of the district bonds, authorized to be issued by section eleven of this act, an amount equal to four per centum of the total amount of said bonds issued shall be annually levied and collected as a sinking fund, in the manner as provided for in section nine of this act, and the said commissioners shall call in and pay and cancel annually an amount of said bonds equal to the amount of the four per centum so collected, designating by lot the numbers of the bonds to be so called in and cancelled, and giving notice of their intention to do so, once a week for four weeks, in a paper published in the county of Bergen, and at the expiration of the said four weeks all interest on the called bonds shall cease from that date.

Powers of commissioners to construct sewers and drains, upon application of owners of two-thirds of lineal feet.

14. *And be it enacted*, That the said commissioners shall also have power to construct sewers and drains of such material as they shall judge proper along any public highway in said district, upon the application in writing of the owners of at least two-thirds of the lineal feet of land fronting upon the highway wherever such improvement is applied for to be made, and also along any public highway or any highway opened for travel, but not accepted as a public road or street, where, in the judgment of the said commissioners, the public health requires such an improvement to be made, and in either case to assess the cost of such an improvement, and all expenses attending the same, upon the lands benefited thereby; when application for such an improvement is made as aforesaid, the persons applying for the same shall furnish and file with their application, in the office of said commissioners, plans of the work proposed to be done, and maps and surveys of the area of lands benefited thereby, with a list of the owners of the same; and when the said commissioners shall judge it to be necessary for the public health to make any such improvement, they shall cause to be made and filed in their office, plans of the work they propose to do, and

Persons applying to file plans, maps, survey.

maps and surveys of the lands which, in their judgment, are benefited thereby; notice that such an application has been made, and that plans, maps and surveys in accordance therewith have been filed in the office of said commissioners as aforesaid, or that the said commissioners deem it necessary for the public health to make such an improvement, and have filed plans, maps and surveys of the same in their office as aforesaid, shall be given by publication once a week for four weeks in a newspaper published in the county of Bergen, and by posting notices written or printed, or partly written and partly printed, in at least four places on the line of said proposed improvement, and also in at least four other places in the township of Englewood, and said plans, maps and other surveys shall be open to inspection at all reasonable times to all persons desiring to inspect the same; in said notices the said commissioners shall also give notice requiring all persons interested in the proposed improvement to appear before said commissioners at a convenient time and place, to be specified in said notices, when and where the said commissioners shall hear and weigh all objections to said proposed improvement, and they may adjourn said hearing to such other time or times as they may determine, if in their judgment any person interested should have opportunity to make further objections; after said hearing the said commissioners shall determine upon the desirability or necessity of such improvement, and if they shall decide and determine in favor thereof, they shall make or cause to be made estimates of the cost of making said improvement, including in said estimates all charges and expenses incurred by them therefor, and shall assess the same upon such lands as they may deem benefited, in proportion to the benefit in their judgment received by the said lands, or the owner or owners thereof; within five days after making said assessment as aforesaid, a printed or written, or partly printed and party written, notice shall be addressed to each individual or party owning land so assessed, (as near in each case as the name and address of the owner or owners of said land can be ascertained by said commissioners,) and deposited in the post office, at Englewood, stating the amount of said assessment against the said land for said improvement, and that said

Notice to be published of application, and that plans, maps, have been filed.

Notice to be given of meeting to hear objections.

Estimates of cost to be made, and assessed upon lands benefited

Notice of amount of assessment, to be given.

assessment will remain open at the office of said commissioners for examination and inspection by all persons interested therein, at all reasonable times during the fifteen days next succeeding the depositing of said notice in said post office, and that said commissioners or a quorum of their number will attend at their office on a day subsequent to the expiration of said fifteen days, and also on one or more evenings (not exceeding three evenings in all) if so required in writing by any party or parties interested, to hear and weigh all objections thereto; the said commissioners shall thereafter reconsider said assessment and make any alterations therein they may deem just, and thereupon they shall confirm said assessment, and within ten days after such confirmation file a map of the said improvement as finally determined upon by them, with their aforesaid assessment so confirmed, in the office of the clerk of the county of Bergen; and the said commissioners shall also give notice of such filing by publication once a week for four weeks in a newspaper published in the county of Bergen, and the determination of the said commissioners shall be final and conclusive in the premises, unless an appeal is taken to the court of common pleas of the county of Bergen, within the time and in the manner provided for by this act.

Commissioners may make alterations, and confirm assessments.

15. *And be it enacted*, That whenever any ditch, gutter, cesspool, drains, privy, water closet, or accumulation of water or sewerage matter in said district shall be in the judgment of said commissioners prejudicial or injurious to the public health, or likely to become so, they shall have power to direct the owner or owners thereof, or the occupant or occupants of the premises on which the same is located, or to which it belongs, by notice in writing, to drain or empty the same, and to make such other alterations and improvements as in their judgment may be necessary or expedient for sanitary purposes, and in case of the neglect or refusal of such owner or owners, or occupant or occupants to comply with such directions within a reasonable time to be prescribed in such notice, (but such time shall not be less than three days,) then the said commissioners shall have power to cause such draining or emptying to be done, and such alterations and improvements to be made, and to assess the cost thereof,

Power of commissioners to direct owners to drain or empty any cesspool, water closet, and to make alterations.

Failure of owners to do work, commissioners may cause work done, and assess the cost.

and all the expenses attendant thereon on the lands on which such ditch, gutter, cesspool, drain, privy, water closet or accumulation of water or sewerage matter is located, or to which they belong, and shall also have power to fine said owner or owners and said occupant or occupants, notified as aforesaid, not exceeding ten dollars each, for refusing or neglecting to comply with the requirements of said notice, and said cost and expenses, and the fine or fines imposed upon any owner or owners shall be a lien upon said lands, the payment of which may be enforced in the same manner as the payments of assessments laid by said commissioners is enforced; and fines imposed upon said occupant or occupants other than an owner shall be a lien upon his, her or their real and personal property in said district, the payment of which may be enforced in the same manner as the payment of assessments laid by said commissioners is enforced, or by levying upon their personal property in the manner prescribed by law for the collection of fines or debts due.

May fine owners for refusing.

Fines, to be a lien on property.

16. *And be it enacted*, That any company, or person or persons, feeling aggrieved by the action of said commissioners in their award of compensation for lands or property taken or used in accordance with section twelve of this act, or any company, person or persons, feeling aggrieved by the action of the said commissioners under the fourteenth section of this act, may, within forty days from the service of said written notice required to be served by said commissioners under said section twelve of this act, or within forty days from the first publication of the last notice required to be given by section fourteen of this act, appeal to the court of common pleas of the county of Bergen, by serving a notice in writing upon either of said commissioners; and the said court shall have full power to hear, determine and review the proceedings of the said commissioners in the premises, and the same, or any award, assessment, or other action, to confirm, alter, modify, set aside or reverse, in whole or in part, for errors, either of fact or in law, and the said court shall have power to hear and try the same in a summary way, and may summon a special jury to determine any question of fact, and the said court may proceed in due course, according to the

Persons aggrieved in award of compensation or the taking of lands, may appeal.

power of the court in other cases, and the determination of the said court shall be final and conclusive in the premises, and not subject to appeal or review; and the said court, or any judge thereof, may, until such determination, stay all proceedings in the matter in reference to which the appeal may be taken, until such final determination; and like fees and costs shall be paid to the judges, jury, officers of the court and parties, as are allowed in other causes of which said court has or may have jurisdiction; and the said court shall have power to make and prescribe all necessary forms, rules and regulations, in the conduct of any proceedings to be taken hereunder; if no such appeal shall be taken within the time and in the manner prescribed in this section of this act, the action of the said commissioners shall be final and take effect, and they may proceed to carry the same into effect, and any award for compensation for lands or property taken or used or to be taken or used by virtue of any such action, or by the judgment of the said court of common pleas, if any appeal shall have been taken, shall be due and payable, with legal interest, as soon as the assessments laid are collected or the commissioners may determine, and any assessment laid by virtue of any such action or by the judgment of the said court of common pleas, if any appeal shall have been taken, shall be a lien upon the lands on which it is laid, and the said commissioners shall prepare and certify a copy of the assessment made by them or procure a certified copy of the judgment of the said court of common pleas, if any appeal shall have been taken, and place the same in the hands of the collector of taxes, for the time being, for the township of Englewood, and thereupon it shall be the duty of the collector to directly collect the said assessment in sixty days from the time of placing such copy in his hands, and to pay the same over to the president of the said board of commissioners; and the said collector shall, in the collection of the said assessment, be liable to the same pains and penalties as in the collection of the annual township taxes, and shall be entitled to such compensation or fees for his services as said commissioners may agree to allow him, the said compensation or fees being reserved by him out of the money so collected; *provided*, that the said collector, in each and every year,

Action of commissioners, to be final.

Collector to collect assessments.

Proviso.

before proceeding under this act, shall enter into bonds to the said commissioners with such sureties and in such sum as the said commissioners shall approve, conditioned for the faithful performance of his duties under this act.

Lands to be sold for non-payment of assessments.

17. *And be it enacted*, That in case any owner or owners of lands so assessed as aforesaid, under any section of this act, shall fail to pay the assessment laid thereon within one year from the time of placing the certified copy of the aforesaid assessment, or of the aforesaid judgment, of the said court of common pleas in the hands of the said collector of taxes, then the land upon which the said assessment is a lien shall be sold in the same manner that land is now authorized by law to be sold for unpaid taxes in said township, so as to raise a sufficient sum to pay the said assessment and the interest thereon at the rate of twelve per centum per annum from the expiration of sixty days from the time of placing such copy in the hands of the said collector, and the lawful costs and fees of collection and sale.

Commissioners may prepare plans for the introduction of pure water.

18. *And be it enacted*, That the said commissioners may prepare or cause to be prepared plans for the introduction into, and distribution through the aforesaid drainage, sewer and water district, of pure water for domestic and sanitary purposes, and for extinguishing fires, and that said plans may embrace a system of public works for that purpose, or a contract with any duly incorporated water company in this state, and they may also submit the same, in like manner as they are authorized to submit plans for main drains and sewers by section ten of this act, to the duly qualified electors of said district, qualified to vote at any election herein before by this act authorized to be held, for their approval or disapproval, but the said commissioners are not in any event hereby authorized, and shall not in any event incur any expenses for constructing or maintaining said proposed public works, or for completing and fulfilling said proposed contract, without first obtaining from the people of this state, duly represented in senate and general assembly convened, authority to do so, by a separate act or by an amendment of or a supplement to this act.

May submit plans to electors.

Laws inoperative.

19. *And be it enacted*, That all laws and parts of laws inconsistent herewith shall be inoperative in the said

drainage, sewerage and water district, so far as only as they are inconsistent with the provisions of this act.

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

Approved April 8, 1875.

CHAPTER CCCLIII.

An Act to prevent horses, mules, cattle, sheep, goats and swine from running at large in the township of Centre, in the county of Camden.

Lawful to impound animals running at large.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any person who may reside within the limits of the township of Centre, in the county of Camden, to drive or convey to any public pound which may be in said township, any horses, mules, cattle, sheep, goats 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 the public pound in said township, is or are hereby required and authorized to receive such horses, mules, cattle, sheep, goats 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, mule or cattle, and ten cents per head for each sheep, goat or swine; and the keeper shall also have twenty cents per head for every horse, mule or cattle, and ten cents per head for every sheep, goat or swine for letting in and out of the pound, and for keeping, feeding and attending twenty cents per head for each and every horse, mule and cattle, and ten cents per head for each and every sheep, goat and swine for every twenty-four hours, or fractional part thereof, they shall continue within said pound; and if the owner or owners of said horses, mules, cattle, sheep, goats or swine so impounded as aforesaid, shall not pay the charges of impounding and keeping as aforesaid, within four days after such beasts shall be im-

Keeper to impound animals.

Fees of pound keeper.

Failure of owners to pay charges, animals to be sold.

pounded, 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, mules, cattle, sheep, goats 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, goats or swine, do not appear and redeem the said beasts before the time so notified, the said pound-keeper shall sell the same accordingly, and out of the money arising from such sale shall pay the charges of conveying to the pound, and retain in his hands his fees for impounding, keeping, feeding said horses, mules, cattle, sheep, goats or swine, and twenty cents for advertising sale and collecting the money for each horse, mule, cattle, sheep, goat or swine, and return the overplus, if any, to the owner or owners of the beast if they shall appear to claim the same, and if no owner shall appear and claim the said overplus within six months from the day of sale, the same shall be paid to the overseer or overseers of the poor of the township wherein such beast were found running at large as aforesaid.

Advertisements of sale, to be posted.

2. *And be it enacted*, That the township clerk of the township of Centre, shall cause this act to be printed and posted up in twenty of the most public places within said township ten days before the same shall go into effect, and this act shall be deemed and taken to be a public act, and shall take effect on the first day of May next.

Act to be printed and posted.

Approved April 8, 1875.

CHAPTER CCCLIV.

An Act to revise, consolidate and amend the act entitled "A Further Supplement to the act entitled 'An Act to create a new township in the county of Union, to be called the township of Cranford,'" approved March fourteenth, one thousand eight hundred and seventy-one, and the acts supplemental thereto or amendatory thereof.

Acts repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "A further supplement to the act entitled 'An act to create a new township in the county of Union, to be called the township of Cranford,'" approved March fourteenth, one thousand eight hundred and seventy-one, which supplement was approved March eleventh, one thousand eight hundred and seventy-three, and the act entitled "A further supplement to an act entitled 'An act to create a new township in the county of Union, to be called the township of Cranford,'" approved March fourteenth, one thousand eight hundred and seventy-one, which last mentioned supplement was approved March eighteenth, one thousand eight hundred and seventy-three are hereby repealed.

Amendment.

2. *And be it enacted*, That the third section of the act entitled "A supplement to the act entitled 'An Act to create a new township in the county of Union, to be called the township of Cranford,'" approved March fourteenth, one thousand eight hundred and seventy-one, be and the same is hereby amended to read as follows: the board of commissioners as now constituted under previous enactments are hereby continued in office for the terms respectively, for which they are entitled to hold the same under said previous enactments; and all commissioners hereafter elected, shall be elected to hold office for the term of two years; *and it is further provided*,

Proviso.

that whenever the term of office of a commissioner shall expire, the vacancy in said board occasioned thereby, shall be filled at the annual town meetings therein by an election in the same manner as other officers of said township are elected; *provided however*, that such commissioner shall be elected from the same road district as the commissioner whose term of office has expired, except when the term of office of the president of said board shall expire, such vacancy may be filled from any one of the four road districts in said township; when a vacancy occurs in said board by reason of the death, resignation, refusal to act or non-residence of a commissioner, the town committee are hereby authorized to fill such vacancy from the road district theretofore represented by said commissioner, which commissioner shall hold office until another is elected in his place to fill the unexpired term at the next annual town meeting; when a commissioner shall be disqualified to act in any matter or proceeding before said board for any cause not hereinbefore provided for, the said town committee are hereby authorized and empowered to appoint a competent and disinterested party being a resident and freeholder in said township, to act in such matter or proceeding while the same is being considered in the place of the commissioner so disqualified; but any commissioner so appointed under the provisions of this section, before entering upon the discharge of his duties, shall subscribe and file an oath or affirmation as provided in the case of the other commissioners who have been or shall be elected; said commissioners shall appoint a clerk to said board, who shall be a resident in said township, and whose duty it shall be to keep the minutes of the proceedings of said board, and to perform such other clerical services for said board as they shall direct, and who shall be paid for his services by the township committee at the rate of three dollars for every session of said board; no member of the board of commissioners shall act in reference to any street in which he may be interested or be the owner of property subject to assessment for damages or benefits; but no assessment made by said board, and no proceeding thereof, shall be rendered illegal or invalid by reason of any commissioner ceasing to be a freeholder after his election. Proviso.

Amendment.

3. *And be it enacted*, That section nine of the act in section two of this act mentioned, be amended by adding at the end thereof as follows: and such notice shall also name a time which shall be fixed by said board not less than six nor more than ten days from the service thereof, at which the said board will hear objections to the assessments for benefits or damages from any owners or lessees of property assessed; and at the time named in said notice the said board shall attend to hear such objections which shall, if the board require, be stated in writing and be signed by the parties interposing the same; and said board shall have power to adjourn from time to time for any period not exceeding fifteen days in all from the time fixed in said notice for the first hearing of objections; and said board shall have power, upon such hearing, to alter, correct or amend such assessments, and return, as to them shall seem just and equitable to all parties; if such return shall be altered, corrected or amended, an engrossed copy thereof as amended shall be made by the clerk and signed by a majority of the board, and shall be filed in the offices of the clerk of the county and of the township within ten days from the time such objections shall be heard; or if said return is not amended, or if no objections are made thereto, a certificate signed by a majority of the board, stating such fact or facts, shall be filed in said offices within the time last mentioned, upon the filing of which amended return or said certificate, all assessments or awards made by said board shall be final and conclusive upon all parties, except as provided by section seven of this act; and the time for the appeal provided by that section shall, as to all assessments or awards made after the passage of this act, be computed from the filing of such amended return or said certificate.

Section repealed.

4. *And be it enacted*, That the fourteenth section of the act in section two of this act mentioned, is hereby repealed.

Board to determine amount of expenses in making of maps, grading of highways, and laying of sidewalks.

5. *And be it enacted*, That the board of commissioners of highways in the said township of Cranford, whenever they shall hereafter lay out or alter any public road or highway, shall immediately determine the amount of the expenses incurred in the making of any survey or map, or for any legal services, and for the services of said

board in respect to such proceedings, and the amount which in the judgment of a majority of said commissioners will be requisite to grade such road or highway so as to make it passable for public travel, and to lay such crosswalks as a majority of said commissioners shall consider requisite and direct to be laid, and the amounts so determined they are authorized and required to add to the damages which by the supplement to the act to which this is a supplement, approved the twenty-sixth day of March, one thousand eight hundred and seventy-two, they are required to assess to the owners and lessees of any land, buildings, improvements and real estate, which may be taken or removed in the laying out or altering of said road or highway, and the whole sum of said amounts and damages said commissioners shall then assess for benefits in the same manner in all respects in which by said supplement they are required to assess said damages for benefits, and the said amounts which were so added to the damages when collected shall be appropriated and applied to the payment of such expenses, and to the grading of said road, and the laying of such crosswalks therein as were directed to be laid by said commissioners; *provided*, the expenses authorized to be incurred under this section shall not exceed thirty cents per lineal foot along said road; and whenever a petition in writing shall be presented to the said board of commissioners of public highways, signed by the owners of one-half of the number of lineal feet upon one side of any road, street or avenue in said township, or upon so much of one side thereof as lies between two points named in said petition, requesting to have so much of the sidewalk of said street as lies between the points named and upon that side of the street named in said petition, laid with stone, plank or composition, in such manner as to make a firm and dry sidewalk, and setting forth the material to be used and the width of the walk to be made, the property owners shall be required to improve the sidewalk in manner set forth in the petition; and in default of any property owner, within thirty days after being notified to make said improvement, neglecting or refusing to make such improvement, the said commissioners, for the time being, shall without delay proceed to lay the same,

Amount collected, how appropriated.

Proviso.

or cause the same to be laid in accordance with the request of such petition; and the township committee of said township shall pay the costs and expenses of the same to the person or persons entitled to receive the same, upon the certificate of the president or chairman for the time being of said board of commissioners, out of any moneys in their hands for said township; and the said board of commissioners shall immediately assess upon the owners of the lands on that side of such street, avenue or highway, along which such improvement shall be made, and between the beginning and ending points of such improvement, the whole cost of the same, the basis of such assessment in all cases to be the number of lineal feet owned by each person in front of whose lands such improvement shall be made, and who shall not have previously made the improvement at his, her or their own expense; the said board of commissioners shall deliver to the township collector a copy of the said assessment, when made, and the said collector shall include in the tax bills of the persons against whom such sums shall have been assessed, the respective sums so assessed against them, which are hereby made payable and collectable at the same time, in the same manner and by the same means as the ordinary township taxes are assessed and collected.

Owners may appeal to circuit court from award of damages.

6. *And be it enacted*, That in all cases in which awards have been or shall be made, in favor of any owner or lessee of real estate, for damages sustained by reason of the laying out or altering of any public road, under the act to which this is a supplement, or any supplement thereto, such owner or lessee may appeal from such assessment to the circuit court of said county of Union, at any time within thirty days next after such assessment shall be filed with the clerk of said county, by serving a notice of such intended appeal, within said time, upon the board of commissioners of highways, or their clerk; and

Court to order assessment of damages.

said circuit court shall thereupon order a trial by jury to assess the damages sustained by the party so appealing, which trial shall be conducted as in other cases of trial by jury, and shall be brought on at the term of said court next after the serving of said notice, unless said court shall give further time, and on failure thereof said appeal shall be dismissed.

7. *And be it enacted*, That the said board of commissioners shall have power to repair, or cause to be repaired, any sidewalks or crosswalks in said township, when in their judgment the public convenience or necessity requires; *provided*, the expense of such repairs shall not exceed fifteen cents per lineal foot of said walk, which expense, when properly certified by said board, shall be paid by the town committee out of any moneys in their hands; such amounts as shall be paid for the repairs of sidewalks shall be collected from the owners of the property in front of whose premises such repairs are made, in same manner as provided in section five of this act. Power to repair sidewalks. Proviso.

8. *And be it enacted*, That said board of commissioners shall in no one year, expend in the laying out and altering of public roads, a greater sum than one per centum of the value of the taxable property in said township, as fixed by the assessor's valuation of that year, which sum shall include all the costs and expenses incurred by said board, together with the damages assessed to the owners of real estate, by reason of their land being taken for said improvements, after deducting therefrom the benefits assessed to such owners. Expenditures in any one year not to exceed one per centum of value of taxable property.

9. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, shall be and the same are hereby repealed, and that this act shall take effect immediately; *provided*, that any and all proceedings commenced by said board prior to the passage of this bill shall be carried out in the same manner as if this act had not been passed; but all payments actually made and obligations heretofore issued or incurred by the said board or said township committee under the aforementioned acts, are hereby ratified, confirmed and made valid. Repealer. Proviso.

Approved April 8, 1875.

New Jersey State Library

CHAPTER CCCLV.

A Supplement to the act entitled "An Act to divide the township of Manchester, in the county of Passaic, and establish a new township, to be called the township of Wayne," approved February tenth, one thousand eight hundred and forty-seven.

Preamble.

WHEREAS, the legislature, by an act approved February tenth, one thousand eight hundred and forty-seven, divided the township of Manchester, in the county of Passaic, and established a new township, called the township of Wayne; *and whereas*, the commissioners named in said act did run, survey, and mark the lines as directed by the first and fifth sections of said act, but as no record of said survey can now be found; therefore,

Commissioners appointed to re-run, survey, and ascertain lines.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George A. Ryerson and William Degray be and they are hereby appointed commissioners to re-run, survey and ascertain the several lines mentioned in the first section of the act to which this is a supplement, and said commissioners shall execute and discharge the duties of their said appointment in the same manner in all respects, as if they had been appointed commissioners for the purpose aforesaid by the inferior court of common pleas of the county of Passaic, except that it shall only be necessary for said commissioners to notify the township committees of the townships of Manchester and Wayne, respectively, of the time and place of meeting to perform the duties of their said appointment; and the charges and expenses of said commissioners shall be taxed and paid as is by law directed in case of commissioners appointed by the court of common pleas, upon the application of the board of chosen freeholders.

Charges and expenses, how taxed and paid.

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

Approved April 8, 1875.

CHAPTER CCCLVI.

A Supplement to an act entitled "An Act to reorganize the local government of the township of West Hoboken," passed March twenty-seventh, one thousand eight hundred and seventy-four.

Fire department, how governed, and by whom.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the fire department of the township of West Hoboken shall be governed by a board of trustees, to be known as the "Board of Trustees of the Fire Department of West Hoboken," to be composed as follows: four trustees to be chosen by the people at their annual spring election, to hold their office for one year from and after the second Tuesday in June next succeeding their election, and each company shall be entitled to elect, annually, at their regular election for chief engineer, one trustee to form a portion of said board of trustees, to hold office for one year and have equal powers in all respects as those elected by the people, and the chief engineer shall be ex-officio a member of said board; said board of trustees shall have full power to and shall receive from the collector and disburse all moneys appropriated by the electors of said township for the benefit of said department, they shall have full power and control over the department and all other matters appertaining to said department or its members, with power to suspend any member and suspend or disband any company for just cause, hear and adjust all grievances between companies, with power to review and finally determine all cases of expulsion or other grievances, the parties accused shall have a fair and impartial hearing; no person shall be recognized as a member of said fire department or any company thereof until his election is confirmed by said board of trustees.

Election of board of trustees.

Powers of trustees.

Compensation of members of board.

2. *And be it enacted*, That each member of the board of trustees shall receive a compensation of one dollar for each meeting he actually attends; *provided*, he shall not

receive pay for more than one meeting in each month; the compensation for each member of the board of trustees to be derived from the same appropriation and paid in the same way as other township officers are now paid.

Power to pass, alter, and repeal rules.

3. *And be it enacted*, That said board shall have power to fill vacancies in said board, and shall also have power to pass, alter and repeal such rules, regulations and by-laws, governing themselves and said fire department, as they shall deem for the interest of the fire department and the public.

May elect treasurer.

4. *And be it enacted*, That it shall be the duty of the board of trustees, immediately after organizing, to elect a treasurer from their own body by ballot, who shall, before taking possession of any funds, books, papers, or transacting any business whatever, file with the township clerk a bond conditioned for the safe custody of the money and faithful performance of his duties, with two sureties, in an amount satisfactory to the township committee; it shall be the duty of the treasurer, annually, before the fifteenth day of March in each year, to render to the township committee a true and correct statement of all money received by him and disbursed for the use of the fire department; the compensation of said treasurer shall be half of one per centum upon all sums disbursed.

Repealer.

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

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

Approved April 8, 1875.

CHAPTER CCCLVII.

An Act to repeal an act entitled "A Further Supplement to an act entitled 'An Act to regulate elections,'" approved April sixteenth, one thousand eight hundred and forty-six, approved March twentieth, one thousand eight hundred and seventy-three.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That an act entitled a further supplement to an act entitled "An Act to regulate elections," approved April sixteenth, one thousand eight hundred and forty-six, which further supplement was approved March twentieth, one thousand eight and seventy-three, be and the same is hereby repealed.

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

Approved April 8, 1875.

CHAPTER CCCXLVIII.

An Act to authorize the voters of the township of Brick, in the county of Ocean, to elect their Overseers of Highways by districts.

Legal voters to elect overseers of roads.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the legal voters of the township of Brick, in the county of Ocean, are hereby empowered to elect in each road district their overseer of roads in the same, and for the purpose of carrying this act into effect, it shall be the duty of the overseer of each district to give not less than five nor more than ten days' notice of the time and place of meeting, by setting up

Elections.

notices in three conspicuous places in his district; which meeting shall occur annually on the Saturday preceding the annual town meeting, between the hours of two and five o'clock in the afternoon of said day; and at which time and place, such legal voters, so assembled, having been called to order by any voter of the district, shall proceed, viva voce, by holding up hands, or by count, to elect a moderator of such meeting, by plurality of votes; and being so organized, the meeting shall proceed, as in the election of the moderator, to elect an overseer of the highway for the district, being a resident of said district; the moderator of said district meeting shall, within five days after the next annual town meeting, notify the town committee in writing, of the election of such overseer, which committee shall 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 overseer neglect to give notice of district meeting as aforesaid, the town committee next elected shall call a special district meeting for the election of such overseer at a convenient time and place, within such district; the overseers of the highways shall account to, and settle with the town committee, as now required by law.

Moderator to notify town committee of election.

Repealer.

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

Approved April 8, 1875.

CHAPTER CCCLIX.

An Act to authorize Franklin School District, in the township of Franklin, Essex county, New Jersey, to issue bonds or mortgage their real estate to build a school house.

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 —— of trustees of Franklin School District Number —, in the township of Franklin, in the county of Essex, and state of New Jersey, to make, execute and deliver bonds for the payment of money in sums not less than one hundred dollars to an amount not exceeding in the aggregate eight thousand dollars, and payable in equal sums of one thousand dollars, in one, two, three, four, five, six, seven and eight years from the date thereof, with interest thereon at the rate of seven per centum per annum, payable semi-annually and free from taxes, which bonds the said trustees are authorized and empowered to negotiate, and the proceeds of which shall be used and appropriated by said trustees exclusively for the purpose of erecting and building a school house upon the real estate now belonging to said district, and furnishing the same for the educational purposes of said district.

Power of trustees to make and issue bonds.

May sell bonds, and use proceeds for erecting and building a school house.

2. *And be it enacted*, That a sinking fund shall be provided for the payment of said bonds and the interest thereon, for which purpose there shall be yearly and every year until said bonds with the interest thereon shall be paid, raised in the said district from the inhabitants and the real and personal estate therein situate by tax, such amount as the said trustees or a majority of them, shall deem necessary; and it shall be the duty of the said trustees or a majority of them, each year before the time required by law for the assessment of taxes, to make out in writing and deliver to the assessor of the said township of Franklin a certificate stating the amount of money to be required to be raised by tax in said dis-

Sinking fund established.

Amount to be raised annually, for payment of bonds and interest.

Trustees to deliver certificate of amount to assessors.

trict during that year to meet the payment of the interest on said bonds and to provide for said sinking fund; and it shall be the duty of the said assessor then to make an assessment upon the inhabitants of said district and the real and personal estate therein situate of the amount so stated in said certificate, which assessment shall be made in the same manner in which other assessments of taxes are now or may hereafter be by law required to be made, and when made shall have the same binding force and effect as any and all other assessments of taxes made according to law; and payment of the taxes thus assessed may be enforced in the same manner in which all other taxes are enforced; and such amount so raised shall be paid over by the township collector or other officer required by law to receive the same, to the said trustees, who shall pay thereout the interest due and payable on said bonds and such principal thereof as may be due, and deposit the balance in some savings bank in the city of Newark, in the name of said school district, there to remain at interest until required for the payment of the principal of said bonds for which purpose the same may be used, and for no other purpose whatever.

Assessor to make assessments.

Assessments to have full force and effect.

Collector to pay over money to trustees.

3. *And be it enacted*, That the trustees aforesaid and their successors in office, if they shall deem it more expedient so to do, in lieu of the issuing and payment of bonds as provided in the first and second sections of this act, be and they are hereby authorized to raise money by obtaining a loan or loans to be secured by mortgage or mortgages on their school house property for the purposes mentioned in the first and sections of this act to an amount not exceeding eight thousand dollars, and for that purpose to make, execute and deliver a good and sufficient indenture of mortgage or mortgages therefor to the person or persons, or other party making such loan or loans aforesaid as the mortgagee or mortgagees therein, and that such indenture of mortgage shall be good and effectual in law; the principal and interest to be collected and paid in like manner as is provided in the first and second sections of this act.

Trustees may borrow money, and secure the same by mortgage.

Amount

Principal and interest, how collected and paid.

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

Approved April 8, 1875.

CHAPTER CCCLX.

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

Board authorized to issue bonds for payment of bonds becoming due, and completing water works.

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

Amount.

Bonds, how issued.

Limitations of certain act, not to apply.

2. *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, one thousand eight hundred and fifty-seven, shall be held to be applicable to or in anywise affect this act.

3. *And be it enacted*, That it shall be lawful for any

Holders of coupon bonds, may exchange for registered bonds.

bona fide holder of any coupon bonds issued under the authority and direction of said board, to surrender them to said board, and to receive other bonds in lieu thereof, of the same character in other respects, but which shall be registered in the name of the said bona fide holders, and the said aqueduct board shall by their by-laws direct the mode in which the said registry shall be effected.

May establish rates of rebate, and penalties for non-payment.

4. *And be it enacted,* That the said aqueduct board may, in their discretion, establish rates of rebate for prompt payments upon thir bills for the use of water, and also additions thereto, as penalties for non-payment.

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

Approved April 8, 1875.

CHAPTER CCCLXI.

A Further Supplement to an act entitled "An Act to authorize the ditching and draining of the bog and fly meadow in Morris county," passed February twentieth, eighteen hundred and eleven.

Commissioners to lay out the boundaries to be taxed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That in order to carry out the provisions of the act approved April first, eighteen hundred and seventy-five, that three commissioners, consisting of Benjamin Roome, Barney DeBow and Jacob Mead, are hereby appointed to survey, lay out, designate and divide the boundaries of the property to be taxed, as described in the bill aforesaid, approved April first, eighteen hundred and seventy-five.

Compensation of commissioners.

2. *And be it enacted,* That the said commissioners shall receive no compensation for their services, except only for the time actually employed in making the survey, and to be paid at the rate of two dollars per day for said service.

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

Approved April 8, 1875.

CHAPTER CCCLXII.

A Further Supplement to the act approved April fourth, one thousand eight hundred and seventy-two, entitled "An Act to improve Bull's Ferry Road, in Hudson county, from the northerly line of the township of Weehawken to the Hackensack Plank Road, and also the Branch Road leading from Bull's Ferry Road, opposite Weehawken street, in the town of Union, to Nineteenth street, in the township of Weehawken."

Preamble.

WHEREAS, the commissioners who were appointed by said act to improve the Bull's Ferry and branch roads have in charge, also, the making of certain sewers, with which the sewers in this act provided for should be connected, and the manner of executing which may need to be modified to carry into effect this act, and the whole ought to be under one supervision, but inquiry should first be instituted; therefore,

Commissioners to make investigation as to what main sewers are necessary.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said commissioners shall make a thorough investigation as to what main sewer extensions may be wisely made to the boundary lines of the township of West Hoboken, with a view to a more extensive drainage, and whether any or what extension north of Gardner street it will be wise to make of the sewer in the Bull's Ferry road; *provided*, that said extension north of Gardner street shall be so made that the drainage area thereof shall not extend more than one hundred feet north of Fulton street, and no assessment for said extensions shall be levied on lands north of said drainage area, unless the owners of property north of said one hundred feet shall elect to use said ex-

Proviso.

tension, and what alterations it will be wise to make in the sewers heretofore authorized; prepare plans, maps and estimates, showing the position, sizes, extent and probable cost of said main sewer extensions and alterations, including the cost of the necessary lands outside of the lines of highways, and the location and extent of the lands from which, with proper connections, drainage matter will economically drain into said sewers respectively, (which lands shall be esteemed the drainage areas hereinafter referred to), and lay before the town council and the township committee and committees of the town or townships interested, respectively or collectively, that is to say, of the town and townships into which the drainage area of any sewer extensions and alterations extends, at a joint meeting of such as are interested as aforesaid, to be called by said commissioners, the results of such investigations and said plans, maps and estimates, with recommendations upon any points which may be of interest to the property owners or town or townships concerned; which meetings may be adjourned from time to time.

Commissioners not to execute extension, if majority of owners disagree to the recommendation.

2. *And be it enacted*, That in the case of each extension, if the town council and the township committees of the town or townships interested as aforesaid shall not agree with the recommendations of said commissioners as to such extension or with any modification thereof, approved by said commissioners, or if said town council and township committees so interested as aforesaid do agree with said recommendations or such modification, but the owners of a majority of the lands in the drainage area in either town and township interested as aforesaid, shall disagree to such recommendations or such modification, by filing their written dissent as hereinafter provided for, then the commissioners shall not execute such extensions.

Town and township to pay cost.

3. *And be it enacted*, That in the cases provided for in section two the cost of the investigations and all steps up to such disagreement, so far as the same relates to each extension or a just and proportionate part of the whole cost, shall be paid by the town and township interested as aforesaid.

Copies of maps, plans, to be filed in clerk's office.

4. *And be it enacted*, That to enable the owners of a majority of the property in the respective drainage areas

to form an intelligent judgment on the question, whether they shall disagree, a copy of the said plans, maps, recommendations and estimates of said commissioners which relate to any assenting town or township, or a copy of the whole of each, if they be not conveniently separable in the making thereof, shall be filed in the clerk's office of each assenting town or townships, within ten days after the assent of such town or township, and notice of such filing in each clerk's office shall be given by publication in a newspaper circulating in the neighborhood of the land in the drainage areas, which publication shall be made at least twice, and by posting like notice in ten conspicuous places in each town and township, which posting shall be for at least two weeks; the owners of a majority of the land within the drainage areas respectively of said extensions in any town or township interested as aforesaid, may disagree to the recommendations of said commissioners or said modification thereof, by filing, within thirty days after the end of said two weeks, their written dissent thereto, in the office of the town clerk of the town or township in which the said lands lie.

Notice of filing to be published.

Owners may file dissent in writing.

5. *And be it enacted,* That in case the said town council and all the township committees which respectively are to pass upon any of the said extensions or alterations agree, (which they may do separately as well as at the joint meetings) with the said recommendations in respect to each extension or alteration, or any modification thereof, and if the owners of the majority of the land within the drainage area in any town or township interested as aforesaid, shall not disagree, as hereinbefore provided, and in case the town or townships interested as aforesaid shall further agree with the commissioners (as they are hereby authorized to do), to advance all the moneys necessary for said extensions and alterations, then the commissioners shall proceed to execute each of such extensions so agreed upon, and may purchase or take on payment all such lands or acquire easements therein, as may be necessary for the purpose of building said sewer in the manner and upon the proceedings provided for taking other lands for sewer purposes in the aforesaid sewer act of March twenty-seventh, eighteen hundred and seventy-four, and the supplements thereto; the construction of such extensions or alterations lying

Commissioners to execute extensions, if townships and owners will advance money.

May purchase lands.

Other extensions to be advertised, and be given out by contract.

outside of the lines of the improvements now under contract, shall be contracted for in writing by said commissioners with the lowest responsible bidder, after advertisement for four weeks in one or more newspapers circulating in the neighborhood of said lands within the drainage area; the bids may be made on the basis of payments, in cash or in bonds of the town or townships at five per cent. discount, and he shall be considered the lowest bidder, whose bid, in the mode of payment, the commissioners shall think at the time will be most for the public interest, shall be lowest; *provided*, that in the case of any extension or alteration agreed upon as aforesaid, lying within the lines of the improvements now under contract, the commissioners may agree with the present contractors, or their successors, as to the prices to be paid for said extensions or alterations, which agreement must be ratified by the town council and township committees of the town and townships interested.

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Town and townships, empowered to issue bonds.

6. *And be it enacted*, That in order to raise the money in advance to pay the whole cost of the construction of said sewer extensions and such alterations as the said commissioners shall make under this act, and to pay for the lands taken or easements acquired, and all incidental expenses, the town council and township committees respectively, which have pursuant to this act agreed to advance the money necessary for the respective sewer extensions and alterations to be executed under this act, are hereby empowered to issue in the name of said town or township, bonds in such amounts and for such amount in the whole by each town or township, as may be agreed upon between said town council and township committees and said commissioners, as the approximate amount necessary to be advanced by such town or township for such sewer extensions and alterations; *provided*, that the sum total of the bonds to be issued prior to the final assessment shall not exceed the estimated cost of the work; said bonds shall be payable at such times as the town council or township committee issuing the same shall think expedient; all shall bear interest from date of issue; in case bonds should be thus issued by any town or township over and above the amount which shall afterwards be ascertained to be the amount of benefit received by lands in that town or township, the bonds thus

Proviso.

issued in excess shall not be invalid for that reason; but any town or township issuing a larger amount than it shall afterwards be ascertained was required to pay the assessment on lands in that town or township, shall be reimbursed by the other town or townships, on an adjustment of the amount that ought to have been advanced by each, said adjustment to be made by the assessors, as hereinafter provided; and every town and township, and the property of every town and township, and all lands therein, shall be liable for the payment of such bonds as shall be issued by such town or township under this act; said bonds may be sold or given in payment to contractors or others, for work done under this act, at not exceeding five per cent. discount; the cash proceeds of the bonds shall be deposited in the First National Bank of Hoboken by the respective town and township treasurers, and said treasurer shall use said moneys only to pay drafts issued by said commissioners to pay all the expenses of executing this act, except such as shall be paid in bonds; the interest and such per centage of the principal of said bonds as the town or township interested shall fix, shall annually be repaid to the town or township issuing the same from out of the assessments which shall be levied, as herein provided, upon the lands benefited in the drainage area in such town or township, and the money so collected to pay such principal of said bonds shall be used by such town or townships to redeem and cancel its bonds, and for no other purpose whatever.

Costs to be ascertained by assessors appointed.

7. *And be it enacted*, That the several costs mentioned in the third section of this act, shall be ascertained by three assessors, non-residents of any of said townships or town, and who shall hold no property therein, to be appointed by the supreme court, or any justice thereof, upon the application of said commissioners, and said assessors shall add thereto such expenses as may be necessary to be incurred to complete the assessments in said section mentioned, and the whole shall be declared by said assessors to be payable by the town or township chargeable therewith under said section in this act, and in case the whole shall not be chargeable on any one town or township, the said assessors shall determine what portion thereof shall be paid by any town or township, and said determination shall be made according to the benefit re-

ceived by such town or township by the expenditure in said third section mentioned.

Commissioners to apply to supreme court for appointment of assessors, when sewer is built.

8. *And be it enacted*, That when either of said sewer extensions shall be built, the commissioners shall apply to the supreme court, or any justice thereof, to appoint three assessors, non-residents of either of said town or townships, and who shall hold no property therein, and said court, or justice thereof, shall appoint such assessors, who shall take an oath before any justice of the peace or master in chancery, to faithfully discharge their duties under this act, and it shall be the duty of said assessors to ascertain the whole cost of constructing each sewer extension and alterations, and of the expenses in respect thereof and the costs that must be incurred to complete the said assessment and all interest payable on all moneys paid or secured in respect thereof; the commissioner's compensation in respect of such sewer extension, and their own compensation in respect thereof, which latter shall be fixed by said court; and ascertain how much of the sum of the said amounts is the benefits received by the lands in each town or township in the drainage area of each sewer extension and alteration, and said assessors shall assess the said amount upon each parcel or lot of land within the drainage area of said sewer extension and alterations according to the benefit received by each parcel or lot; *provided*, that no lot or parcel shall be assessed more than the benefits received; said assessors shall then make a map, showing, by careful delineation, each plot and parcel assessed, and the amount assessed against that plot or parcel, and the owner or owners, name or names, as far as the same can be ascertained; they shall also make a report explanatory of their assessments and said assessment map, and the report shall be filed in the clerks' offices of the town and townships in which said lands lie; the filing of said assessment shall then be advertised by publication in one or more newspapers published in Hudson county, and circulating in the neighborhood, and notice thereof shall be posted in ten conspicuous places in said town or townships; at the expiration of thirty days from the date of said filing said assessors shall receive and consider all objections that may be presented to them in writing, and thereupon shall review said assessment and

Assessors to ascertain cost and expenses of constructing sewer.

Assessors to assess benefits.

Proviso

make such corrections as they may find necessary, and finally adopt the same; and the said assessment in the said town and townships shall become a lien on said property, and shall be collected with interest thereon, in such annual installments as each separate town or township shall for itself decide; and the excess of the sum of said amounts of cost over the benefits received by said lands shall be assessed by said assessors upon the town and townships in which the lands in the drainage area of such sewer extensions and alterations lie, in the proportion that the total amount of benefits in the drainage area in said town or townships bears to the total benefits in all the townships or town in which the said drainage area of said sewer extensions and alterations is located, and said town and township shall raise the same by general tax.

Assessments, a lien

9. *And be it enacted*, That the assessments on lands benefited for any sewers built by said commissioners, under the authority of said act or any supplements thereto, shall be a lien on such lot or parcel as shall be assessed, and shall be payable in such annual installments as the town council or township committees of the town or townships in which they lie shall determine, with interest at eight per centum per annum, until default in the payment of such installments or interest, and then the whole assessment shall immediately become due, and twelve per centum thereon thereafter till paid, and the said lands may be sold therefor by the town council or township committee of the town or township in which they lie for the shortest time for which any person will take the same, and pay the said assessment and interest and all costs of sale, but the owner or his assignee may redeem the same at any time within two years from each sale, and any mortgagee or other encumbrancer may redeem the same within one year after the purchaser or his assignee shall have given written notice of such sale having been made; notice shall be given by the said town or township of the sale of said lands for such assessment, by advertisement, in a newspaper circulating in the neighborhood of such lands, two months before such sale, and the purchaser at such sale or his assignees shall enjoy the lands so sold, unless redeemed as aforesaid, for the term of years bid therefor; and said town or

How payable, and to draw interest

Lands may be sold.

Owners may redeem lands.

Notice of sale, to be advertised.

township may give a lease thereof to said purchaser for said term, and said notice by the purchaser or the mortgagee or other encumbrancer may be given by notice by mail to the last known residence of such mortgagee or the purchaser, and an affidavit thereof filed in the clerk's office of said town or township shall be plenary evidence in all courts and places of said notice having been given without further proof; *provided*, that in case no person shall bid the amount assessed upon any parcel or lot offered for sale for any of the improvements authorized by said act or any supplement thereto, the authorities of the town or township in which said lands lie, may bid in the same, and shall have the same estate therein as any other purchaser under said act or supplements thereto.

Proviso.

Proceedings in case commissioners cannot agree with owners for the sale of lands, to build sewers.

10. *And be it enacted*, That in case the said commissioners cannot agree with the owners, or the owners are unknown, or those representing the owners will not agree for the sale or use of land necessary to build said sewer upon, or any of such owners are under any disability, the said commissioners shall give notice to such owner or owners of their intention to take such lands, describing the same in such notice, and when and where they will meet to ascertain the value of such necessary land and damages; such notice may be given by notice in writing served on the parties in interest, whether under disability or not, ten days before such time of meeting, or by notice directed to all persons interested in the necessary lands, describing the same, advertised in any newspaper of this state, circulating in the neighborhood of said lands, for at least three times, and a week prior to said meeting; when met, pursuant to said notice, said commissioners shall proceed to view the land and make an award of the value thereof and of damages; such award shall be filed in the clerk's office of the county of Hudson; in case such owners shall be dissatisfied with said awards, they may appeal to the circuit court of the county of Hudson, and thereupon such proceedings shall be had as in the fifth section of act of April fourth, one thousand eight hundred and seventy-two, so far as applicable, and on payment of the award, or verdict of the jury, and judgment of the court, said lands described in said notice shall be forever subject to the easement of said sewer.

11. *And be it enacted*, That the improvement certificates which may be issued pursuant to the act to which this is a supplement, or to any supplement thereto, for any expense thereby authorized, (except that incurred for the sewers or extensions authorized by said acts, and except the twenty per cent. to be assessed on the towns at large, which are already provided for), shall be convertible at par into the bonds hereinafter mentioned; *provided, however*, the owners of a majority of the lands fronting on said Bull's Ferry road and branch road, in said town or township respectively, shall apply in writing to said town and township respectively, to issue bonds into which such certificates shall be convertible; and to that end the township committee of the township of Weehawken may, if they shall deem it expedient, issue bonds binding upon and in the name of the inhabitants of the township of Weehawken, in the county of Hudson, to an amount not exceeding thirty thousand dollars; and the town council of the town of Union may, if they deem it expedient, issue bonds binding upon the town of Union, to an amount not exceeding twenty thousand dollars, in such sums and payable at such times as the township committee or town council shall respectively direct, with interest at seven per centum per annum, payable semi-annually, and said township committee and said town council shall provide for the interest on such bonds by general tax, and said town council and township committee respectively may direct the collection of the assessments for benefits on lands in such town or township respectively, to be made in such installments and at such times as they shall respectively deem expedient, and thereout reimburse such town and township respectively the moneys to be paid for the principal of said bonds and interest thereon, and like bonds after the assessment for benefits shall be made, to be provided for in like manner, may be issued by the town council and township committee respectively, to an amount which with the respective amounts aforesaid, shall equal the amount of the assessment on lands in the town and township respectively.

Improvement certificates may be converted into bonds.

Proviso.

12. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act be and the same

Repealer.

are hereby repealed, and that this act shall take effect immediately.

Approved April 8, 1875.

CHAPTER CCCLXIII.

An Act to renew, validate, and confirm the appointment and official acts of John V. E. Fredericks, as a commissioner of the fourth ward of the city of Paterson, to take the acknowledgments and proofs of deeds and other instruments of writing.

Preamble.

WHEREAS, it appears that John V. E. Fredericks, on the the first day of April, eighteen hundred and seventy-two, was appointed a commissioner for the fourth ward of the city of Paterson, in the county of Passaic, in this state, to take the acknowledgments and proofs of deeds for said county, and was duly commissioned and sworn into office; *and whereas*, at the time he was so appointed the said John V. E. Fredericks resided in the fourth ward of said city, and continued to reside in said fourth ward, and to perform official acts as such commissioner until on or about the first day of May, eighteen hundred and seventy-four, when he temporarily removed from said fourth ward, and afterwards, to wit, on or about the first day of June, eighteen hundred and seventy-four, returned into and resumed his residence in said ward, and is now a resident thereof; therefore, to remove all doubts as to the legality of the official acts of said John V. E. Fredericks in the premises,

Appointment confirmed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the appointment of the said John V. E. Fredericks as commissioner, as aforesaid, shall not be deemed to be affected or invalidated by reason of his said temporary removal from the said fourth ward, and the said appointment is hereby renewed, confirmed and made valid, and all acknowledgments and

proofs of deeds, and other instruments of writing taken and made, and to be taken and made before, and all official acts done by the said John V. E. Fredericks, as such commissioner, and duly certified by him since his return to the fourth ward, as aforesaid, and during the term of said appointment, shall be valid and effectual in law, as fully and completely as if the said John V. E. Fredericks had continually resided in said fourth ward since his said appointment. Acts confirmed, and made valid.

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

Approved April 8, 1875.

CHAPTER CCCLXIV.

A Further Supplement to "An Act to re-organize the local government of Jersey City," passed March thirty-first, eighteen hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the proprietor of the official newspaper in said city called the American Standard, be and he is hereby authorized to change the name of said newspaper by filing a certificate stating the new name adopted by him in the offices of the city clerk of said city, the county clerk of Hudson county, and the office of the secretary of state, and after the filing of such certificate in said offices, the said newspaper shall be continued under such new name, and shall be entitled to all official printing under any law of this state, or any resolution of any department of the city government the same as if its name had not been changed. Proprietor of newspaper, authorized to change name of paper. Certificate to be filed.

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

Approved April 8, 1875.

CHAPTER CCCLXXIV.

An Act to repeal "An Act to provide for free roads between Newark and Jersey City."

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An Act to provide for free roads between Newark and Jersey City," approved April fourth, one thousand eight hundred and seventy-two is hereby repealed.

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

Approved April 9, 1875.

CHAPTER CCCLXXV.

A Further Supplement to the act entitled "An Act to revise and amend the charter of the town of Phillipsburg," approved March eighth, one thousand eight hundred and seventy-five.

Fourth ward.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the second ward of said town lying on the southerly side of a straight line running through the centre of Jefferson street, from the Delaware river to the boundary line between the second and third wards of said town, shall hereafter be known as the fourth ward of said town.

Vested with powers of other wards.

2. *And be it enacted*, That the inhabitants of the ward by this act created shall be vested with and entitled to all the rights, powers, authorities, privileges and advantages, and subject to the same regulations, government, restrictions and liabilities to which the inhabitants respectively

of the other wards of said town are or may be entitled or subject.

Officers, to be elected.

3. *And be it enacted*, That an election by ballot shall be held in the said fourth ward on the second Monday of April next, at the Andover hotel in said ward, at which election shall be elected two members of the common council, one for the period of one year and one for the period of three years, three commissioners of the public schools, one for the period of one year, one for two years, and one for three years, and until others are chosen and qualified in their stead, the term for which each person to be voted for to be designated on the ballot; and also all the other officers that are then elected in the other wards of said town, as provided in section second of article second, of the act to which this is a supplement, and for the same term and with like powers and duties.

Annual election, when held.

4. *And be it enacted*, That an annual election by ballot shall be held in the said fourth ward on the second Tuesday of April of every year after the year eighteen hundred and seventy-five, at such place as the electors of said ward, at their annual charter elections, shall from time to time direct, at which election shall be elected the same officers that are elected in the other wards of said town, as provided in section second of article second of the act to which this is a supplement, and for the same term and with like powers and duties.

Election for members of assembly, and other officers.

5. *And be it enacted*, That an election shall be held in said fourth ward on the Tuesday next after the first Monday in November next, and annually thereafter, for member of the general assembly and other officers to be chosen at said election; which said election, and the elections provided for in the next two preceding sections, shall be conducted in the manner prescribed in the act to which this is a supplement, for the other wards of said town.

Officers to hold office, until expiration of terms.

6. *And be it enacted*, That the present members of the common council and commissioners of the public schools elected for the said second ward, and residing in the said fourth ward, shall continue in office until the expiration of their terms, and shall be members for the fourth ward; and any vacancies that may occur in the representation of the second ward in the common council or board of

education, by reason of this act, shall be filled as provided in the act to which this is a supplement.

Commissioners of deeds.

7. *And be it enacted*, That the commissioners for taking the acknowledgment and proof of deeds appointed and commissioned for the said second ward, shall continue in office until the expiration of their terms of office, and the commissioners residing in the second ward shall be commissioners for said ward, and those residing in the fourth ward, shall be commissioners for said fourth ward; and at any joint meeting after the passage of this act, the full number of commissioners that each ward is entitled to may be appointed and commissioned.

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

Approved April 9, 1875.

CHAPTER CCCLXXVI.

An Act to legalize Book Number 223 of Deeds, of Monmouth county.

Preamble.

WHEREAS, on the thirteenth day of October, eighteen hundred and seventy-three, the clerk's office of the county of Monmouth, at Freehold, was destroyed by fire, and book number 223, of the records of deeds in said office, was consumed; and whereas, many of the deeds and other instruments recorded in said book have again been recorded in a new book of records designated by the same number, and other deeds and instruments in the former book will be recorded therein; therefore,

Book of deeds, legalized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That book number 223 of deeds, now in the clerk's office of the county of Monmouth, shall be received in all courts for the same purposes as the original book number 223 of deeds, which was destroyed as aforesaid, would be received if in existence; and that the record of any deed, lease or other instru-

ment in said new book number 223, and the transcript of such record certified to be a true transcript by the clerk in whose office such record is kept, shall be received in evidence, and be as good and effectual as if the original instrument recorded therein should be produced and proved. Transcripts of record, to be received in evidence.

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

Approved April 9, 1875.

CHAPTER CCCLXXXVIII.

A Supplement to the Public School Law.

An Act to enable School District Number Nineteen, in the township of Gloucester, county of Camden, state of New Jersey, to raise by tax and loans the money necessary to build a public school house within said district.

WHEREAS, it has been represented that the house used as a public school house in District Number Nineteen, in the county of Camden, is in a dilapidated condition and unfit for the purposes of education, and that the taxable inhabitants of said district are desirous to raise by tax and loans, sufficient money for the purpose of erecting and building a new school house in said district; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of School District Number Nineteen, in the township of Gloucester, county of Camden, or a majority of them, are hereby empowered to borrow and expend a sum not exceeding two thousand dollars, for the sole and exclusive purpose of purchasing a suitable plot of land within the limits of said District Number Nineteen, and for erecting thereon a public school building with the necessary fences and buildings. Trustees may borrow money and purchase a lot, and build school house.

Trustees empowered to direct assessor to assess taxable property, for repayment of money.

2. *And be it enacted*, That in order to provide for the repayment of said sum of two thousand dollars, the trustees of said district, or a majority of them, are empowered to direct the assessors of said township of Gloucester, in each of the three consecutive years, including the present year, and the two next years succeeding, to assess upon the taxable property of said District Number Nineteen a sufficient sum, which, together with an additional poll tax of three dollars, which shall be assessed upon each legal voter in the district, shall be equal to one-third of the amount with the accrued interest, and the collector of the aforesaid township shall pay the money collected on such assessment on the order of said trustees or a majority of them; and should there be any surplus of public school money belonging to said district after the schools have been kept open the time the law requires, said surplus shall be used by the trustees in the building and furnishing said house.

Poll tax to be assessed.

Surplus school money, how used.

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

Approved April 9, 1875.

CHAPTER CCCLXXXIX.

An Act to amend an act approved March thirty-first, eighteen hundred and seventy-five, entitled "A Further Supplement to the act entitled 'An Act to revise and amend the charter of the city of Newark,'" approved March eleventh, eighteen hundred and fifty-seven.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the tenth section of the said act, approved March thirty-first, eighteen hundred and seventy-five, be and the same is hereby repealed, and in lieu thereof it is hereby provided, that all actions for penalties for violation of the provisions of this act, shall be brought in the name of "The Mayor and Common Council of the City of Newark," before any police justice

Actions for penalties and violations, how brought.

of the said city, who is hereby authorized to hear, try and determine the same; and that all such actions as to complaint, process, (service thereof) pleadings, trial by jury or by said justice, judgment, execution and appeal, shall as nearly as may be, be regulated by the provisions of and conducted in the same manner as prescribed for the recovery of penalties for the violation of the ordinances of the said city, in the thirty-third, fifty-second, fifty-third, fifty-fourth, fifty-fifth, fifty-sixth and fifty-seventh 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.

2. *And be it enacted*, That the word "thirty" in the second section of the act to which this is a supplement be and the same is hereby stricken out, and in lieu of the same the words "not less than fifteen nor more than thirty" be inserted. Amendment.

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

Approved April 9, 1875.

CHAPTER CCCXCIV.

Supplement to an act entitled "An Act incorporating the West Jersey Game Protective Society."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter any person or persons non-residents of this state, who shall kill, destroy, hunt or take any doe, buck, fawn or any sort of deer whatsoever, or shall kill, destroy, hunt or take any partridge, moor fowl, ruffled grouse, commonly called pheasant, pennated grouse or prairie chicken or any other kind of grouse, quail, woodcock, wilson or gray snipe, reed bird, rail bird or rabbit at any time, or shall catch any speckled brook trout or speckled river trout at any time within the counties of Camden, Gloucester, Atlantic, Salem, Cumberland and Cape May, in this state, without Penalty for killing, hunting, or taking of any deer, partridge, pheasant, rabbit, or the catching of trout.

complying with the by-laws of this Game Protective Society, then the person or persons so offending shall forfeit and pay the sum of fifty (50) dollars each for each and every offence, and may be proceeded against in any county of this state wherein such person or persons may be arrested or wherein such offence shall have been committed, and in default of the payment of the forfeit money with costs of prosecution, any person or person so offending shall lie in the common jail until the same shall be paid; one-half of the forfeit money shall be for the benefit of the person prosecuting for the same, and the remainder paid to the collector of the township wherein the conviction may be had, and all acts or parts of acts inconsistent with this act are hereby repealed;

Proviso. *provided*, that nothing in this act shall prevent residents of this state from taking game or fish, subject to the existing laws of this state.

Approved April 9, 1875.

CHAPTER CCCXCV.

An Act to amend an act entitled "An Act to incorporate the City of Passaic," approved April second, eighteen hundred and seventy-three.

Section amended. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section twenty-four of said act be amended by adding thereto after the twenty-eighth subdivision, the following:

Amendment. "XXIX. To examine and audit the accounts of the city treasurer and collector on the first Tuesday in March and September, in each year."

Amendment. 2. *And be it enacted*, That section thirty-two of said act be amended by adding thereto the following: "And every ordinance so recorded and authenticated shall be presumed to have been duly passed until the contrary is shown."

3. *And be it enacted*, That section thirty-four of said

act be amended so as to read as follows: "That the salary of the city clerk shall be fixed by the city council, provided the sum so fixed shall not exceed fifteen hundred dollars; and he shall be entitled to charge individuals by whom he shall be employed to copy records of his office or proceedings of the board of council, at the rate of eight cents per folio, and for making and certifying searches such pay as the clerk of the county of Passaic may be entitled to by law for making and certifying searches in his office; and said records and proceedings shall be open to inspection and examination during all reasonable business hours by persons interested therein; the superintendent of streets shall receive a salary not to exceed five hundred dollars per year; the compensation of the collector shall not exceed the sum of one per centum of the sums collected by him, and the performance by him of other duties than the collection of taxes and assessments shall not entitle the collector to any additional compensation from the city; the assessor shall receive fifteen cents for each name on his duplicate for assessing taxes, the sum of two dollars for attending each meeting of the county board of assessors, two dollars for attending each meeting of the commissioners of appeal in cases of taxation, and twenty-five dollars for writing each duplicate of assessment; the chosen freeholders, surveyors of highways, overseer of the poor, commissioners of appeal in cases of taxation, and constables shall receive the same fees and emoluments as the like officers of township of this state; the city council shall be entitled to a salary of five hundred dollars for opinions upon all questions submitted to him by the city council, and for advice given to the officers of the city when applied to by them for that purpose, and to such further compensation as shall be reasonable for drawing contracts, attending and conducting suits, actions and proceedings at law, and performing any other services that may be required of him; the judges and clerk of elections shall receive for each charter election at which they act, the sum of six dollars; the mayor and councilmen shall receive no compensation. Amendment.

4. *And be it enacted*, That subdivision XI, of section thirty-five of said act, be amended so as to read as follows: "For the contingent expenses of the city; and Amendment.

for all other object and purposes authorized by this act; and it shall be the duty of the city council during the month of June in each year to make the annual appropriations for the several objects for which taxes are raised, and no appropriation shall be exceeded unless by a vote of three-fourths of all the members of the city council, and it shall be the duty of the treasurer, once in each month to furnish the city council with a statement of the balances of said appropriations."

Amendment. 5. *And be it enacted*, That section thirty-eight of said act be amended, so that it will read as follows: That the assessors of said city in making their assessments are hereby directed and required to assess all lands and real estate in the names of the persons who were the owners of the same on the twentieth day of May in the year in which the assessment shall be made, and to assess each lot or tract of land separately, and to designate the same by the street where situate, and by the number thereof, and if not numbered, by a short description; and that the assessor shall, when maps are for that purpose provided by the city council, make their assessments as nearly as may be according to such maps; *provided*, that no taxes for any purpose shall be levied or assessed upon any property within said city which shall be owned by the said city in its corporate capacity, or which shall belong to any fire department of said city, nor upon church edifices or public school buildings, or the lots or curtilages whereon the same are erected; but this proviso shall not exempt any such property from liability for street assessments under this act, nor any parsonage or the lot on which it stands from taxation."

Proviso.

Amendment. 6. *And be it enacted*, That section forty of said act be amended, so as to read as follows: "That duplicates of the assessments of taxes made by the several assessors as aforesaid, shall on or before the first day of October in each year be delivered to the collector, and the original assessments shall, on or before the first day of December in each year, be deposited in the office of the city clerk, and such taxes shall, from and after the twentieth day of December, bear interest at the rate of twelve per centum per annum; and if the full amount of any tax assessed by the said assessors shall not be paid by the twentieth day of January in the year next after that in which the

said assessment shall be made, a penalty of two per centum shall be added to the amount of the tax; all persons paying taxes before the twentieth day of December in the year in which the same shall be assessed, shall be entitled to a reduction at the rate of seven per cent. per annum from the time of payment to the said twentieth day of December."

7. *And be it enacted*, That section fifty-two of said act be amended by striking out the word "*two*" and inserting in its place the word "three." Amendment.

8. *And be it enacted*, That section fifty-three of said act be amended by striking out the word "two" and inserting in its place the word "*three.*" Amendment.

9. *And be it enacted*, That section fifty-seven of said act be amended so as to read as follows: "That it shall be lawful for the city council of the city of Passaic, whenever the public good may require it, by ordinance— Amendment.

I. To lay out and open any street, road, highway or alley, public park or square within said city; to order and cause any street, road, highway or alley already laid out, or which shall hereafter be laid out, to be vacated, straightened, altered, widened or extended, and to take and appropriate for such purposes any lands and real estate, upon making compensation to the owner or owners thereof, as hereinafter mentioned; *provided*, application in writing signed by the owners of at least one-third of the lineal feet of land fronting on the proposed improvement be first presented to said city council. Proviso.

II. To order and cause sewers or drains to be constructed in any part of said city, and if necessary, to take and appropriate for such purposes any lands and real estate, upon making compensation to the owner or owners thereof, as if hereinafter mentioned and provided. Amendment.

III. To order and cause any street or section of a street to be graded, gravelled, paved, flagged, macadamized, planted with shade trees, or otherwise improved and regulated in such manner as they may deem advisable. Amendment.

10. *And be it enacted*, That section sixty-one of said act be amended so as to read as follows: "That whenever the city council shall determine, by ordinance, to lay out and open any street, road, highway or alley, public park or square, within said city, or to alter, widen, straighten or extend any street, road, highway or alley, or to make Amendment.

any sewer or drain in any part of said city, and to take and appropriate for such purpose any lands and real estate, they shall appoint three disinterested freeholders of said city, residing in different wards, commissioners to make an assessment of the damages that any such owner or owners will sustain by taking and appropriating, in the manner aforesaid, such lands and real estate; and in estimating and assessing such damages the said commissioners shall have due regard both to the value of the lands and real estate, and to the injury to the owner or owners thereof, by making such improvements as aforesaid; and after such award shall be made the remaining lands and real estate of any such owner or owners shall be liable to assessment for the payment of the costs, damages and expenses of such improvement, under and in pursuance of the provisions of the sixty-sixth section of this act; and the same shall be and remain a lien upon said lands and real estate."

Amendment

11. *And be it enacted*, That section sixty-six of said act be amended so as to read as follows: "That in order to provide for the payment of the costs, damages and expenses of executing any of the improvements or work mentioned in the fifty-seventh section of this act the city council shall ascertain the whole amount of such costs, damages and expenses, and shall cause to be made a just and equitable assessment thereof upon the owners of the lands and real estate benefited thereby, in proportion, as nearly as may be, to the advantage each shall be deemed to acquire; *provided*, that no owner or owners shall be assessed beyond the benefits received by his or their lands and real estate, and in cases where such costs, damages and expenses exceed the benefits the excess shall be paid out of the city treasury; and the said city council may ascertain such costs, damages and expenses of any improvement and cause the same to be assessed as herein provided, notwithstanding any appeal taken pursuant to section sixty-three of this act may not have been determined, and if, by the judgment of the court upon any such appeal, damages should be awarded, or any award of damages previously made shall be increased, such damages or the excess of damages, as the case may be, with the costs of the city of Passaic, upon such appeal shall be also ascertained by said city council

Proviso.

and assessed in the manner in this section provided; the provisions of this section shall not be construed to apply to necessary repairs of any street, road, highway or alley, and that no lands proposed or ordered to be taken and appropriated by said city for streets or other city purposes, shall be taken possession of by said city, nor the adjoining lands be assessed for improvements of such streets until the value of said lands shall first be paid to the owner thereof, nor until such improvements shall have been completed; and no lands which have been once assessed for improvements of a street, shall be again assessed for or on account of any extension of such street."

12. *And be it enacted*, That section sixty-seven of said act be amended by striking out the words "as near as may be." Amendment.

13. *And be it enacted*, That section sixty-nine of said act be amended so as to read as follows: "That the said commissioners shall make a report in writing, of the assessment so made, and of the excess (if any) of the costs over benefits, to be paid out of the city treasury, and before proceeding to sign the said report shall file the same in the office of the city clerk for examination by the parties interested therein, and shall give ten days notice by publication in two newspapers printed and published or circulating in the city of Passaic, that such report has been deposited as aforesaid, and also of the time and place, when and where the parties interested can be heard by the said commissioners, and after hearing the parties, the said commissioners shall proceed and complete the report, and sign the same, and return the said report with all objections in writing, which shall be presented to and left with them by any of the parties interested, to the city council." Amendment.

14. *And be it enacted*, That section seventy-two of said act be amended so as to read as follows: "That no commissioner to make an assessment of damages or of costs and expenses, or to fill any vacancy, shall be appointed except he shall have been nominated at a previous stated meeting of the city council; and all such nominations shall be published at least once before such appointment in two newspapers, printed and published or circulating in said city of Passaic; and that in case of the resigna- Amendment.

tion, death or disability of one or more of the said commissioners, it shall be lawful for the city council to supply by appointment the vacancy or vacancies caused by such resignation, death or disability."

Amendment. 15. *And be it enacted*, That section seventy-three of said act be amended so as to read as follows: "That whenever any report of assessment, as aforesaid, shall be confirmed by the city council such report shall be delivered to the city clerk, and the said clerk shall prepare an abstract of such assessment and enter the same in a book to be kept for that purpose, and after so recording it shall deliver the same to the collector who shall thereupon give notice in two newspapers printed and published or circulating in the city of Passaic, which notice shall be published for three weeks successively, stating in general terms the streets or sections of streets comprised in such assessment, and requiring the owners of the land and real estate assessed in such report to pay the amount to him within sixty days from the first publication of the notice, and after the lapse of said sixty days all assessments shall bear interest at the rate of twelve per centum per annum from the date of the confirmation thereof."

Amendment. 16. *And be it enacted*, That section seventy-seven of said act be amended so as to read as follows: "That when the city council shall ordain to execute any improvement involving guttering, curbing or the laying of sidewalks, it shall be lawful for any owner of lands, upon giving written notice of his intention to the city clerk within the time limited for that purpose in the ordinance, to lay that portion of the sidewalk and do that portion of the guttering and curbing required in front of his lands at his own expense, under the supervision of the superintendent of streets, and according to the directions of the city council, and within such time as they shall appoint, in which case such lands shall not be liable to assessment for any part of the costs incurred in the execution of such improvement, for guttering, curbing or laying sidewalks."

Amendment. 17. *And be it enacted*, That section seventy-eight of said act be amended by inserting "gutters" between "carriage way" and "or," and by striking out the words "and gutter."

18. *And be it enacted*, That this act shall not be con-

strued to affect any vested right or interest, nor any penalty heretofore incurred, nor to invalidate any proceedings had or commenced under the said act to incorporate the city of Passaic, but such proceedings shall proceed and be continued in conformity with the provisions of this act, so far as such provisions may be applicable thereto, and in other respects in the same manner as if this act had not been passed. Act not to be construed to affect or invalidate any proceedings.

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

Approved April 9, 1875.

CHAPTER CCCXCVI.

A Supplement to "An Act regulating procedure in criminal cases," approved March twenty-seventh, eighteen hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any two or more of the judges of the court of common pleas of the county of Camden shall constitute a court of general quarter sessions of the peace in and for said county. Two or more judges, to constitute court.

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

Approved April 9, 1875.

CHAPTER CCCXCVII.

An Act to prevent injury to roads.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no person shall use on any road leading from the steep rocks of the Palisades to the Vehicles, to have brakes.

Hudson river, in the county of Bergen, in this state, any drag or other attachment under the wheel of any vehicle, whereby such wheel or attachment or other part of the vehicle shall drag instead of rolling over said road, excepting a proper brake, to be applied to the wheel or wheels to restrain the speed thereof on an incline, and no part of such brake shall touch the ground, nor stop the revolution of any wheel; and any person willfully offending against any provision of this act shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine, not exceeding twenty dollars.

Penalty for violation of this act.

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

Approved April 9, 1875.

CHAPTER CCCXCVIII.

An Act to protect bridges in the county of Passaic.

Unlawful to drive over a bridge, faster than a walk.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any person to ride or drive upon or over any bridge in the county of Passaic, or between said county and the county of Bergen, which shall exceed one hundred feet in length, faster than a walk; *provided*, a notice to that effect shall have been placed in a conspicuous place on such bridge, at each end thereof.

Proviso.

Penalty for violation of this act.

2. *And be it enacted*, That any person violating the provisions of the first section of this act may be arrested and taken before any justice of the peace of the county wherein the offence shall have been committed, and such justice shall have power to impose a fine of not exceeding twenty dollars upon the person offending, half of such fine to be paid to the informer, and half into the treasury of the county wherein the case is tried.

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

Approved April 9, 1875.

CHAPTER CCCXCIX.

An Act in relation to the lighting of streets in the township of Montclair, in the county of Essex.

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 of the township of Montclair, in the county of Essex, upon the petition in writing of the owner or owners of more than half (the same being measured by lineal feet) of the lands lying upon any public road or roads, or any part or parts thereof, to create and establish a lamp district or districts for the lighting of said road or roads, or said part or parts thereof, with gas or oil, and take all necessary measures therefor including the providing and erecting of posts and lanterns, and to make and enter into contract with any person or persons, company or companies, for all purposes whatsoever in relation thereto, and to cause the yearly expense thereof, with costs of posts and lanterns, to be assessed and collected, one half part upon and from all taxable property within the limits of said district or respective districts, and one-half part of said cost to be assessed and collected from the land or lands on each side of the road or roads or part or parts thereof lighted, (in proportion to lineal feet,) in the same manner as other township taxes are or may be assessed and collected; and also from time to time, in the discretion of said committee, to alter and consolidate any one or more of said districts.

Committee may create and establish lamp districts, upon petition of owners.

May enter into contract with persons or companies.

2. *And be it enacted*, That all acts or parts of acts inconsistent with this act shall be and the same are hereby repealed; and this act is hereby declared to be a public act, and shall take effect immediately.

Repealer.

Approved April 9, 1875.

CHAPTER CCCC.

An Act to appoint commissioners to superintend the drainage of certain lands lying in the townships of Millburn, Union and Springfield, in the counties of Essex and Union.

Names of commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John S. Reeve, of the township of Millburn, Samuel D. Ball, of the township of Union, and Henry E. Agens, of the township of Springfield, are hereby appointed commissioners for the purpose of employing one or more persons to widen, straighten and clean out the channels of the east and easternmost branches of the Rahway river, as are necessary to effectually drain and carry off the water from certain lands hereinafter described, and to do all other acts necessary and expedient to be done to carry out the objects and purposes of this act.

May employ persons to widen and clean out channel.

Where drainage to commence, and to end.

2. *And be it enacted*, That said drainage shall commence in the Rahway river, near or opposite the barn located on what is known as the Carter farm, south of the Elizabeth and Morris turnpike road, in the line of Union and Springfield townships, and continue on this line in a northerly course to where it intersects the easternmost branch of the Rahway river, thence following the courses of both streams until it reaches the Newark and Springfield turnpike road.

Duties of commissioners.

3. *And be it enacted*, That it shall be the duty of said commissioners as soon as practicable after the passage of this act, to ascertain by deeds, conveyances or an actual survey, or cause the same to be made, all such meadows and low swampy lands lying along said branches of said river and adjacent thereto, and which may be improved and reclaimed by cleaning out, deepening, widening, straightening the channels of said branches of said river, and that they shall make two inventories of the number of acres of land to be benefited thereby, to each person belonging to the several adjoining and respective owners

thereof along said river and adjacent thereto, said inventories to be filed in the clerk's office of the county of Essex and Union, on or before the first day of July next thereafter, and which shall at all times be taken and accepted as good and sufficient evidence of the number of acres of such land improved and reclaimed as aforesaid, belonging to the several owners thereof, and all assessments of money shall be pro rata per acre, for the improvement and reclaiming of said land, including also expenses of the commissioners.

Commissioners to ascertain depth, width, and grade.

4. *And be it enacted*, That the said commissioners shall ascertain the proper depth, width and grade of the same, which in their judgment shall be necessary to make the said drainage effectual, and to remove the earth and other substances a sufficient distance from the bank, to prevent the same from falling or washing in to obstruct such water courses, that they shall before entering upon their duties, take and subscribe to an oath, to faithfully and and impartially perform their duties under this act, and as soon as practicable after said oath, they shall organize their commission, and proceed to estimating the number of acres of such land, and assessing the costs and expenses of said work upon the owners of the same, and the records and reports of said commissioners, shall be a sufficient evidence of the indebtedness in each case respectively, and a defence for all their acts done under and by authority of this act; and the said commissioners shall proceed to fulfill the duties of this act, as soon thereafter as practicable and necessary for the public good; and in case of the death or resignation of either of the commissioners, the remaining ones shall have power to fill such vacancy; *provided, always*, that said vacancy shall be filled from the same township wherein such vacancy occurred, and that no person shall fill such vacancy who is in any manner interested in the drainage of said land, and for their services they shall receive each two dollars per day.

To assess costs and expenses upon owners.

Vacancies, how filled.

Proviso.

Failure of owners to pay cost, commissioners to collect by action of debt

5. *And be it enacted*, That in default of the performance on the part of any one of the adjoining or adjacent owners and occupiers of land to be benefited by improvements heretofore contemplated of his, her or their full, fair and just proportion of the aforesaid expenses, that then and in such case, it shall be the duty of

said commissioners herein named, to make demand thereof, and, payment refused, to collect the same with costs of prosecution within ninety days thereafter, from such person or persons in default by an action of debt commenced in any court of competent jurisdiction in the state.

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

Approved April 9, 1875.

CHAPTER CCCCI.

A Further Supplement to the act approved April fourth, one thousand eight hundred and seventy-two, entitled "An Act to improve Bergen Line Road in Hudson county.

Preamble.

WHEREAS, The language of the provisions of said act for the assessment of the cost of the improvements thereby authorized may not be specific enough to conform to recent decisions of the courts, but it was the intention of said act that the costs should be equally assessed according to the benefits, but no more should be assessed on any property than the actual benefit received; therefore,

Costs and expenses of improvement, to be assessed on property benefited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That the cost and expenses of the improvement authorized by said act, and the supplements thereto and this act, shall be assessed on all property benefited in proportion to the benefit received to such extent and in such manner that no lot or plot shall be assessed more than the benefit it shall receive from the improvement, and the costs or expenditure of the moneys therefor in said acts or this act mentioned, and any excess, if any, of said costs or expenditure over and above the sum of all the amounts assessed on the property benefited, shall be paid by the townships of Union and North Bergen at large, in the proportion that

Excess, by whom paid.

the total of assessments of benefits on land in each township respectively, bears to the sum of the total assessments of benefits on lands in both of said townships, and said acts shall be construed as if they originally provided as herein is provided; and said excess, if any, shall be collected by general tax, as other taxes are collected in said townships; and any work done in front of any lot or plot in accordance with section thirteen of said act, approved April fourth, one thousand eight hundred and seventy-two, shall be estimated by said commissioners, and credited on the assessment that may be made by them against that lot or parcel.

Excess to be collected by general tax.

2. *And be it enacted*, That the time for the completion of the improvement of Bergen line road by the owners of the land along the line thereof, as provided for in said act and the supplements thereto be extended, and the same is hereby extended for the period of five months from the fourth day of April, one thousand eight hundred and seventy-five.

Time for completion of improvement, extended.

3. *And be it enacted*, That the commissioners in charge of the improvement of Bergen line road, shall have power to macadamize twenty feet of the width of said road, from the northerly line of the town of Union to the Bull's Ferry road, and the payments and assessments therefor shall be made and collected as if said power had been given in said act and the supplements thereto.

Power to macadamize road.

4. *And be it enacted*, That the township committee of the township of Union may issue the bonds hereinafter described to redeem the improvement certificates issued by said commissioners pursuant to said act and the supplements thereto, for all the expenses of the improvement on that part of said Bergen line road lying in such township; *provided however*, the owners of a majority of the lands fronting on said Bergen line road, in said township, shall apply in writing to said township committee, to issue bonds into which such certificates shall be convertible, which bonds may be disposed of by said township committee at any rate not below ten per centum discount; said bonds may be sold at such times and in such amounts as said township committee and commissioners shall agree, and in case such sale shall be made in anticipation of the requirements of the commissioners for work done on said improve-

Committee may issue bonds, to redeem improvement certificates.

Proviso.

ment, the proceeds thereof shall be deposited as a separate account by the township treasurer of said township in such bank as said township committee shall designate for the money it raises, and said treasurer shall use said moneys to pay drafts issued by said commissioners to pay the expenses of executing said act and the supplements thereto on that part of said Bergen line road lying in said township and the bonds issued by said township committee of the township of Union shall be binding upon and in the name of the inhabitants of the township of Union, in the county of Hudson; *provided*, that the amount of bonds to be thus issued by said township prior to the confirmation of the final assessment on lands in that township, shall not exceed the estimated cost of the improvement on that part of said Bergen line road lying in such township; said bonds shall not be issued for a longer period than ten years; they shall bear interest at seven per centum per annum from date of issue, payable semi-annually, and said township committee shall provide for the interest of the bonds issued by them by general tax, and the interest and such per centage of the principal of said bonds as said township committee issuing the same shall fix, shall be annually repaid to said township, from out of the assessments which shall be levied as provided in said act and the supplements thereto, in such annual instalments as said township committee shall direct, and in case of the default of payment of such instalments and interest, then the whole assessment shall immediately become due, and twelve per centum thereon thereafter till paid, and the said lands may be sold therefor, in accordance with said act, and the supplements thereto; after the confirmation of the final assessment for benefits shall be made, the said township committee shall issue like bonds to be provided for in like manner, in an amount which with the respective amounts aforesaid, shall equal the amount of the assessments on lands in said township; *provided*, that all the assessments collected, pursuant to said act and the supplements thereto, shall be deposited in such bank as said township committee shall designate for the money it collects, and such moneys shall be used by said bank to pay said principal and interest, and for no other purpose whatever; *and provided further*, that in case of sale of

Proviso.

Proviso.

Proviso.

lands for unpaid assessments authorized by said act and the supplements thereto, said township shall have the same power to purchase and dispose of said lands as are now given under the acts of said township, and the supplements thereto, and any further supplements which may become law prior to the date of sale, and such sales of property shall be made in accordance with such township act and such supplements thereto.

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

Approved April 9, 1875.

CHAPTER CCCCII.

An Act relating to water pipes in the city of Jersey City.

Board of public works, authorized to purchase pipes laid in any street, by persons or corporations.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That wherever pipes have been laid in any street or avenue in Jersey City, for the conducting of water, by any private person or persons, corporation or corporations, at the cost and expense of such private person or persons, corporation or corporations, and the board of public works of Jersey City have used the same, or desire the same, for conducting the Passaic water, the said board of public works or their successors in powers, with the consent of the mayor of Jersey City, are hereby authorized to purchase said pipes for the use of Jersey City, if they shall deem it for the interest of the city so to do, and pay for the same out of the moneys of Jersey City, at such reasonable price as said board of public works, or their successors in power, shall fix and determine; *provided*, that no pipes so to be purchased shall be less than six inches in diameter. Proviso.

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

Approved April 9, 1875.

CHAPTER CCCCIII.

A Further Supplement to an act entitled "An Act to revise and amend the charter of the Town of Phillipsburg," approved March eighth, one thousand eight hundred and seventy-two.

Time of making and finishing assessments.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the assessors of taxes of the several wards of said town shall make and finish their assessments as prescribed by law, between the first Monday of May and the third Monday of June of each year,

Annual meeting.

and shall meet annually on the fourth Monday of June in each year, at the town hall, and may from time to time adjourn, and when so met shall constitute a board of assessors, and shall perform the duties required of them by section four of article six of the act to which this is a supplement.

Duplicates of assessors and lots, how assessed.

2. *And be it enacted*, That the said assessors of said town shall so arrange their duplicates as to specify therein by numbers the several lots or subdivisions of lots assessed, and the streets or alleys whereon the same are situate, with the amount assessed thereon, and the name of the owner thereof, to the end that each lot or subdivision thereof shall be liable for the whole amount of tax assessed thereon; and said duplicates shall also specify the name of the street or alley in said town whereon each taxpayer resides at the time of making the assessment, and also the number of such taxpayer's residence.

Taxes to remain a lien on lands.

3. *And be it enacted*, That all taxes which may hereafter be assessed upon any lands, tenements and real estate in said town, shall be and remain a lien thereon, as provided in section twelve of article six of the act to which this is a supplement, notwithstanding any mistake

Mistake in name, not to invalidate.

in the name or names, or owner or owners, or omission to name the owner or owners of the same, and any assessment of taxes in which such mistake or omission occurs, shall be valid and effectual in law.

4. *And be it enacted*, That it shall be the duty of the said assessors to return to the collector of taxes of said town, the duplicates of the assessments of the several wards at such time as the common council of said town may by ordinance direct and appoint; and it shall be the duty of the said collector immediately thereafter to notify each taxpayer as provided in section seven of article six of the act to which this is a supplement. Assessors to return duplicates.

5. *And be it enacted*, That the common council of the said town shall meet as commissioners of appeal in cases of taxation, at such time and place, and upon such notice as the common council may by ordinance direct; and when so met shall have the same power and authority that like officers in the townships of this state have. Council to meet as commissioners of appeal.

6. *And be it enacted*, That the collector of taxes shall demand payment at such times as the common council may by ordinance appoint, of the tax or sums assessed on each taxpayer named in the duplicates; and in case of the nonpayment of taxes at the time appointed for the payment thereof, it shall be the duty of the said collector, at such time as the common council may by ordinance direct, to return the names of all delinquents in the several wards, with the sums due from them respectively, and a statement of all the lots, or subdivisions of lots, against which taxes may have been assessed and remain uncollected by him in the several wards, identifying such lots by numbers or marks, with the names of the reputed owners thereof and the amount assessed thereon, to such justice of the peace as the common council may appoint; and it shall be the duty of such justice of the peace to whom any list of delinquents shall be returned as aforesaid, immediately upon receipt thereof, to administer to the said collector on oath or affirmation, that the moneys mentioned in said list have been duly demanded, or due notice given at the usual place of residence of such delinquents who could be found or may then reside in said town, and to issue his warrant directed to the said collector, who shall have power to collect the same, as provided in the act to which this is a supplement, and shall return said warrant to the justice of the peace issuing the same, at such time as the common council may by ordinance direct, with a full return of all the proceedings thereon, and at the same time shall make a Collector to return names of delinquents. Justice to issue warrant.

full return and statement to the common council of said town, as provided in section ten of article six of the act to which this is a supplement.

Taxes to draw interest.

7. *And be it enacted*, That all taxes hereafter assessed in said town shall be charged with interest at the rate of twelve per centum per annum from and after the day on which they shall be returned by the said collector as delinquents, which interest shall be collected by the said collector, and accounted for and paid over by him in the same manner that the taxes of delinquents are.

Taxes, how assessed.

8. *And be it enacted*, That in all cases where the state and county taxes to be assessed and collected in said town in any year shall be assessed and directed by the common council to be collected, before the quota of the said taxes to be levied and collected in said town for such year shall be fixed as prescribed by law, it shall be the duty of the assessors of said town, in making their assessments, to assess the amount of taxes fixed as the quota of said town for the last preceding year; and in case of any deficiency in the amount of taxes so assessed, it shall be the duty of the common council to direct the amount of such deficiency to be added to the amount required to be assessed and levied for the next year; *provided*, that nothing herein contained shall be construed to relieve the said town from the obligation imposed by law, to pay the state and county taxes required to be levied and collected in said town in each year; *and provided, also*, that the town treasurer shall pay over to the county collector of the county of Warren the proportion of state and county taxes directed to be assessed and collected in said town, at the time prescribed by law, or at any time previously thereto, as the common council shall direct, and under the penalties that are or may be prescribed by law in regard to the collectors of the several townships of this state.

Proviso.

Proviso.

Collector may appoint deputy.

9. *And be it enacted*, That the collector of taxes of said town may from time to time appoint a deputy collector of taxes for said town, who shall have the same power and authority in the collection of taxes that the collector of taxes has, and who, before he enters upon the duties of his office, shall take and subscribe the oath of office prescribed in section five of article four of the act to which this is a supplement, and said deputy shall make

returns and payments, and render his accounts to the said collector at such times and in such manner as the said collector may prescribe, and shall be removable from office at the pleasure of the said collector; and the collector of taxes shall be responsible to the town for the actions, conduct and default of his said deputy and shall also compensate his said deputy for his services.

Power to issue bonds, and amount.

10. *And be it enacted*, That the common council of said town are hereby authorized to issue coupon or registered bonds to an amount not to exceed twenty thousand dollars, in sums of not less than fifty dollars nor more than one thousand dollars each, to bear interest at the rate of not over seven per centum per annum, payable half yearly, and the principal of said bonds shall be payable at periods of not less than ten nor more than thirty years from the date thereof, and said bonds may be sold at public or private sale, at not less than the par value thereof, at such times and such amounts as the common council may direct, which bonds shall be denominated on the face thereof "Municipal Bonds," and of the proceeds of the sale of said bonds seven thousand dollars shall be applied to the payment of the existing floating debt of said town, and thirteen thousand dollars to the paying of existing bonds of said town as they may become due; and for the purpose of paying said "Municipal Bonds" and the interest thereon, as the same may become due and for no other purpose whatever, the said common council are hereby authorized to assess and collect annually a tax sufficient to pay the interest each year, and to constitute a proper sinking fund for the payment of any portion of said municipal bonds, not exceeding the sum of two thousand dollars annually, that may exist, in addition to any other tax by law authorized, and said tax shall be entered separately in the notice given by the collector of taxes to taxpayers, and shall be kept separate and distinct from all other taxes.

Proceeds of sale of bonds, how appropriated.

Annual tax to be raised to pay interest, and to constitute a sinking fund.

Council may grant extra compensation.

11. *And be it enacted*, That in addition to the fees and compensation now allowed to the said assessors and collector of taxes, the common council may, in their discretion, grant such additional compensation as in their opinion would be just and reasonable, and order the same to be paid out of the incidental fund of said town.

Repealer.

12. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and the same are hereby repealed, and that this act shall be deemed a public act and take effect immediately.

Approved April 9, 1875.

CHAPTER CCCCIV.

An additional supplement to "An act to provide for the more efficient government of the city of Trenton," approved March nineteenth, one thousand eight hundred and seventy-four.

Board of assessors to publish notice of time of meeting to hear complaints, as to valuation of property.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when the board of assessors of said city shall have made the valuation of real estate and the improvements thereon, they shall give one weeks' notice in the daily newspapers published in said city, setting forth the time or times, and place when and where they will attend to hear and consider all complaints touching such valuations, under such rules and regulations as they may prescribe, and to increase, reduce, alter or modify such valuations as to them may appear just and equitable; after hearing such complaints and making such changes as they may deem proper, the valuations so finally fixed by said board shall be conclusive, and shall not be altered by any authority before the next valuation of real estate and improvement shall be made.

Valuation, not to be altered.

Real estate to be assessed without any deductions

2. *And be it enacted*, That hereafter all real estate in said city shall be assessed for all purposes without any deductions for any indebtedness whatever.

Sections of certain act, to be in force and operation.

3. *And be it enacted*, That hereafter the sixteenth and seventeenth sections of "A further supplement to 'An act concerning taxes,'" which said supplement was approved April eleventh, one thousand eight hundred and sixty-six, shall be in full force and operation so far as regards banks and corporations located in said city; and that the assessments and collections of taxes therein

mentioned shall be made and collected and paid as provided in said sections, any law to the contrary notwithstanding.

Demand of payment of taxes, how made.

4. *And be it enacted*, That the demand of payment for taxes may be made by such persons as the receiver of taxes may appoint, and such demand shall be valid if the statement of such taxes written or printed, or partially written or printed, shall have been left at the last known place of abode within this city, of the persons assessed, as if a personal demand of such payment had been made by said receiver or his deputies, or by any person so appointed by him, and the affidavit of the person making such service shall be conclusive evidence thereof.

Repealer.

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

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

Approved April 9, 1875.

CHAPTER CCCCV.

A Supplement to the act entitled "An Act for the laying out of public roads in the township of Caldwell," approved March twenty-sixth, eighteen hundred and seventy-four.

Township committee to make an assessment of damages for taking of lands for laying out, widening, altering of roads.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That after the adoption and ratification, by the township committee of Caldwell township, of any report and map hereafter made by the surveyors of the highways by virtue of the act for laying out, widening, altering, straightening or vacating any public road or highway, or any part thereof, the said committee, before they shall open and work such road or highway, shall proceed to make, according to the best of their skill and judgment, a fair, just and impartial assessment or award of the damages sustained by the owner or owners

of any lands, tenements or hereditaments which shall be required to be taken for laying out, widening, altering, straightening of any public road or highway in said township, and to assess the said damages and the expenses of the said committee, and also all expenses of applicants for laying out said road or highway as equitably as may be upon the owner or owners of any lands upon the line or in the neighborhood of such public road or highway, and every assessment so made shall be a lien upon such lands until the same shall be paid; and such assessment shall be made in the manner as provided in section first of the act for laying out public roads in the township of Caldwell.

Assessments, how made, and to remain a lien on lands, until paid.

2. *And be it enacted*, That any owner or owners of lands, dissatisfied with any award or assessment for taking of said lands may appeal, and shall be entitled to the relief provided in and by section third of the general act, approved March second, eighteen hundred and fifty-four, for the laying out of public roads and highways.

Owners dissatisfied with award or assessment, may appeal.

3. *And be it enacted*, That when a majority of the owners of said lands on said public road or highway shall petition said committee to open and work, or alter and work said public road or highway, and said committee or a majority of them shall consider and determine such opening, working, or altering and working are necessary for public convenience, they shall order the township clerk thereupon to set up advertisements in three of the most public places in said township, and if necessary advertise in one or more newspapers of said county circulating in said township, for the reception of proposals for doing the work; said proposals to be received at such time and place as shall be designated by said committee, and that said committee shall be empowered to reject any or all of said proposals, or to advertise for new proposals, or to accept such as shall, in their opinion, be deemed to be most advantageous for said township, and to enter into and compel the performance of all necessary and proper contracts for the doing of said work.

Committee to advertise for proposals for opening, altering, and working roads.

Committee may accept or reject all bids.

4. *And be it enacted*, That the owner or owners of any lands, through which said public road or highway shall be laid out, may, at his or their own expense, after said committee shall adopt and accept the return and map of the surveyors of highways, and the same shall be re-

Owners of lands through which any public road is laid out, to open and work the same.

corded in the clerk's office in the county of Essex, open and work the same in a proper manner, within the limits of his or their respective lands, in accordance with the surveys, plans, widths and courses, as laid down by said committee; and in case of the opening and working of said public road or highway, such owner or owners shall be entitled to an equitable allowance by the way of reduction, on any assessment for the opening and working of the same; such allowance to be determined by said committee or a majority of them.

Assessments may be paid in five annual installments.

5. *And be it enacted*, That whenever said assessment shall exceed the sum of one hundred dollars, it shall and may, at the option of the owner or owners of said lands and real estate so assessed therefor, be paid in five equal annual installments, with interest, at the rate of seven per centum per annum, upon any and all installments unpaid; *provided however*, that in case of any default in the payment of any such installment and interest, as aforesaid, shall be collected in the manner as provided by section third, of the original act for the laying out of public roads in the township of Caldwell.

Proviso.

May borrow money in anticipation of assessments for taking of lands, and to secure payment of same.

6. *And be it enacted*, That it shall and may be lawful for said committee or a majority of them, to borrow money from time to time, in anticipation of any assessment for the taking of lands or opening, working or altering the grade of said public road or highway, to an amount not exceeding at any one time the sum of six thousand dollars, and to secure the payment by note or otherwise, in the name of said township, and to be used for no other purpose, but for said public roads or highways.

Roads opened under a certain act, how worked.

7. *And be it enacted*, That whenever any owner or owners of lands shall open roads or highways, according to "An Act to facilitate the opening of public roads," approved March twenty-sixth, eighteen hundred and seventy-two; the same may be opened and worked by the provisions of this act.

Public roads may be opened and worked.

8. *And be it enacted*, That all public roads or highways, or parts of public roads or highways, or roads or highways not open to their full width, heretofore laid out in said township of Caldwell, by the surveyors of the highways, according to law, and not yet opened or worked, may be opened and worked by the provisions of this act;

Proviso. *provided*, that nothing in this act contained shall in any way interfere with any avenue or street in said township, under the control of the Essex public road board.

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

Approved April 9, 1875.

CHAPTER CCCCVI.

An Act to legalize the road meeting in District Number One, held in the township of Downe, in the county of Cumberland, March sixth, anno domini one thousand eight hundred and seventy-five.

Elections legalized, and declared binding.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the election held in and for Road District Number One, in the township of Downe, in the county of Cumberland, on the sixth day of March, in the year one thousand eight hundred and seventy-five, for district officers and for voting and granting and raising moneys for said district, be and the same is hereby declared binding and in full force upon the inhabitants and upon the taxable property within the said road district.

Assessment legalized, and declared in full force.

2. *And be it enacted*, That the assessment made by the assessor of said township of Downe in said county, for the year one thousand eight hundred and seventy-five, is hereby declared binding upon the inhabitants and upon the taxable property of said district, and that no assessment made as aforesaid shall be annulled or disregarded by reason of said election not having been advertised eight days previous to said election, as required by law; and that no suit or action at law shall be commenced or prosecuted in any court within this state to annul or set aside any assessment made as aforesaid, for any reason described in this act.

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

Approved April 9, 1875.

CHAPTER CCCCVII.

An act to provide for the inspection of gas and the inspection and sealing of gas meters, and for the protection of consumers of illuminating gas, in the city of Newark, in Essex county.

Appointment of inspector of gas.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor of the city of Newark shall nominate, and by and with the consent of the common council, shall appoint a suitable and impartial person, competent as a chemist, who is not a stockholder or employee in any gas works in this county, and who shall reside in the city of Newark, whose duty it shall be, when required, to inspect, examine, prove and ascertain the accuracy of any and all gas meters, used or intended to be used, for measuring and ascertaining the quantity of illuminating gas furnished by any gas light company, person or persons, to the citizens of Newark, and when found to be or made correct, to seal, stamp or mark all such meters and each of them, with some suitable device, such device shall be recorded in the office of the city clerk; it shall also be his duty to make such tests of the illuminating power and purity of the gas furnished to the citizens of Newark, by any gas light company, person or persons, as hereafter specified.

Powers and duties

Term of office, and salary.

2. *And be it enacted*, That such inspector shall hold his office for the term of three years from the time of his appointment, and until the appointment of his successor, but may be removed by the mayor for sufficient cause, and he shall receive an annual salary of one thousand five hundred dollars ($1,500), to be paid in the first instance out of the city treasury, as other salaries are now paid.

Comptroller to assess gas companies, amount of salary.

3. *And be it enacted*, That such salary shall be charged to, and paid into the city treasury by the gas companies, person or persons, furnishing gas to the citizens of Newark, in amounts proportionate to the amounts of the capital stock of said companies, person or persons respectively, to be ascertained and assessed by the comptroller of the city, and in case such gas light companies, person or persons, or any or either of them, shall refuse or neglect to pay into the city treasury the amount or portion of said salary, which shall be by said comptroller required of them respectively, for the space of thirty days, after written notice given by said comptroller to them respectively, to make such payment, then the said comptroller may maintain an action in his name of office in any court of this state against any such delinquent gas light companies, person or persons, for the said portion or amount of such salary, with interest thereon at the rate of ten per cent. per annum, from the time when said notice to make such payment was given, and the costs of the action.

Action may be maintained on failure to pay.

Unlawful for any company to furnish meters not inspected.

4. *And be it enacted*, That it shall not be lawful for any corporation, company or person, in the city of Newark, at any time after this act shall take effect, to furnish and put in use any gas meter which shall not have been inspected, proved and sealed by said inspector, except during such time as said office of inspector shall be vacant, or said inspector, ten days after request made in writing, shall refuse or neglect to prove and seal the meters furnished for that purpose, and except the meters in use when this act take effect and which may be removed for examination or repairs; it shall not be lawful for any corporation, company, person or persons, at any time after this act shall take effect, to furnish or distribute any gas that cannot be tested at the rooms specified, or that shall possess a less illuminating power, or that shall contain a greater amount of impurities than are specified in this act.

When unlawful to furnish gas.

Rooms to be provided and fitted up by city.

5. *And be it enacted*, That a room or rooms shall be provided and fitted up and kept in repair at the expense of the city of Newark, in the building situated over the Morris Canal, known as the Centre Market building, where the tests as provided in this act may be carried out; *provided*, that the apparatus required shall be of the

Proviso.

best description and shall be chosen and fitted up under the direction of an expert gas engineer, who shall be appointed by the common council, and that the room or rooms shall be kept open on all business days, between the hours of nine o'clock in the forenoon and four o'clock in the afternoon.

Quality of gas.

6. *And be it enacted*, That the quality of the gas supplied by any company, person or persons within the provisions of this act shall be, with respect to its illuminating power, such as to produce from an English Parliamentary Standard Argand burner, known as the London burner for sixteen candle gas, with steatite top and fifteen holes, the size of the holes to be six-hundredths of an inch in diameter, the distance between their centres measuring the adjacent holes to be sixteen-hundredths of an inch, the distance between their centres measured across the burner to be eighty-hundredths of an inch, the burner to have a perforated regulator for air and a seven-inch chimney with a diameter of one and seven-eighth inches (1 7-8), consuming five cubic feet of gas an hour, a light equal in intensity to the light produced by not less than fourteen sperm candles of six to the pound, each burning one hundred and twenty grains per hour, and such gas shall, with respect to its purity, be so far free from sulphureted hydrogen that it shall not discolor paper imbued with acetate of lead, when these tests are exposed to a current of gas, issuing for thirty seconds, under a pressure of five-tenths of water; *provided*, that in case the full illuminating value of the gas furnished by any company, person or persons to the citizens of Newark, is not given by the burner above described, such a burner shall be used as will give the full amount of light obtainable from the gas.

Proviso.

Testing of gas, company may be represented.

7. *And be it enacted*, That the company, person or persons furnishing the gas may, if they see fit, on each occasion of the testing of the gas by the inspector, be represented by some officer; but such officer shall not interfere in the testing.

Daily inspections, and lists to be made.

8. *And be it enacted*, That daily inspections, on all business days, shall be made in conformity to the intent of this act between the hours of nine in the forenoon and four in the afternoon, of the illuminating power of the gas, and that at least once in two weeks a test shall be

made for the chemical purity of the gas as above provided; and a record shall be kept of each inspection giving the illuminating power and purity, which shall be open to the public, and a copy of the daily inspections shall be furnished the following day to the company, person or persons furnishing the gas, Saturday's inspection to be furnished on Monday, and a full report for the month to be furnished, upon request, to any daily paper printed in the city of Newark, on the day of their publication, next after the twenty-fourth day of each month, to include each day's tests from the date of previous publication, and giving the average illuminating power for the month.

Record to be kept.

Testing of meters.

9. *And be it enacted,* That in testing meters, the inspector shall ascertain whether the meter is of proper construction, and requires only the pressure of a column of water indicated by the water guage, commonly used for such tests, of one-fourth of an inch high to work it, and whether it works regularly and correctly, and registers exactly the amount of gas passing through it, first, at the rate the meter is marked to supply; secondly, at one-third its rate; thirdly, at twice its rate; the standard foot shall be one cubic foot, containing sixty-two and three hundred and twenty-one one-thousandths pounds, avoirdupois weight, of distilled water at the temperature of sixty-two degrees fahrenheit, and with a barometrical pressure of thirty inches; and meters registering within two and a half per centum either way of the exact number of such feet, passing through them at the first named rate, and within three per centum at the second and third rates, and no others shall be deemed accurate and be stamped by the inspector; the inspector shall keep at the testing room a correct record of all meters inspected by him, with their proof at the time of inspection, which record shall be open at all times to the public for any reasonable examination by any company, person or persons having any interest therein.

Standard foot.

Record to be kept of all meters inspected.

Meters in use, to be tested on request of consumers, upon payment of amount.

10. *And be it enacted,* That any gas meters now in use shall be proved and tested on the written request of the consumer of gas on whose premises it may be, and in his presence, if he requires, upon the payment in advance by him to the inspector of one dollar and fifty cents ($1.50), for each and every meter inspected, proved and

sealed, and if any such meter, on being tested, shall be found to register inaccurately to the injury of the consumer, to an extent exceeding three per centum, the fee of one dollar and fifty cents ($1.50) shall be returned to the person applying for said inspection, and every such meter shall be considered correct, and sealed accordingly, which shall register quantities varying from the true standard measure of gas of not more than three per centum, and a record shall be kept of the same and of all fees so collected; and all meters hereafter used by any gas company, person or persons, shall be first inspected, proved and sealed at the testing room provided for by this act; and all fees shall be paid in to the treasurer of the city of Newark.

Meters hereafter used, to be inspected and sealed.

11. *And be it enacted*, That each company, person or persons manufacturing illuminating gas in the City of Newark shall, when required, in writing by the inspector of gas and meters, bring to the testing room any meter that may have been required to be inspected, proved and sealed, and to return the same to its proper place after such inspection; and it shall not be lawful for any other party or person to remove and return meters.

Manufacturers of gas, to bring meters to be tested.

12. *And be it enacted*, That the inspector of gas and meters shall give bonds to the extent of double his annual salary, and shall take an oath or affirmation, before some officer legally qualified to administer the same, that he will faithfully, diligently and impartially discharge the duties of his office.

Inspector to give bond, and take oath.

13. *And be it enacted*, That after this act shall take effect, all gas distributed or sold by any gas company, person or persons, in the city of Newark, shall be sold by the cubic foot, except what may be used in the public lamps, and that the bills to the consumers shall state the rate per one thousand cubic feet.

Gas to be sold by cubic foot.

14. *And be it enacted*, That any person, who, with intent to injure or defraud any gas company in the city of Newark, shall make or cause to be made any pipe, tube or other instrument or contrivance, or connect or cause to be connected with any main service pipe or other pipe for conducting or supplying illuminating gas in such manner as to connect with and be calculated to supply illuminating gas to any burner or orifice, by which illuminating gas is consumed, around or without passing

Penalty for injuring or defrauding gas companies, by connecting with main pipes.

through the meter provided for the measuring and registering of the quantity of gas there consumed, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by imprisonment not exceeding six months or by fine not exceding two hundred and fifty dollars ($250).

Repealer.

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

Approved April 9, 1875.

CHAPTER CCCCVIII.

Supplement to an act entitled "An Act to reorganize the local government of the township of West Hoboken," passed March twenty-seventh, one thousand eight hundred and seventy-four.

Application and petition by owners of lands for improvements, to be advertised.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That on application in writing to the township committee for any improvement, other than repairs, by any owner of lands, which, in the judgment of the township committee, will be specially benefited by such improvement, the township committee may immediately thereafter, by resolution, direct the township clerk to advertise the said application or petition for two weeks, at least once in each week successively, in one or more newspapers published in Hudson county and circulating in said township; and to post copies of the said petition in five of the most public places in said township for ten days; and the clerk shall also publish and post, as above, a notice, stating that objections in writing to said proposed improvements, may be filed with him, and of the time and place when and where the township committee will meet to consider such objections, which time shall not be less than ten days after the date of the first publication in said newspapers; *provided*, no assess-

Proviso.

ment shall be set aside or affected by reason of the mistake of the township clerk, in the form, substance or manner of publishing or posting said advertisement; at the expiration of the time designated for posting and publishing, the township clerk shall file in his office, a copy of said petition and notice, and an affidavit by him, showing how the same has been published and posted.

Committee when determined to make improvement, to pass ordinance.

2. *And be it enacted*, That at any time after the expiration of the time named in said notice, the township committee may determine whether such improvement shall be made; and if they determine it shall be made, to pass an ordinance for that purpose; and if they determine not to make such improvement, then all costs and expenses incurred by the committee in such proceedings shall be repaid to the township by the petitioners for such improvement, to secure which the township committee shall, in all cases, require a deposit of twenty dollars before receiving any petition; the ordinance may be introduced and passed the same meeting, and shall be valid if it describes in general language the improvements authorized by the township committee; and it shall not be necessary to state therein any other matter or thing connected with the said improvement; the township clerk shall publish and post a printed copy of said ordinance in the same manner and for the same time he is required to publish and post the petition for the improvement described therein; and in like manner, at the expiration of the time designated for publishing and posting said ordinance, shall file in his office a copy of said ordinance with an affidavit annexed thereto, showing that the same has been duly published and posted.

Ordinance how passed.

Township clerk to post copy.

Township committee may appoint inspector of work.

3. *And be it enacted*, That the township committee, upon the written application of some of the owners of the lands to be specially benefited thereby, may appoint an inspector over the work to be done, and materials to be furnished in the making of such improvement, and to include in the assessment therefor, the amount paid to said inspector for his services as such, not exceeding four dollars per day.

4. *And be it enacted*, That after the completion of any improvement, all the costs and expenses thereof, including interest, costs of commission on assessment, and all

Costs and expenses to be assessed by commissioners on all lands and real estate, especially benefited. Proviso

other costs whatever, expended by the said township committee in and about said improvement, shall be determined and assessed by three commissioners, to be appointed as hereinafter to be provided, on all the land and real estate, in the opinion of said commissioners, especially benefited by said improvement, in proportion to the benefits received; *provided*, no lot or parcel of land shall be assessed for more than the benefits especially received by it from said improvement, and if in the opinion of said commissioners, the costs and expenses of said improvement are greater than the benefits received by the land and real estate especially benefited thereby, they shall assess upon the land especially benefited, only the amount of such benefits; and the surplus, if any, of the costs and expenses of such improvement over the benefits received by the land especially benefited, shall be borne and paid by the township at large.

Appointment of commissioners, and to take oath.

5. *And be it enacted*, That three commissioners shall be appointed by resolution or ordinance of said township committee, as soon as possible after the letting of the contract of said work, they shall, before they enter upon the performance of their duty, file with the township clerk an affidavit, which the said township clerk is hereby authorized to take, in which affidavit they shall swear that they are not interested in said improvements, and that they will faithfully execute the duties of their office; they shall file with the township clerk a map, showing what lands are specially benefited by said improvement; each lot or parcel of land assessed for said improvement, and the amount of such assessment, and the names of the owners thereof, as far as the same are known to the said commissioners; and (if the costs and expenses of the improvement exceed the benefits of the lands specially benefited,) the amount of such excess which is to be borne and paid by the township at large; and in cases of award, the amount of damage to each lot or parcel of land, and the names of the owners thereof, as far as the same are known to the said commissioners; but no assessment or award shall be deemed defective by reason of any mistake in the names of said owners, or omitting said names or any part of them; this map shall be filed in the office of the township clerk, and thereafter the said clerk shall publish and post a notice in the same way

Map showing lands benefited, and assessments and award of damages, to be filed.

Assessments or awards not defective, by reason of mistake of names of owners.

and manner, and for the same time, as he published and posted the petition for said improvement; stating that the map and report of the commissioners have been filed in his office, and that the township committee will consider any objections to said asssessment, presented in writing, on or before a day named in said notice, to be fixed by said township committee, which day shall be at least ten days after the first publication, on which day the township committee will meet to consider such objections; in case the objections to the assessment are not sustained by them, the township committee may confirm such assessment, or if they refuse to confirm the same, they may return it to the said commissioners, for such amendment as may to the commissioners seem necessary, and the township committee may thereafter, without any notice to any person, confirm said assessment, and upon said confirmation, said assessment 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 township committee for that purpose; and if the persons assessed neglect to pay to the township treasurer the amount of their respective assessment, within thirty days from the passage of the ordinance to collect the same, the said township committee may proceed to enforce the lien created in the manner prescribed in the act to which this is a supplement.

Committee may confirm assessments.

Assessments to remain a lien, and how collected.

6. *And be it enacted*, That the township committee shall have power to take lands, if necessary, for one or more stairs on the hill side, east of Palisade avenue, and to build stairs of iron, wood, or other material thereon; the costs and expenses thereof shall be assessed and collected, and the award for damages for land taken therefor made in the same way and manner as assessments and awards are assessed, collected and made for other improvements in said township provided for by this supplement.

Power to take land, and build stairs.

Costs, expenses and damages, to be assessed and collected.

7. *And be it enacted*, That in case any assessment for any improvement is or has been set aside on certiorari, as to all parties assessed or to some only, then all interest on the cost of said improvement, and other expenses connected therewith, shall be included in the new assessment for said improvement which the township committee

Authorized to appoint commissioners to make new assessments, when assessments are set aside.

are hereby authorized to appoint commissioners to make, which commissioners shall be appointed in the same way and with like duties as other commissioners for improvements appointed under this supplement.

Treasurer to sell and convey lands, purchased by township.

8. *And be it enacted*, That it shall be lawful for the township treasurer to sell, assign, transfer and convey any term of land purchased by the treasurer for the benefit of the township, or any portion of such term for such price as the township committee may think proper; providing, such price is not less than the tax or assessment with costs and expenses, for which the same has been sold, together with the accrued interest.

Proviso.

Sales heretofore made, declared valid.

9. *And be it enacted*, That all sales heretofore made in this township for arrears of taxes or assessments shall be valid and effectual in law to vest in the purchaser or purchasers at such sales the term of years bid off at such sale or sales by such purchaser or purchasers, notwithstanding any defect, informality, irregularity or want of compliance with the law relating to or affecting such sales, or the declarations of sale or the assessing or levying such taxes or assessment.

Declaration of sales, to be evidence.

10. *And be it enacted*, That the declaration of sales for arrears of taxes and assessments hereafter made and duly acknowledged or approved, and the records 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 declaration of sales contained.

Lands taken and damages sustained by opening of streets, to be paid by township.

11. *And be it enacted*, That all lands taken for the opening, extending, widening or otherwise changing of the boundaries of streets in said township, and the damages sustained thereby, shall be paid for before possession is taken by the township; the amounts to be paid to be determined by commissioners to be appointed by the township committee for that purpose, who shall take the same oath, and proceed in the same manner as far as possible, as the commissioners of assessment hereinbefore mentioned are required to do; *provided*, that the possession of any lands required for said purposes, shall not be taken until after the confirmation of the assessments for benefits; *provided also*, that where the same person is awarded damages for property taken or damages sustained, and is also assessed for benefits received for the said improvement, the excess only, if any, over assessments for bene-

Proviso.

Proviso.

fits shall be paid to him; *provided*, that after the commissioners have filed said map, the clerk shall give like notice, and the township committee shall have the same powers as in cases of assessments for improvements. Proviso.

12. *And be it enacted*, That the said township committee, may make such regulations for notifying the owners or occupants of any parcel of land fronting upon any street or avenue, to keep the sidewalk, gutter and curb in front of such parcel in good repair, as they may deem expedient, and if, in any case after such notice, such repairs be done by said township committee, the expense thereof, with interest and costs, may be recovered by such committee by suit, in the name of the township against such owner or occupant, as for so much money due for labor performed and materials furnished by said township for such owner or occupants, at his request, or may be assessed as a tax on such lot, and collected as general taxes are collected. Committee to make regulations for notifying owners of lands to keep sidewalks in repair. Costs and expenses for work done, may be recovered by township committee.

13. *And be it enacted*, That every township committeeman 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 of the ordinances of said township, within the boundaries of said township, and to bring or cause such person or persons to be brought before the recorder of said township, to be dealt with according to law. Power of members to make arrest, without warrant.

14. *And be it enacted*, That the township committee shall, on or before the first day of May, in each year, appoint a recorder, who shall receive a salary of three hundred dollars, and shall hold office for the term of one year, and until his successor be appointed and qualified; that before entering upon the duties of his office he shall enter into such bonds as the township committee shall require for the faithful performance of the duties of his office; that he shall have all the powers in criminal matters that justices of the peace in and for the several counties in this state now have; and for the purpose of recovering the penalty for violating any ordinance of said township, he is hereby empowered, upon oath or affirmation, made according to law, that any person or persons has or have been guilty of any violation of any ordinance of said township, to issue process at the suit of said township, Township committee to appoint recorder, and term of office. General powers of recorder.

either in the nature of a summons or warrant, as to him may seem most advisable, against the person or persons so violating such ordinance, which process shall, when in the nature of a warrant, be returnable forthwith; and when in the nature of a summons, be returnable not less than five nor more than ten entire days; such process shall state what ordinance by the defendant or defendants named therein has been violated, and in what manner the same has been violated, and on the return of such process, or at the time to which the said recorder shall have adjourned the same, the said recorder shall proceed to hear testimony, and shall determine and give judgment in the matter without the filing of any pleading; the said recorder shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods, chattels and person of the defendant or defendants; the said recorder is further empowered to inflict fines not exceeding the sum of twenty dollars, on such person or persons as shall be brought before him, and charged and convicted of vagrancy, disorderly conduct, breach of the peace or any other light offence; or in case the fine be not paid, to order such person to be confined in the county jail for any term not exceeding thirty days; *provided*, in all cases where the fine or penalty shall exceed ten dollars, there may be a trial by jury, to be conducted as in cases now triable in the courts for the trial of small causes; and also an appeal as in all cases where an appeal may now be had from judgment in courts for the trial of small causes; said recorder is empowered to cause any person or persons who shall be found guilty of the violation of any ordinance of said township, and who may refuse or neglect to pay any penalty imposed by reason of the same, to be sent to the workhouse for such time as he may deem proper, not exceeding thirty days.

Proviso.

Moneys received, to be paid to treasurer.

15. *And be it enacted*, That all moneys received by said recorder for fees, fines, penalties and forfeitures shall be paid and delivered to the township treasurer by such recorder on Monday of each week; if the defendant be found not guilty, or does not pay the fines imposed, the fees of the constables and jurors are to be paid by the township committee.

Repealer

16. *And be it enacted*, That sections eleven, thirteen, fourteen, fifteen, sixteen, eighteen, nineteen, twenty-eight

and fifty-one of the act to which this is a supplement, and all acts and parts of acts inconsistent herewith be and the same are hereby repealed.

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

Approved April 9, 1875.

CHAPTER CCCCIX.

A Supplement to an act entitled "An Act for the improvement of Raritan," approved April third, eighteen hundred and sixty-eight.

Power of commissioners to remove slaughter houses, stables, and other nuisances.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be the duty of the commissioners of the town of Raritan, when a majority thereof may assent to the same, to remove or cause to be removed, abate or cause to be abated, as speedily as possible, at the expense of the owner or owners, or person or persons found in possession of the same, any slaughter house, tallow chandler's shop, soap factory, stable, privy, hog pen, or any other place which may be, in the opinion of the majority of said commissioners, a nuisance or dangerous to the public health.

To prohibit the frightening of animals.

2. *And be it enacted*, That it shall and may be the duty of the commissioners to prohibit any practice having a tendency to annoy any person passing upon the streets or sidewalks, or to frighten any animal secured upon, driven or led through the streets of said town.

May license cartmen, peddlers.

3. *And be it enacted*, That it shall and may be the duty of said commissioners to license cartmen, hackmen, auctioneers, common criers, hawkers, peddlers and junk-shop keepers, and to fix the rate of compensation to be allowed to them, and to prohibit unlicensed persons from acting in such capacity.

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

Approved April 9, 1875.

CHAPTER CCCCX.

A Supplement to an act entitled "An Act to revise and amend the charter of the city of Elizabeth," approved March fourth, A. D. one thousand eight hundred and sixty-three, and the several supplements thereto.

Unlawful to sell any spirituous or malt liquors, without license.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That it shall not be lawful for any person or persons in the city of Elizabeth, to sell any malt, fermented, vinous or spirituous liquors of any kind in said city, or to occupy or use any saloon, restaurant or other building or place in said city, for the sale of malt, fermented, vinous or spirituous liquors of any kind, without first taking out a license therefor, from the board of excise of said city; and any person or

Penalty for selling malt liquors, without license.

persons in said city who shall sell malt, fermented or vinous liquors of any kind, or who shall occupy or use any saloon, restaurant or other building or place in said city for the sale of malt, fermented or vinous liquors of any kind, without first taking out such license, shall upon conviction thereof, before any police justice of said city, for every such offence, be liable to a fine of twenty dollars besides costs of suit; and any person

Penalty for selling spirituous liquors, without license.

or persons in said city, who shall sell spirituous liquors of any kind, or who shall occupy or use any saloon, restaurant or other building or place in said city for the sale of spirituous liquors of any kind, without first taking out such license, shall upon conviction thereof, before any police justice of such city, for every such offence, be liable to a fine of forty dollars besides costs

Suits for violation of ordinances, how conducted.

of suit; such suits shall be conducted in the same manner as suits for the violation of ordinances of said city are conducted, and all such fines when collected, shall be paid to the treasurer of the city of Elizabeth, and by him placed to the credit of the poor and alms account of said city; and it shall be the special duty of the police department of said city, to enforce the pro-

visions of this act; *provided*, that this act shall not apply to druggists or grocers, who sell such liquors or any of them for medicinal purposes or in large measures. Proviso.

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

Approved April 9, 1875.

CHAPTER CCCCXI.

An Act to amend an act entitled "A further supplement to an act entitled 'An Act to revise and amend the charter of the village of South Orange, in the county of Essex, and the several supplements thereto,'" passed March twenty-fourth, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the further supplement referred to in the title of this act, be and the same is hereby amended, by striking from the third line of the fifth section of the same (as printed), the words "this act," and inserting in lieu thereof the words "the act to which this is a further supplement;" and that this act shall take effect immediately. Amendment

Approved April 9, 1875.

CHAPTER CCCCXII.

An Act to authorize the Mayor and Council of the city of Hoboken to issue and sell Hoboken City Bonds for the purpose of building a school house in said city, and for other purposes.

Mayor and council empowered to issue bonds, and to sell the same.

Amount.

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 council of the city of Hoboken to issue registered or coupon bonds under the corporate seal of said city and the signature of said mayor for the sum of forty thousand dollars, in such sums and payable at such time or times not exceeding fifteen years, as they may deem expedient, bearing interest at a rate not exceeding seven per centum per annum, payable semi-annually, and to pledge the property and credit of said city for the payment of the same; which said bonds it shall be lawful for the said mayor and council, their successors and assigns, to sell and assign, and for any vendee or assignee to purchase and hold; *provided*, that the said bonds shall not be sold by said mayor and council for less than ninety-seven per centum of the value thereof; and that said mayor and council shall give at least ten days' notice by advertisement in at least two newspapers to be designated by the council of the time and place at which sealed proposals will be received for the purchase of such bonds, and that such bonds shall be sold to the highest bidder or bidders.

Proviso.

Proceeds to be applied to the erection of a school house, bell tower, and the purchase of a fire bell.

2. *And be it enacted*, That the net proceeds of the said bonds to an amount not exceeding thirty-two thousand dollars, shall be applied to the payment of the cost of the erection and furnishing of a suitable school house in said city of Hoboken, to be located on the public grounds known as Market Square, and the balance of eight thousand dollars or so much thereof as may be necessary for the purpose hereinafter stated may be applied for the erection of a bell-tower and purchase of a fire bell for

the use of the fire department of said city, and that any unexpended portion of the said sums by this act authorized to be raised, shall be paid into the contingent fund of the city of Hoboken.

Payment of bonds and interest.

3. *And be it enacted*, That the said mayor and council of the city of Hoboken shall have power by ordinance to provide by taxation for the payment of said bonds and the interest thereon.

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

Approved April 9, 1875.

CHAPTER CCCCXIII.

A Supplement to an act entitled "An Act to incorporate the City of Hoboken," approved March twenty-eighth, one thousand eight hundred and fifty-five.

Mayor ex-officio, a member of board of trustees.

Board of trustees to make statement of receipts and disbursements, every three months.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor of the city of Hoboken shall be ex-officio a member of the board of trustees of the Hoboken cemetery; that the board of trustees of the Hoboken cemetery shall every three months make and deliver to the council of the city of Hoboken a detailed and particular statement of all the receipts and disbursements of said board for the previous three months, and any committee of said council authorized so to do by resolution of said council may at any time examine the books, documents, papers and vouchers of said board.

Repealer.

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

Approved April 9, 1875.

CHAPTER CCCCXIV.

A Further Supplement to an act entitled "An Act to incorporate the town of Guttenburg, in the county of Hudson," approved March ninth, one thousand eight hundred and fifty-nine.

Preamble.

WHEREAS, On the nineteenth day of September, one thousand eight hundred and seventy, and on the twenty-seventh day of May, one thousand eight hundred and seventy-one, respectively, petitions were presented to the councilmen of the town of Guttenburg, by the owners of property on Hudson avenue and Herrmann avenue, in said town, praying the said councilmen to provide for grading and improving both said avenues in accordance with the provisions of their charter; and whereas, the said councilmen proceeded to carry out said improvements by causing to be made a survey and profile maps of both said avenues, which were filed in the office of the clerk of the town of Guttenburg aforesaid, on the twenty-second day of June, and the third day of September, one thousand eight hundred and seventy-one; and whereas, after the filing of the said maps, several necessary alterations were made in the grade of the said avenues, as marked down on said map, such alterations being made at the request of the property owners along said avenues, and were made prior to any contracts for said improvements; and whereas, after the said alterations were duly made, the work was advertised and let to the lowest bidders, based upon the said alterations as aforesaid; and whereas, the improvement has been completed in accordance with the grade so altered as aforesaid; and whereas, serious doubts have arisen as to the power of the said councilmen to alter the grade established by the map after the same had been filed in the clerk's office as aforesaid; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the proceedings of the councilmen of the town of Guttenburg, in providing for grading and improving Hudson avenue and Herrmann avenue, in said town, in which they ordered certain alterations to be made in the grade of the avenues from that established on the map above referred to, as filed in the clerk's office of said town, be and the same are hereby declared to be valid, and as effectual as if the alterations in the established grade had not been made. Proceedings in grading of Hudson and Herrmann avenues, declared valid.

2. *And be it enacted*, That three of the councilmen to be elected at the ensuing spring election shall hold their office for the term of two years, and two for the term of one year, to be so designated on each ballot; and each year hereafter, one of these classes to be elected alternately for two years, and they shall serve without fee or reward, except when on official duty by order of the board, when they may receive such compensation as may, by resolution be directed, and the said board of councilmen or others elected or appointed under this act, shall be freeholders and residents of the town, and shall not enter upon the discharge of their duties unless within ten days after their election or appointment they shall each take an oath or affirmation, before some justice of the peace of said county, to faithfully and impartially execute the duties of their office according to the best of their ability, and shall file such oath or affirmation with the clerk of the town of Guttenburg; and the said clerk shall keep all such oaths or affirmations on file in his office, and in case any such person shall neglect to take such oath or affirmation within ten days after his election or appointment, or shall, within the same time, neglect or refuse to give such security as may be required of him, he shall be considered as having declined such office, and the same shall be declared vacant. Term of office of councilmen, their duties and compensation.

3. *And be it enacted*, That if any vacancy should, by reason of death, or from any other cause occur, the board of councilmen shall have power and authority under this act, by resolution, to appoint some person to fill the unexpired term thereof. Vacancies, how filled.

4. *And be it enacted*, That the town clerk shall have charge of all the records, books and documents of the town, except when the board of councilmen shall other- Duties of town clerk.

wise direct; he shall keep a record of the proceedings of said board of councilmen; he shall engross all the ordinances of the board in a book to be provided for that purpose, with proper indices, which book shall be deemed a public record of such ordinances, and such ordinances shall be signed by the chairman or acting chairman of the board and such clerk; copies of all papers filed in his office and transcripts thereof, and all the records and proceedings of the board of councilmen, and copies of the laws and ordinances of said board, certified by him under the corporate seal of said town, shall be evidence in all courts and places, and for neglect or refusal, he shall be liable to the pains and penalties prescribed by the laws of the state governing townships; and he shall receive in full compensation for his services an annual salary, the amount of which shall be designated by the said board of councilmen.

Power to pass, alter, and repeal ordinances.

5. *And be it enacted*, That the board of councilmen of said town shall have power to pass, enforce, alter and repeal ordinances within said town for the following purposes, to wit: to ascertain the boundaries of all streets, roads, avenues and public places in said town, and to prevent and remove all encroachments thereon; to provide for the repairing and cleaning of all sidewalks, streets, roads, avenues, sewers and drains and public places; to declare what shall be nuisances in lots, streets and other public places in said town; and to provide for the abatement, removal or sale, or other disposition of such nuisances; to provide for the impounding, sale or destruction of animals running at large in said town; to regulate and prohibit interments within the limits of said town; to regulate the use of streets and public places by foot passengers, animals and vehicles, and to prevent their use for any other purpose than public travel; to regulate and prevent the use of fire arms, fire works, and detonating works of all descriptions within the limits of said town; to provide for the collecting, the cost of cleaning and repairing sidewalks, curbs and gutters, and interest on such cost from the owner or owners of such lots in front of which such cleaning and repairing may be done, and for assessing such cost and interest upon such lots as a tax or assessment; to provide for the raising of a sum not to exceed one thousand dollars in each year for the

To ascertain boundaries of streets.

To remove nuisances.

Animals running at large.

Use of streets.

Fire works.

Collection of costs of sidewalks.

Raising of money.

purpose of defraying the incidental expenses incurred by the provisions of this act.

Power to order sale of real estate for unpaid taxes, adjourned.

6. *And be it enacted*, That whenever any sale or real estate for unpaid taxes or assessments shall be ordered by the said board of councilmen, after conforming to the eleventh section of the original act incorporating the town of Guttenburg, in the county of Hudson, in giving the required notices and advertising such sale; said sale may be adjourned or postponed from time to time or suspended, as the said councilmen may direct; *provided*, that if at any sale of lands, tenements or real estate for assessments, 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 for not less than thirty days nor more than sixty days; twenty days' notice at least shall be given of said adjourned sale, and if at said adjourned sale there should be no purchasers for said lands, tenements or real estate, or any part thereof, then it shall be lawful for the treasurer of said town to purchase the said lands, tenements or real estate for the benefit of the town, subject, nevertheless, to the same right of redemption as is provided for in the said eleventh section of the said original act as aforesaid; and it shall be lawful for the said councilmen of said town to sell, assign, transfer and convey any term in said land purchased for the benefit of said town as aforesaid, or any portion of such term for such price as said councilmen may think proper; *provided also*, that in case the lands, tenements or real estate so sold as aforesaid, should be redeemed by the owner or mortgagee thereof, the rate of interest required for said redemption shall be twelve per cent. per annum in lieu of ten per cent. as originally provided for.

Proviso.

Proviso.

Corner lots, how assessed.

7. *And be it enacted*, That corner lots and all irregular pieces or parcels of land shall be assessed for street improvements, according to benefits received.

Record of assessments, to be kept.

8. *And be it enacted*, That a complete record of all assessments shall be kept in the town clerk's office, which record shall contain the time when such assessments were made, the time when they were paid, and if the property had 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

Record of sales, to be kept.

the 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 the 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 on property redeemed, one for the person redeeming, and one to be filed in said clerk's office; the clerk and treasurer are hereby authorized to charge and to collect a sum for such service as the town council may, by ordinance, regulate; and the said board

Power of board to issue improvement certificates.

of councilmen shall have power to issue certificates of improvement payable in one year or more, at their discretion, with legal interest to the amount of seventy per centum of work done on any street improvement, when certified as correct by the surveyor in charge of said work; and when the contract is fully completed, and the work is accepted by the said board of councilmen, they may issue a final certificate for the balance due; and when the assessment for any street improvement heretofore made, or hereafter to be made, is payable, the treasurer of the town, or other officer duly authorized to collect and receive such assessment, is hereby authorized, and it shall be his duty to receive, any improvement certificate offered to him in payment of such assessment;

Proviso.

provided, the same is issued on the line of such improvement where the payment is to be made, and all certificates for street improvements heretofore issued by the councilmen of the town of Guttenberg are legalized, and made binding on the town.

Power of board to issue bonds, and to sell the same.

9. *And be it enacted*, That in case any certificate or certificates heretofore or hereafter to be given for the work on any street or avenue shall become due before the assessment for said street or avenue improvement is collected, the said board of councilmen shall have power to issue coupon bonds payable, in not exceeding ten years, and not less than three years, and redeemable at the pleasure of said board of councilmen, by their publishing sixty days' notice when and where such bonds will be redeemed, and all interest thereon shall cease after the date named in such notice; and said board shall have power to sell and negotiate said bonds at a rate or price

not less than ninety-two per centum of the par value of said bonds; and that the costs and expenses of issuing said bonds and negotiating the same, shall be charged and be a lien on the lands of those persons who are delinquent in the payment of their said assessments.

Amendment.

10. *And be it enacted*, That the said second section of an act entitled "a further supplement to an act to incorporate the town of Guttenburg, in the county of Hudson," approved February twenty-eighth, one thousand eight hundred and sixty-eight, be and is hereby amended by striking out the words six hundred dollars, and inserting in lieu thereof one thousand dollars; and that all the road money annually raised within the limits of the town of Guttenburg, shall be paid over when collected by the collector of the township of Union, to the treasurer of the town of Guttenburg; and the councilmen of the said town of Guttenburg shall expend said road money paid over to their treasurer for the repairing and keeping in order the public roads within the limits of said town, and for no other purpose whatsoever.

Road money, to whom paid, and how expended.

No ordinance, assessment, to be set aside on certiorari.

11. *And be it enacted*, That no ordinance, assessment or proceeding, of the councilmen of said town shall be set aside on certiorari, by reason of the return to said certiorari, failing to show that all the requirements of the town charter have been complied with, but after the filing by the prosecutor of the reasons in certiorari, the clerk of the said town may make a further return to said writ of certiorari, stating such additional facts as he may be advised are proper and necessary to state, in answer to any of the said reasons; and said town may take proofs with reference to said facts, and if the same are established to the satisfaction of the court, then the court shall affirm the ordinance, assessment or proceeding in question, the same as if such facts had properly appeared in the minutes, records and proceedings of said councilmen; whenever any assessment is set aside, the said councilmen may appoint new commissioners to make a new assessment.

When writ of certiorari, not to be allowed.

12. *And be it enacted*, That no certiorari shall be allowed or granted to set aside any ordinance for any improvement in said town, after the contract therefor has been awarded by the councilmen of said town, and no certiorari shall be allowed or granted to set aside any assess-

ment for any improvement in said town, after three months shall have elapsed from the date of the confirmation of said assessment, by the councilmen of said town.

Assessment to be refunded to owners, if assessment is set aside.

13. *And be it enacted*, That in case any assessment for any improvement is set aside on certiorari, after a portion of the said assessment has been collected by the corporate authorities of said town, that in that case all sums of money so collected shall be refunded and paid to the owners of the lots or parcels of land so assessed, and upon which said payments were so made; and the new assessment for said improvement shall be made without any reference to the fact that any sums of money have heretofore been paid under the said assessment so set aside on certiorari; the sums herein provided to be refunded shall be paid out of the first sums of money collected under the new assessment for said improvement.

New assessment for improvement, to be made.

Duties of treasurer.

14. *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 the bonds of the town and certificates of indebtedness for improvements given by 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 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; and the treasurer shall keep accurate books of account of all moneys received and disbursed by him, and furnish abstracts of such accounts to the council at any time at their request.

Officers to pay money to treasurer.

15. *And be it enacted*, That all moneys received by an officer or agent of the town which should be paid into the town treasury shall be delivered to the treasurer by such officer or agent within ten days after he receives the same, together with a written statement under his

hand of the amount so paid, and the person or persons from whom such officer or agent received the same, and showing also on what account such money was received.

Annual statement of receipts and expenditures, to be published.

16. *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.

Penalty for violation of ordinances.

17. *And be it enacted*, That a penalty not exceeding a fine of fifty dollars, or ten days imprisonment in the township or county prison shall be imposed for the violation of any ordinance of the councilmen, which fine and penalty may be imposed by one of the justices of the peace of Union township, who shall be appointed by the councilmen for that purpose, and he shall be invested with the same powers and authority to enforce the ordinances of the councilmen as the recorder of the town of Union in this county now has, and for the performance of said duties said justice of the peace shall receive the same fees and costs as are allowed to justices of the peace by the laws of this state, and he shall keep a true record of all such proceedings in a book provided for that purpose; and that all acts and parts of acts inconsistent with this act, be and the same are hereby repealed; and this shall be a public act and take effect immediately.

Repealer.

Approved April 9, 1875.

CHAPTER CCCCXV.

A 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."

Commissioners may lay water mains or pipes without limits of city, upon petition of owners of majority of running feet.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the owners of a majority of running feet, on the sides of any street or section of a street, in the city of Trenton, or without the limits of said city in the county of Mercer, in which no water pipes or mains shall have been laid, shall petition the board of water commissioners that pipes may be laid in said street or section of a street, the said board of commissioners may, in their discretion, lay such pipes or mains, and take means to secure the payment each year of a sum equivalent to the interest upon the expense of such work; they may enter into contracts with the petitioners or owners to secure the payment of said interest until the receipts from water rents on that street or section of a street shall equal the interest at nine per centum per annum on said expense; or they may assess upon the owners on both sides of said street or section of a street a sum, each year, equal to said interest, said assessment not to exceed the actual benefit to the property of each owner resulting from the laying of such pipe or main, and not to exceed the sum of six cents per foot of the distance along said owners' property.

May enter into contract with owners to secure payment, or may assess owners.

Report of assessment to be filed, and to be a lien on property.

2. *And be it enacted*, That the report of the said assessment shall be filed by the said board in the office of the city clerk, and shall be a lien upon the properties assessed against and shall be collected by suit as a debt to the said board.

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

Approved April 9, 1875.

CHAPTER CCCCXVI.

An Act to provide for the continuation of the Ravine road sewer in the city of Jersey City and city of Hoboken.

Appointment of commissioners to construct a sewer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That immediately after the approval of this act the mayor of Jersey City with the consent and approval of the board of aldermen of said city, shall appoint two commissioners, being freeholders and residents of said city, and the mayor of the city of Hoboken, with the consent of the council of said city, shall appoint two commissioners, being freeholders and residents of said last mentioned city, to construct a sewer commencing at the outlet or termination of the Ravine road sewer in Jersey City, thence to a convenient point in the city of Jersey City, where the said sewer can be connected with one of the sewers now built and established in the said city of Jersey City.

Commissioners may appoint surveyor, and other agents.

Treasurer to give bonds.

2. *And be it enacted*, That the said commissioners shall have power to employ a competent surveyor and engineer, and to designate one of their own number as treasurer of the said commission, who shall receive and pay over all the moneys arising from the building of said sewer, and give bonds, before entering upon the duties of his office, to the mayor and council of Jersey City, in its corporate name, in the sum of twenty thousand dollars, with such freehold security as the said the mayor of Jersey City may approve, for the faithful performance of his duties, and such other agents and officers as they may deem necessary, and make or cause to be made a map or maps of the proposed route of the said sewer and file a copy of the same in the offices of the clerks of the city of Jersey City and city of Hoboken; cause descriptions and specifications of the work or any part thereof to be prepared; advertise for proposals to perform said work or any part thereof, all advertisements for proposals to be inserted in

Maps and descriptions to be made of route and work.

at least two newspapers printed and published in each of the cities of Jersey City and Hoboken for a period of two weeks; issue improvement certificates in their own names in payment therefor, therein and thereby pledging the faith and credit of the said cities of Jersey City and Hoboken respectively, payable in such times as they may therein designate, not exceeding two years from the date of issue, bearing interest at the rate of seven per centum from the date of issue; take bonds with sufficient sureties from any officer, agent or contractor employed by said commissioners, for the faithful performance of any duty or work entrusted to them; and generally to do every act and thing necessary to construct the said sewer.

Power of commissioners to issue improvement certificates.

3. *And be it enacted*, That it shall be lawful for the said commissioners, their agents or engineers or others in their employ, to enter upon all lands for the purpose of surveying, leveling and laying out the route of such sewer, as shall be found necessary, and of locating the same; and to erect all necessary works or buildings, doing no unnecessary injury to private or other property; and when such route shall have been determined upon, and a survey thereof filed as aforesaid, then it shall be lawful for the said commissioners by any of its officers, agents, engineers, contractors, workmen and other persons in their employ to enter upon, take possession of, hold, have and use, occupy and excavate any such lands, and to do all necessary work and erect all necessary structures for the building of said sewer, subject to such compensation as hereinafter provided; *provided always*, that the payment or tender of payment in said improvement certificates issued as aforesaid, of all damages for the occupation of land through which said sewer may be laid, be made by the said commissioners before they enter, or any person under their direction or employ shall enter, or break ground on the said lands, except for the purpose of surveying and laying out the said sewer, unless the consent of the owner or owners of such land be first had and obtained.

May enter on all lands, erect buildings, and take, hold, use, and excavate lands, for the building of sewer.

Proviso.

4. *And be it enacted*, That when the said commissioners cannot agree with the owner or owners of such required lands, for the use or purchase thereof, or when by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular

Proceedings in case commissioners cannot agree with owners, for use or purchase of lands.

description of the land so required for the use of the said commissioners in the construction of the said sewer, shall be given in writing, under the oath or affirmation of some surveyor of the commissioners, 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 be ascertained, to one of the justices of the supreme court of this state, who shall cause the said commissioners 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 the said justice shall direct, for any term not less than six days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint three disinterested, impartial and judicious freeholders, not resident in either the said cities of Jersey City and Hoboken, commissioners to examine and appraise the said lands and to assess the damages, upon such notice to be given to the persons interested, as shall be directed by the said justice, to be expressed therein not less than six days; and it shall be duty of the said commissioners, having first taken and subscribed an oath or affirmation, faithfully and impartially to examine the matter in question and to make a true report according to the best of their skill and understanding, to meet at the time and place appointed, and proceed to view and examine the said lands, and to make a just and equitable estimate or appraisement of the value of the same and an assessment of damages, to be paid by the said commissioners as aforesaid, for such lands and damages aforesaid; which report shall be made in writing, under the hands and seals of the said commissioners or any two of them, and filed within ten days thereafter, together with the aforesaid description of the lands, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county of Hudson, 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 commissioners to have, hold, and use the said land, or of the said owner or owners to recover the amount of the

said valuation, with interest and cost, in an action of debt, in any court of competent jurisdiction, in a suit to be instituted against the said commissioners, if they, as such commissioners, shall neglect or refuse to pay the same in manner aforesaid for twenty days; 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, clerk and other persons performing any of the duties prescribed in this section, as they or he shall think equitable and right, which shall be paid by the said commissioners.

Commissioners to file map showing area of land drained, and specially benefited.

5. *And be it enacted*, That on the completion of said sewer the commissioners shall cause an assessment map to be made showing the area of land drained by said sewer and specially benefited thereby, and on the completion of said map shall file a notice thereof with one of the justices of the supreme court, who thereupon shall appoint three impartial and judicious freeholders, not residents of the cities of Jersey City or Hoboken, to apportion and assess the costs and expenses incurred in the construction of said sewer upon the real estate specially benefited by the construction of said sewer, and the said freeholders having made and finished the assessment lists of said sewer, shall file a copy of the same with the maps and all necessary documents with a justice of the supreme court, they giving notice of the filing of said assessment map and lists to all parties interested in the same by advertising or otherwise as they may deem proper, and the said justice of the supreme court shall hear and determine all objections to the confirmation of said assessment; confirm said assessment and order the collection of the same by the commissioners having charge of the construction of said sewer.

Commissioners to assess costs and expenses, how appointed.

Copies of assessment lists, maps, to be filed.

Justice may confirm assessment, and order collection of same.

Compensation of commissioners.

6. *And be it enacted*, That the said commissioners shall be entitled to receive such compensation for their services as shall be fixed by the board of aldermen of Jersey City and council of the city of Hoboken, to be paid in improvement certificates by the treasurer of the said commission, upon a warrant signed by the said commissioners and issued upon the filing of the certificate of the engineer in charge of the said work as aforesaid, and the treasurer of the

said commission shall receive, in addition to the above compensation, the sum of two hundred dollars, to be paid at the time and in the manner aforesaid. Compensation of treasurer.

7. *And be it enacted*, That should the costs of constructing said sewer exceed the amounts assessed upon the real estate specially benefited thereby, then the said freeholders shall cause such excess to be equitably divided and charged to the cities of Jersey City and Hoboken, which said cities shall cause such proportion so charged to them to be paid out of the contingent funds of said cities. Excess of cost of constructing sewer over amount assessed, to be charged to Jersey City and Hoboken.

8. *And be it enacted*, That said assessments shall be a lien upon all the real estate which shall be assessed for benefits arising from the construction of said sewer, and all assessments remaining unpaid for three months after the confirmation thereof shall bear interest at the rate of eight per centum per annum from the date of said confirmation, and the commissioners shall give due notice to all parties interested of the confirmation of said assessment by advertising the fact of said confirmation in two of the newspapers published in the cities before mentioned and giving notice when said assessments will be due and receivable. Assessments, to be a lien.

Assessments, to draw interest.

Notice to be given by advertisement.

9. *And be it enacted*, That within eighteen months after the confirmation of said assessments, the said commissioners shall file a report of their proceedings under the provisions of this act, showing the receipts and disbursements in the matter of said assessment, with a list of all unpaid assessments, with the comptroller of Jersey City, who shall proceed to collect said unpaid assessments in the same manner as is provided for in like cases in the charter of Jersey City, and on the filing of such report all further duties as commissioners on said sewer shall cease and determine. Report of receipts and disbursements with list of unpaid assessments, to be filed.

Unpaid assessments, how collected.

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

Approved April 9, 1875.

CHAPTER CCCCXVII.

A Further Supplement to an act entitled "An Act to incorporate the firemen of the city of Elizabeth," approved March twenty-fifth, one thousand eight hundred and sixty-three.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the fifth section of the supplement to the above act, which supplement was approved April fourth, one thousand eight hundred and seventy-one, as authorizes the secretary of the board of representatives annually to designate the place where the exempt firemen shall meet to hold their election be and the same is hereby repealed.

May elect one additional member of board of trustees.

2. *And be it enacted*, That the exempt firemen's association shall in addition to the three members of the board of representatives now allowed by law, be entitled to elect annually one additional member of the board of trustees, who shall hold his office for the term of one year, or until his successor is duly elected.

Treasurer ex-officio, a member.

3. *And be it enacted*, That the treasurer of the fire department of the city of Elizabeth, shall be ex-officio a member both of the board of representatives and the board of trustees.

Delegate entitled to all privileges.

4. *And be it enacted*, That the delegate elected by the board of trustees to the board of representatives, shall be entitled to all the privileges of the other members of said board of representatives.

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

Approved April 9, 1875.

CHAPTER CCCCXXX.

A Further Supplement to the act entitled "An Act to provide for the more efficient government of the city of Paterson," approved March twenty-third, eighteen hundred and seventy-one.

Taxes remaining unpaid, when to draw interest.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That upon all taxes hereafter assessed in the city of Paterson, and which shall remain unpaid on and after the third Monday in October of the year in which the same shall be assessed, interest at the rate of twelve per centum per annum, from the said third Monday of October until the payment thereof, shall be charged and added to the amount of such taxes; and on the third Monday of February thereafter, a penalty of five per centum shall also be added to the amount of such taxes then remaining unpaid; the said interest and penalty shall be a lien upon the property assessed to the same extent that such taxes constitute a lien, and shall be collected in the manner provided by law for the collection of said taxes; and no other or further interest or penalties on such taxes shall be charged or collected.

Interest and penalty to be a lien.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent with or contrary to the provisions of this act, so far as the same are contrary to or inconsistent with this act, be and the same are hereby repealed; and this act shall take effect immediately.

Approved April 9, 1875.

CHAPTER CCCCXXXI.

An Act to facilitate the collection of school tax in the township of Randolph, in the county of Morris.

Preamble.

WHEREAS, In the year of our Lord one thousand eight hundred and seventy-three, a special school tax was levied upon property, both real and personal, in the said township of Randolph, for the building of a new school house in school district number three, in said township, a portion of which property was in a part of said township, which was not then and is not now in said district number three, and another portion whereof was and is now in a part of said township, which was, in the year one thousand eight hundred and seventy-three, set off and incorporated into a new school district, number seventy-one; and whereas, the Ironia Land Improvement Company, Eleazer L. Skellenger, George W. Douglass, Nathan Heldebrant, John Bross, Salmon Cory, Dorastus Cory, John Gordon, John Olmstead, Charles E. Clark, Stuart Hopkins, Charles Stroud, Charles Lattimore, M. N. Tucker, Theron E. Stephens, J. B. Corwin, George C. Bonnell, Dorastus L. Bryant, Edmund Canfield and Robert Henderson were taxed on such property, and it is not equitable nor just that they should pay such tax, and it is right that they should be relieved therefrom; and whereas, it is desired that said tax be raised by assessment upon the taxable property in said school district number three; now, therefore,

Money, by whom assessed, and collected.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the assessor of the said township of Randolph shall assess in the year one thousand eight hundred and seventy-five on the inhabitants of said school district number three, and their estates in said school district number three, and on the taxable property in said school district number three, in the same manner as township taxes are assessed, the sum of money to which said taxes which have been so assessed as aforesaid,

amount; and said money shall be assessed, levied and collected in the time and in the manner that other township moneys are assessed, levied and collected; and it shall be the duty of the collector of said township to pay over all moneys by him received, which shall have been assessed as aforesaid, under the authority of this act, on the order of the district clerk of said school district number three; *provided however*, that none of the persons within said present school district number three who have already paid the special tax heretofore assessed for building said new school house in said present school district number three, shall be again assessed by virtue hereof for the same purpose.

Collector to pay over money.

Proviso.

2. *And be it enacted*, That the said assessments made in the year one thousand eight hundred and seventy-three upon the parties and persons named in the preamble to this act, be null and void.

Assessments declared null and void.

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

Approved April 9, 1875.

CHAPTER CCCCXXXII.

An Act to fix the salaries of Prosecutor of the Pleas of the counties of Cumberland and Cape May.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the salary of the prosecutor of the pleas of the county of Cumberland, in this state, shall be twelve hundred dollars per annum, which sum shall be paid to him in quarterly installments, on the first Tuesdays of April, July, October and January, in each year, by the collector of said county, and shall be in lieu of the fees now received by him; and the said fees said prosecutor is now entitled by law to receive, shall be taxed in all bills of costs the same as are now taxed, and shall be collected by the sheriff of said county of Cumberland, and be by him paid over to the collector of said county for the use of said county.

Salary of prosecutor of pleas, Cumberland county.

Fees, how taxed, and by whom collected.

Salary of prosecutor of pleas, Cape May county.

2. *And be it enacted*, That the salary of the prosecutor of the pleas of the county of Cape May, in this state, shall be three hundred dollars per annum, which said sum shall be paid to him by the collector of said county of Cape May at the times mentioned in the first section of this act, and shall be in lieu of the fees now received by him; and the said fees which said prosecutor is now entitled to receive, shall be taxed in all bills of costs the same as are now taxed, and shall be collected by the sheriff of said county of Cape May, and be by him paid over to the collector of said county for the use of said county.

Fees, how taxed.

Repealer.

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

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

Approved April 9, 1875.

CHAPTER CCCCXXXIII.

An Act to amend an act which was approved on the twelfth of March, eighteen hundred and seventy-four, entitled "A Further Supplement to the act entitled 'An Act to revise and amend the charter of the city of New Brunswick,'" approved March eighteenth, eighteen hundred and sixty-three.

First section amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act which was approved on the twelfth of March, eighteen hundred and seventy-four, entitled "A Further Supplement to the act entitled 'An Act to revise and amend the charter of the city of New Brunswick,'" approved March eighteenth, eighteen hundred and sixty-three, be and the same is hereby amended so as to read as follows:

Amendment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in order to provide means

for the construction, repair, operation and management of the water works of the city of New Brunswick, and the proper expenses incident thereto, the water commissioners of the city of New Brunswick may assess and collect water rates and taxes, yearly and every year, upon all lots of land and buildings which shall be situated on any street, lane, square or avenue in which their distributing pipes shall be laid; that the rates so to be assessed shall be laid upon all property in proportion to the benefit it shall be deemed to receive, and shall be adapted to the various uses made or to be made of the water; and that such assessments shall be collected from the owners or occupants of such lots or buildings, whether the water shall be used thereon or not, altering and adjusting the said assessments from time to time, so that, with the other provisions of this act for income, they shall meet the expenses of repairing, maintaining and extending their works; that the said assessments shall be entered in books to be kept in the office of the said commissioners, to be designated "Books of assessments of water taxes," which book shall at all times be open to public inspection, and a transcript thereof, under the hand and seal of the president or secretary of the board of commissioners, shall be conclusive evidence of such assessments; that when the said assessments shall have been so entered, they shall, together with all interest to accrue thereon, and all costs and expenses of collection, be and remain liens upon the several pieces of property on which they shall have been charged, and that when paid satisfaction thereof shall be endorsed across the record of such liens in the said books, and a transcript of such entry of satisfaction, under the hand and seal of said president or secretary, shall be sufficient evidence that such liens have been paid and satisfied.

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

Approved April 9, 1875.

CHAPTER CCCCXXXIV.

A Supplement to "An Act for the transcribing of certain deeds and other official records relating to lands now in the county of Passaic," approved February twenty-seventh, eighteen hundred and seventy-three.

Board may apply to secretary of state, for transcript of deeds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That the board of chosen freeholders of the county of Passaic may apply to the secretary of state of the state of New Jersey, if they prefer, instead of to the surveyor general of East Jersey, for transcripts of all deeds, partitions and conveyances now on record in the volumes formerly in the surveyor general's office at Perth Amboy, but now in the office of the secretary of state at Trenton; and the provisions of the act to which this is a supplement, shall apply to the transcribing of deeds from the records in the secretary of state's office the same as to the transcribing of deeds from the records in the other offices mentioned in said act.

Provisions of act to apply.

Amendment.

2. *And be it enacted,* That the third section of said act shall be amended by striking out the words "and which are uncancelled of record," after the words "one thousand eight hundred and thirty-seven."

Power of board to cause transcript of wills, to be made.

3. *And be it enacted,* That in all cases of title to any land and real estate in the county of Passaic, by settlement, devise, descent or otherwise, and not specifically mentioned in any of the provisions of the act to which this is a supplement, it shall be lawful and proper for said the board of chosen freeholders of the county of Passaic, to order and cause such and so many of the wills and other records and files in the offices, respectively, of the surrogates in the counties of Essex and Bergen, and elsewhere, to be so transcribed as shall be requisite and necessary to constitute and make a full and complete record of any and all titles to land and real estate in said county of Passaic, in the offices, respectively, of the clerk and surrogate of said county, which transcripts shall be

certified in the same manner as the transcripts of conveyances, as required by the act to which this is a supplement, and shall be evidence of the facts therein stated or contained, in the same way and manner, and to the same extent as the original books and papers from which such transcripts were made, or copies certified by the officers respectively, in whose custody such original books and records are kept, would be, if produced and used in lieu thereof, for the same object or purpose. Transcripts certified, to be evidence.

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

Approved April 9, 1875.

CHAPTER CCCCXLV.

A Supplement to an act entitled "An Act to reorganize the local government of Jersey City," passed March thirty-first, one thousand eight hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case any work has been done or materials have been furnished for the improvement of New Bergen road from Myrtle avenue to the Morris canal in any township now included within the limits of Jersey City, and such work or materials were not duly advertised and contracted for in the manner prescribed by law, then the justice of the supreme court holding the circuit court for the county of Hudson, shall appoint a referee who, if it appears to his satisfaction that such work and materials were furnished on such road by the order of any lawfully constituted board in any such town or township or by the engineer of such board having charge of the work on any such road, shall order paid to the person or persons who may have done or furnished the same such sum of money in payment thereof as shall be just and reasonable, and the money so ordered to be paid shall, upon confirmation of the report Justice of supreme court to appoint referee in case work or materials were not advertised, or contracted for. Work or materials to be ordered paid, if ordered furnished by lawful authority.

Money to be paid by city of Jersey City. Proviso.

of said referee by said judge, be paid by said city of Jersey City in like manner as if due advertisement and contract had been made in the premises; *provided*, that the award may be made at any time, but payment thereof shall not be made until after the completion of the litigation in a certain cause in the court of chancery of New Jersey wherein Christian Schumm is complainant and the street commissioners of Greenville, or their successors in power, and others are defendants; and if in said litigation the contractor on said road is directed to pay back to the city any money heretofore received by him on the ground that he was not entitled thereto, then such amount so directed to be paid back shall be deducted from the said award.

Money ordered to be included in cost of improvement, how assessed, and collected.

2. *And be it enacted*, That the sum so ordered shall be included in the cost of the improvement above mentioned, and assessed and collected as the other parts of the costs and expenses of such improvement shall be assessed and collected.

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

Approved April 9, 1875.

CHAPTER CCCCXLVI.

An Act to amend an act approved March twenty-fifth eighteen hundred and seventy-five, and entitled "A Further Supplement to an act entitled 'An Act concerning taxes,'" approved April fourteenth, one thousand eight hundred and forty-six.

Amendment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the third section of the act approved March twenty-fifth, eighteen hundred and seventy-five, and entitled "A Further Supplement to an act entitled 'An Act concerning taxes,'" approved April fourteenth, one thousand eight hundred and forty-six, be so changed and amended as to read as follows, namely:

"3. *And be it enacted*, That all taxes hereafter assessed in the said city of New Brunswick, shall become due and payable on the first Tuesday in September in each and every year, and shall be and remain liens with interest thereon at the rate of fifteen per centum per annum, and all legal costs and fees for two years thereafter, upon the lands and in the manner provided in the sixty-second section of "An Act to revise and amend the charter of the city of New Brunswick," approved March thirteenth, eighteen hundred and sixty-three; and said liens may be enforced and said moneys collected in the manner in said act and supplements thereto provided.

Amendment.

2. *And be it enacted*, That the fourth section of the said act, approved March twenty-fifth, eighteen hundred and seventy-five, be so changed and amended as to read as follows, namely: "4. *And be it enacted*, That whenever in said 'act to revise and amend the charter of the city of New Brunswick,'" the words "twentieth day of December" occur, the said words be and are hereby changed, and the said act amended, to read the "first Tuesday in September;" and whenever in said act the words "the first day of March" occur, the said words be and hereby are changed, and the said act amended to read "the fifteenth day of December."

Repealer.

3. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of the said act approved March twenty-fifth, eighteen hundred and seventy-five, at the time of the approval thereof, be and the same are hereby repealed, and the said act shall be deemed a public act.

Repealer.

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

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

Approved April 9, 1875.

New Jersey State Library

CHAPTER CCCCLI.

A Further Supplement to an act entitled "An Act to reorganize the Local Government of Jersey City."

Parties damaged by change of grade, entitled to compensation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any party or parties that have suffered damages by any change or alteration of grade heretofore made necessary by reason of the re-grading and improving Brunswick and Wayne streets in the city of Jersey City, shall be entitled to compensation for such damage; such change of grade and improvement shall be taken and deemed a permanent improvement and shall be borne by the city at large, and be paid by general tax; and it shall be lawful for the board of public works or their successors, after such damage so as aforesaid shall be ascertained by resolution to direct the issue of bonds of the said city for the purpose of raising the whole of such damage to be borne and paid as aforesaid, or any part thereof, which bonds shall be in such sums and shall run for such times not less than ten nor more than twenty years from their date, as the board of finance and taxation shall direct, and shall bear interest not exceeding seven per cent. per annum; such bonds shall be sold as hereinbefore provided, and the proceeds thereof shall be applied to defray the cost of damages aforesaid.

Power of board to issue bonds, to sell the same, and the proceeds applied for payment of damages.

Repealer.

2. *And be it enacted*, That all acts and parts of acts, contrary to the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved April 9, 1875.

CHAPTER CCCCLII.

A Supplement to an act entitled "An Act to revise and amend the charter of the city of Elizabeth," approved March fourth, Anno Domini one thousand eight hundred and sixty-three, and the several supplements thereto.

Term of office.

Board of commissioners appointed under certain act, to cease.

Power of council to appoint commissioners, and to regulate their compensation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That on and after the passage of this act the term of office of the board of commissioners created and appointed under the act entitled "A supplement to an act entitled 'An Act to revise and amend the charter of the city of Elizabeth,'" which supplement was approved the fourth day of April, eighteen hundred and seventy-three, shall cease and determine, and the city council shall thereupon have power to appoint a board of commissioners, consisting of three disinterested freeholders of said city, to perform the duties and who shall qualify and act in all respects as required by the provisions of the aforesaid act, to hold their office during the pleasure of the city council, and the city council shall have power to fix and regulate the compensation of said commissioners.

Certain assessments for regulating, grading, paving, curbing, and guttering streets, to be made and completed by commissioners under certain act.

2. *And be it enacted*, That all assessments required to be made for the costs and expenses of regulating, grading, graveling, paving, macadamizing, curbing and guttering any street or section of any street in the city of Elizabeth, where such assessments have not yet been ratified, or where the costs and expenses of any such improvement have not yet been declared by the city council of said city, shall be made and completed by the board of commissioners created and appointed under the first section of this act and in the manner required by the act entitled "A Supplement to an act entitled 'An Act to revise and amend the charter of the city of Elizabeth,'" which supplement was approved the fourth day of April, eighteen hundred and seventy-three, except

Validity of assessments.

that the validity of any such assessment hereafter made by the said board of commissioners, shall not be questioned or objected to, by reason of the commissioners' report and estimate of any such improvement not having been made at the time and in the manner required by the fourth, fifth and sixth sections of the act creating such board of commissioners; but the said board of commissioners, upon any such assessment being referred to them, or upon the city council of said city directing the said board of commissioners to make an assessment of the costs and expenses of any such improvement, the said board of commissioners shall, in all things, proceed in the manner required by the fourth, fifth and sixth sections of said last mentioned act, the same as if the ordinance for the said improvements, or any of them, had been passed by the said city council, immediately prior to the time of such reference or direction.

Assessments, how made.

Assessments for costs and expenses for grading, paving, curbing streets, to be made and completed under certain acts.

3. *And be it enacted*, That all assessments required to be made for the costs and expenses of regulating, grading, graveling, paving, macadamizing, curbing and guttering of any street or section of a street in the city of Elizabeth, for work hereafter ordered by the city council of the said city, except where the costs and expenses of regulating, grading, curbing or guttering of any street or section of a street in said city, shall be included in and form part of the costs and expenses of laying the sidewalks in said street or section of a street, shall be made and completed by said board of commissioners, and in the manner required by the act entitled "A Supplement to an act entitled 'An Act to revise and amend the charter of the city of Elizabeth,'" which supplement was approved the fourth day of April, eighteen hundred and seventy-three.

Repealer.

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

Approved April 9, 1875.

CHAPTER CCCCLIII.

An Act to adjust unpaid assessments in the city of Paterson.

Preamble.

WHEREAS, assessments for city improvements have been laid upon property in the city of Paterson, concerning the justness of which disputes have arisen; *and whereas*, it would be for the benefit of said city, and of the individuals whose property is subject to such assessments, to have the same corrected and adjusted without further delay or litigation; therefore,

Governor to appoint three commissioners to adjust unpaid assessments.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor of this state shall appoint three discreet and impartial persons, resident in this state, and not owners of land in, or residents of the city of Paterson, who shall constitute a board to examine, revise, alter and adjust, as hereinafter provided, all unpaid assessments, whether heretofore set aside by order of any court of this state or otherwise, within a period of seven years prior to the approval of this act, for street improvements heretofore made in the city of Paterson, which are or may be disputed by any person or persons or corporations.

Commissioners to re-assess upon lots fronting on street, amount benefited.

2. *And be it enacted*, That said commissioners as to all assessments heretofore set aside by the supreme court shall re-assess as hereinafter prescribed, the amount which said supreme court shall have determined or prescribed to be the lawful amount to be re-assessed, with interest from the time of such determination, and shall re-assess the same upon the lots fronting on the street in which the improvement shall have been made, provided said lots have been benefited to that extent, and if they shall not have been, on the part so improved, benefited to that extent, then they shall re-assess thereupon such amount as they shall have been benefited thereby, and as to all assessments set aside heretofore by the supreme court, in which said court shall not have determined or pre-

scribed what amount shall be re-assessed, the said commissioners shall re-assess the entire amount such improvement shall have cost the city of Paterson together with interest from the time of payment thereof by the city, upon the lands fronting on the street in which the said improvement shall have been made, unless the said amount shall have been more than the lots fronting on said street shall have been benefited thereby, and if they shall not have been benefited in the aggregate to the said amount, then they shall assess such amount as they shall have been benefited; and in each and every case of assessment under this act by said commissioners, they shall assess the amount they assess upon the lots benefited by the improvement fronting on that part of the street in which the improvement was made in proportion to the benefit received from such improvement; and if in any street, the lots fronting on that part of it in which the improvement shall have been made shall not have been benefited to the extent of the whole amount of cost to the city of Paterson, with interest as aforesaid, then said commissioners shall declare and report that the excess of such cost and interest over the amount they assess upon such lots, shall be paid by the city of Paterson at large, and the city shall pay the same out of the city treasury if not already paid; this act shall apply to all cases of street grading, where grading has been done by the city, whether any assessment therefor has yet been made or not, and whether done by contract or otherwise; and, if no assessment has yet been made, said commissioners shall ascertain the damages done by said grading to any lots fronting on the street graded, and make an award thereof to the owners of the lots damaged, which amount the said city shall pay, and said commissioners shall add to and compute such amounts of damages with the amount of the cost paid by said city for grading, as a part of the cost thereof to said city, and assess the gross amount thereof upon the lots fronting thereon and benefited thereby, to the extent of such benefits, and the excess thereof above such benefits shall be paid by said city if not already paid.

Lots to be assessed amount benefited by improvement.

Excess of cost, to be paid by city at large.

Act to apply to street grading heretofore done.

3. *And be it enacted*, That any person or persons or corporation, separately or collectively, aggrieved by any assessments heretofore made, may present to said board

a petition, stating his or their objections to such assessments, and praying for relief; and upon presenting such petition, the assessment so objected to shall be considered a disputed assessment, so as to give the said board full jurisdiction to revise, alter and adjust the said assessment, and re-assess such amount as would have been a reasonable sum for such improvement upon the land benefited in proportion to the benefits received, as shall be equitable and just, as directed in this act; and any person or persons or corporation, neglecting or refusing to apply to said board for relief from assessments within such time as the said board may limit, not less than thirty nor more than sixty days, shall be considered as waiving all objections thereto.

Persons aggrieved by assessments heretofore made, may present petition stating objections.

Failure of persons to apply within a certain time, objections waived.

4. *And be it enacted*, That said board shall give public notice of the time and place of holding their first meeting for the consideration of each assessment, by advertisement in all the newspapers published in said city, at least four weeks prior to the time of holding such meeting, and by written or printed notices given to the owners of property subject to the assessments to be considered at that meeting, either personally, or, if not to be found in the city, then by depositing such notice in the post office of said city, directed to such owner or owners at his or their last known place of residence, (or at the post office nearest thereto;) *provided*, that the omission to send or serve such printed or written notice upon any individual shall not, in any case, affect the proceedings of said board; and that said board shall have the power to subpœna witnesses to appear before them, to administer oaths to such witnesses, and to adjourn from time to time, as to said board may deem proper; and that said board may, after a general examination of said assessment, deduct therefrom such an amount or per centage as they, or a majority of them, may agree upon as unjust to be assessed, and the amount so deducted to be borne by the city at large.

Public notice to be given of first meeting of board.

Proviso.

5. *And be it enacted*, That no assessment heretofore made and paid shall be set aside by said board or by the supreme court; and when any assessment has been adjusted or confirmed by said board in manner aforesaid, it shall be and is hereby declared to be a new assessment, and shall be final and conclusive, as so adjusted,

No assessments heretofore paid, to be set aside.

Assessments adjusted and confirmed declared new assessments, and to be final.

re-assessed or confirmed by said board upon all parties, and that in all cases of certiorari now brought to remove proceedings in assessments to the supreme court for review, the parties therein shall file their objections to said assessments with the said board hereby appointed, who shall adjust the same upon principles of justice and equity, as provided by section two of this act, and that no further proceedings shall be had in said supreme court upon said certioraris so pending therein.

Power of board to employ agents.

6. *And be it enacted*, That said board shall have power, at the expense of said city, to employ such agents or assistants as they may deem necessary to carry out the duties imposed by this act; and that it shall be the duty of the officers of said city to furnish such board and their agents with such papers, records and information as may be in their possession or under their control, and as said board may require, and shall also provide said board with suitable rooms in which to hold their meetings.

Proceedings of board to be filed and recorded.

7. *And be it enacted*, That the proceedings of said board, being by them duly verified under their hands and seals, shall be filed in the office of the receiver of taxes and assessments of the city of Paterson, and recorded by said receiver of taxes and assessments in a book to be by him kept for that purpose; and when so filed, the assessments made by said board, or a majority thereof, shall be a lien upon the property upon which they are laid, and shall be collected in the same manner provided for the collection of assessments in the charter of said city; *provided*, that nothing herein contained shall be so construed as to require the payment of the same in any manner other than was provided for in the charter under which the applications for said improvements were made.

Assessments to be a lien, and how collected.

Proviso.

Members to take oath.

8. *And be it enacted*, That each of the members of said board shall take an oath, faithfully and impartially to perform the duties imposed upon them by this act.

Compensation to be fixed by justice of supreme court.

9. *And be it enacted*, That the compensation of the members of said board, and of their clerk and assistants, shall be fixed by the justice of the supreme court who may hold the circuit for Passaic county, and the amount thereof shall be paid by the said city at large; *and further*, that the taxable costs and charges, and costs of returns of proceedings, and copies of assessment maps, necessarily incurred in all cases of certiorari on account

Costs and charges, how paid.

of any street assessment adjusted under this act or now pending in the supreme court, shall also be paid by said city to the prosecutors in such certioraris or their attorneys, on presentation to the board of aldermen of a claim or claims for the same, and said board shall adopt a resolution to pay the same, unless said court shall have denied costs.

10. *And be it enacted*, That this act shall be a public act and shall take effect immediately, and shall apply to assessments made for street openings, widenings, altering, straightening or grading. Act, how applied.

Approved April 9, 1875.

CHAPTER CCCCLIV.

An Act to further amend an act entitled "An Act to provide for the more efficient government of the city of Paterson," approved March twenty-third, one thousand eight hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the seventy-first section of the act to which this is an amendment, be and the same is hereby amended, to read as follows:

"71. *And be it enacted*, That the said comptroller shall present to the board of aldermen, at its first regular meeting in each month, a report showing the balance to the credit of the several appropriations at the beginning of the fiscal year, the amounts appropriated in the annual tax ordinance, the amount expended on each account in the preceding month, and the whole amount expended on each account up to the date of such report; and the said report shall be published once in the two daily newspapers in said city having the largest circulation; he shall also, within ten days after the close of each fiscal year, which fiscal year shall end on the twentieth day of March in each and every calendar year, present to the said board of aldermen a statement, Amendment.

showing under general heads the indebtedness of the city and the available assets for its liquidation, which statement shall be published in two daily newspapers of said city, at least five days before the next ensuing municipal election."

2. *And be it enacted,* That the seventy-third section of said act be and the same is hereby amended to read as follows:

Amendment. "73. *And be it enacted,* That the city treasurer shall be the executive officer of the bureau of disbursements; it shall be his duty to receive all moneys paid into any other bureau or department, or from the sale of any property belonging to the corporation, or from rents, mortgages, or the sale of city bonds, and to disburse the same upon the warrant of the comptroller; in no case shall the public money be drawn from the city treasury unless it be first specifically appropriated by the board of aldermen to some public object requiring the outlay; and the drawing of the same shall be based upon full and detailed statements in writing, which shall be placed on file by said treasurer."

3. *And be it enacted,* That the seventy-fifth section of said act be and the same is hereby amended to read as follows:

Amendment. "75. *And be it enacted,* That it shall be the duty of the said city treasurer to present to the board of aldermen at its first regular meeting in each month, a statement in ledger form of the cash transactions of the month, showing the sources of receipts, by departments and bureaus, the proceeds of the sales of bonds and property of the corporation, and also the objects to which the expenditures were particularly appropriated, and the said statement shall be published at least once in two daily newspapers of said city; the city treasurer shall also, within ten days after the close of each fiscal year, present a similar statement, showing in detail the receipts for such fiscal year, for what and to whom expenditures were made, which statement having been first examined and approved by the department of finance, shall be presented to the board of aldermen, which shall cause the same or the substance thereof to be published in two daily newspapers of said city at least five days before the next ensuing municipal election."

4. *And be it enacted*, That clause ten of the eighty-second section of said act be and the same is hereby amended to read as follows:

"X. To draw from the moneys which shall be raised for the purposes of public instruction in said city, such sums as may be required to defray the necessary current expenses of the board, incurred under the provisions of this act; *provided however*, that no draft shall be drawn either on account of current expenses or of erections or permanent improvements, for any sum or sums in excess of the pro rata per centum of the amount incorporated in and collected under the general tax ordinance of any fiscal year, for educational purposes, unless by authority of the board of aldermen; and any member of the board of education or officer thereof, who shall knowingly approve, sign, certify or countersign any warrant or other instrument for the payment of any sum, in violation of the terms of this section, shall be deemed guilty of malfeasance in office, and shall thereby vacate his office; and the said board of education shall at no time incur any liabilities exceeding the amount appropriated for such expenses; and all drafts given by the board of education in payment of moneys due from said board, shall be drawn upon the comptroller of the city of Paterson." Amendment. Proviso.

5. *And be it enacted*, That the eighty-eighth section of said act be and the same is hereby amended to read as follows:

"88. *And be it enacted*, That whenever the appropriations aforesaid shall have been made, the city clerk shall notify the board of education and the comptroller thereof, and it shall thereupon be the duty of the said comptroller to place such sums so appropriated to the credit of the board of education; he shall keep the accounts of said board entirely separate from other accounts on his books, charging under one head the payments on account of current expenses, and under another head the payments on account of erections or permanent improvements, executed under the direction of the said department of public instruction; and he shall pay by his warrant upon the city treasurer, all drafts drawn upon him by said department, duly attested by the signature of the president and the secretary of the board of education, to an amount Amendment.

not exceeding the balance remaining on his books to the credit of the said department; each draft so presented shall state the purpose for which it is given, and whether for current expense account or whether for permanent improvement account, and shall be made payable to the order of the person entitled to receive the same, and be endorsed by said person on the receipt thereof, which drafts shall be filed by the said treasurer as his vouchers;

Proviso. *provided however*, that said treasurer shall not pay, on either of said accounts, any sum or sums in excess of the pro rata per centum of the amount incorporated in and collected under the general tax ordinance of any fiscal year, for educational purposes, unless by authority of the board of aldermen."

6. *And be it enacted*, That the one hundred and seventy-first section of said act be and the same is hereby amended to read as follows:

Amendment. "171. *And be it enacted*, That the annual salaries of the officers named below shall be the sums set opposite their respective names, namely:

The mayor, one thousand dollars;

Each alderman, four hundred dollars;

The city clerk, fifteen hundred dollars;

The clerk of the board of aldermen, one thousand dollars;

The commissioners of assessment of taxes, twelve hundred dollars each;

The clerk of the bureau of assessment of taxes, eight hundred dollars;

The receiver of taxes and assessments, twenty-five hundred dollars;

The comptroller, one thousand dollars;

The city treasurer, fifteen hundred dollars;

The superintendent of streets and sewers, twelve hundred dollars;

The city surveyor, twenty-five hundred dollars;

The superintendent of outdoor relief, eight hundred dollars;

The superintendent of indoor relief, six hundred dollars;

The recorder, twelve hundred dollars;

The city physician, seven hundred dollars;

Assistant city physicians, five hundred dollars each;

The city council, two thousand dollars;
The chief of police, one thousand dollars;
The chief engineer of the fire department, six hundred dollars;
The assistant engineers of the fire department, three hundred dollars each;
The commissioners of appeals and revision of taxes, five dollars per diem while sitting."

7. *And be it enacted*, That all the portions of the said act entitled "an act to provide for the more efficient government of the city of Paterson," and the supplements and amendments thereto, and all other acts or parts of acts inconsistent with the provisions of this act, be and they are hereby repealed. Repealer.

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

Approved April 9, 1875.

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PRIVATE LAWS.

PRIVATE ACTS

PASSED BY

THE NINETY-NINTH LEGISLATURE.

CHAPTER I.

An act to change the name of A. Preston C. Stevenson to Preston Stevenson.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of A. Preston C. Stevenson, of the city of Paterson, county of Passaic, be and it is hereby changed to Preston Stevenson, by which latter name solely shall the said A. Preston C. Stevenson hereafter be known, and by it shall possess and enjoy all rights and privileges of person and property which he now possesses, or to which he may in any way become entitled. Name changed.

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

Approved February 3, 1875.

CHAPTER II.

An Act to incorporate the Atlantic County Agricultural Association of Atlantic County, New Jersey.

Preamble.

WHEREAS, Daniel Walters, George F. Currie, Job G. Babcock, Martin Pitney, A. E. Babcock, Elmer Murphy, Absalom Doughty, Lewis H. Babcock, Frederick C. Boice and John S. Doughty, and others, under and by virtue of the provisions of an act entitled "An Act to authorize the establishment and to prescribe the duties of companies for manufacturing and other purposes," approved March second, eighteen hundred and forty-nine, have associated themselves into a company under the name of "The Atlantic County Agricultural Association of Atlantic County, New Jersey;" and whereas, the said company are desirous of obtaining a special charter and act of incorporation to carry out the objects for which said company was organized; now, therefore,

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Daniel Walters, George F. Currie, Job G. Babcock, Martin Pitney, A. E. Babcock, Elmer Murphy, Absalom Doughty, Lewis H. Babcock, Frederick C. Boice, John S. Doughty, and their associates, heretofore known as "The Atlantic County Agricultural Association of Atlantic County, New Jersey," 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

Corporate name

in law, by the name of "The Atlantic County Agricultural Association of Atlantic County, New Jersey," and by that name shall have power to sue and be liable to be sued, answer and defend, plead and be impleaded unto, in all the courts of law and equity in this state.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said association hereby created shall be the sum of five thousand dollars, divided into shares of five dollars each, and paid in

by the stockholders in such manner and instalments as the directors of said association may direct, and such shares shall be deemed personal property, and shall be transferable in such manner as the said association shall prescribe, and the said association may hereafter increase their capital stock to any sum not exceeding fifty thousand dollars.

Commissioners to open books and receive subscriptions to capital stock.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be, and they are hereby appointed commissioners, to open books and receive subscriptions to the capital stock of said association, at such times and places, and in such manner and amount as they, or a majority of them, shall think proper, giving two weeks' notice in one or more of the newspapers circulating in said county; and as soon as one thousand dollars are subscribed, the said commissioners, or a majority of them, are hereby authorized to hold their meeting as directors of said association, at such time and place as they may agree upon, and to choose and elect a board of directors, of not less than ten in number, and such other officers and committees as they may deem necessary, which directors and officers shall hold their offices for one year, and until others are elected in their places.

May make by-laws, rules, etc.

4. *And be it enacted*, That the board of directors of said association shall have the right at their first, or any subsequent meeting, to establish such by-laws, rules and regulations, for the government of the association as they may deem expedient, which by-laws, rules, and regulations shall not be inconsistent with the constitution of this state, or the provisions of this act.

Object of association.

5. *And be it enacted*, That the object of said association shall be to provide, keep, and maintain in the county of Atlantic, in this state, grounds and other real and personal estate suitable for healthy and driving exercises and purposes, and for agricultural, floral, mechanical and other like exhibitions and innocent amusements, and shall have authority and power to adopt a corporate seal, and to receive, by donation, or devise to acquire, purchase or lease, and use, hold, possess, and enjoy such real estate, not to exceed in all thirty acres, and such personal estate as they shall deem necessary for the purposes of said association, and the same, or any part of such real or personal property or estate, to sell, mortgage, lease, or otherwise dispose of at pleasure, and also to make, build and construct on the real estate so

held by them, such buildings, road tracks, walks for visitors, and other improvements as they may deem proper and necessary for the better carrying into effect the objects and purposes contemplated by the provisions of this act.

Profits how divided.

6. *And be it enacted*, That so much of the profits of said association as shall be deemed expedient by the directors, shall from time to time be divided among the stockholders, but no dividend shall be declared which will impair the capital stock of the association.

Associations empowered to hold fairs and exhibitions.

7. *And be it enacted*, That for the carrying into effect the objects and purposes of the said association, it shall be lawful for said association to hold upon their grounds, from time to time, and as often as they shall deem proper, fairs and exhibitions for the development of speed, other desired qualities, and to encourage competition, may offer and pay such premiums for stock exhibited, and for superiority in the objects sought for in the manner usually exercised by the state and county agricultural societies for the improvement of the breed of horses, as the said directors, or a majority of them, may agree upon, and to ask, demand and receive for the said association's use such reasonable fees for admittance of exhibitors and visitors to the said grounds, and exhibitors as the said directors shall deem proper, and shall also have power to let, rent out, or lease unto any agricultural or other society, any or all of said grounds and improvements belonging to said association.

Incorporators etc., not incapacitated from being directors.

8. *And be it enacted*, That the incorporators named in this act, or the commissioners referred to, shall not be incapacitated or prohibited from being elected directors of the said corporation at any time.

Unlawful for persons to sell liquor etc. within a certain distance from grounds.

9. *And be it enacted*, That from and after the passage of this act, it shall not be lawful for any person or persons to erect, place, or have any booth, stall, tent, carriage, boat, building of any description, or other place for the purpose or use of selling, giving or otherwise disposing of any kind of articles of traffic, spirituous liquors, wine, porter, beer, cider, or any other fermented, mixed or strong drink, or for the purpose of holding, having, or making any show or amusement of any kind whatsoever, for gain or pleasure, within quarter of a mile of the boundaries of the grounds of said association during the time of any exhibition of said association; *provided*, that nothing in this act contained

Proviso.

shall be taken or construed, so as to effect any licensed tavern-keepers in his or her ordinary lawful business, at his or her usual place of residence specified in his or her license; nor shall it be so construed as to effect any merchant, shop-keeper, farmer, mechanic, or other person in the usual and lawful transaction of his, her, or their ordinary concerns and business, in their usual place of doing such business.

Penalty for violation, etc.

10. *And be it enacted*, That if any person or persons shall or do violate the preceding sections of this act, he, she, or they shall be liable to the same penalties or forfeitures, which shall be enforced in the same manner as is prescribed against offenders under an act of this state entitled "An Act to prevent the disturbance of meetings held for the purpose of religious worship," passed February second, one thousand eight hundred and twenty.

Approved February 3, 1875.

CHAPTER III.

An Act for the protection and preservation of the Cemetery of the Holy Sepulchre.

Preamble.

WHEREAS, certain lands in the township of Manchester, in the county of Passaic and state of New Jersey, particularly described in deeds of conveyance, one from William H. K. Bibby and wife to Mary A. Smith, bearing date the fourteenth day of September, in the year of our Lord one thousand eight hundred and sixty-four, and recorded in the records of deeds in and for the county of Passaic, the other from Bartlett Smith and Mary A. Smith, his wife, to "The Catholic Church of Saint John the Baptist, of Paterson," dated the first day of May, eighteen hundred and sixty-seven, and recorded in the clerk's office of the county of Passaic, in book G, three of deeds, page forty-five, et cetera, containing about seventy-three acres

and nineteen hundredths of an acre, were purchased and are held to be used as a cemetery, to be called and known as "The Cemetery of the Holy Sepulchre," and a considerable part of said land has been laid out as, and has been and now is being used, as a cemetery for the burial of deceased persons; and whereas, it is desirable and proper that said land shall remain unbroken and undisturbed by any public highway or street; therefore,

Unlawful to lay out, open, make etc., any street or highway on or over cemetery.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any officer or officers of any township, town or city, nor for any court, nor for any person, to order to be laid out, nor to lay out, open, make, work upon or use any highway, street or private road whatever on or over the tracts of land mentioned and referred to in the preamble to this act, or on or over either of them; *provided*, that nothing in this act shall prevent the working and completing of Union avenue, as now laid out by the commissioners heretofore appointed by the supreme court, and which act the said court has confirmed, and the said land, and every part thereof, which shall be actually occupied for burial purposes, shall be exempt from all public and municipal taxes, rates and assessments whatsoever, and shall not be liable to be sold on execution or to be applied in payment of any debt due from any individual proprietor who shall own or hold any portion of said land for burial purposes.

Proviso.

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

Approved February 3, 1875.

CHAPTER IV.

A further supplement to the act entitled "An Act to incorporate the Orange Orphan Society," approved April ninth, eighteen hundred and sixty seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of trustees of the Orange Orphan Society shall hereafter consist of twenty-five members; to be elected at the annual election, on the second Thursday in January, in each year. Number and election of trustees.

2. *And be it enacted*, That the present board of trustees of said society shall have power, by the vote of a majority of their number, to elect five persons, to be members of said board, in addition to their present number; such newly elected trustees to hold their offices until the next annual election and until their successors shall be elected. Power of board of trustees.

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

Approved February 3, 1875.

CHAPTER V.

An Act to incorporate Liberty Fire Engine Company, Number Seven, of the City of Paterson.

Corporators.

1, BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel Bunting, David Trueman, George Hemingway, William T. Wilson, John Goode, Benjamin Sanderson and John Kershaw, and all persons who now are or hereafter shall become associates of the Liberty Fire Engine Company, Number Seven, of the City of Paterson, be, and they are hereby, constituted and declared to be a body corporate and politic, in fact and in

Corporate name

law, by the name of "The Liberty Fire Engine Company, Number Seven, 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 the said corporation, and shall

Powers.

have full power and authority to make, form and adopt such forms 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

Proviso.

proper; *provided*, that the said company shall be subject to and controlled by the same laws, ordinances, rules and regulations as the several companies of the fire department of the city of Paterson now are or may hereafter be subject to or controlled by.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of the said company shall not exceed the sum of twenty-five thousand dollars, which shall be applied to the purchase of real estate, stock in any insurance company, furniture for their house, equipments for their members, and such implements and machines, and to such incidental expenses as shall, to the

said company, appear best calculated to secure the property of their fellow citizens from injury or destruction by fire.

Capital stock how divided.

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

Installments how paid.

Subscription books when 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 times hereafter the passage of this law, as the members of the company shall deem proper.

Annual election

5. *And be it enacted*, That the said company shall elect annually, out of their own body, a president and such other officers and assistants as they shall deem necessary for controlling 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, 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.

Property exempt from taxation.

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

Annual statement of financial affairs to be made.

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

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

Approved February 3, 1875.

CHAPTER VI.

An Act to incorporate Lafayette Steam Fire Engine Company, Number Eight, of the City of Paterson.

Corporators.

1. *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That Columbus Force, John Taylor, George McCandless, Robert Donkley, Garret H. Van Houten, John Hayden, Will Hague, James Bray, Richard Ross, and all persons who now are, or may hereafter become members of "Lafayette Steam Fire Engine Company, Number Eight, of the City of Paterson," be and they are hereby constituted and declared a body corporate

Corporate name

and politic, in fact and in law, by the name of "Lafayette Steam Fire Engine Company, Number Eight, of the City of Paterson," and by said 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,

Powers, etc.

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 concerning the objects of said corporation, and shall have full power and authority to make, form and adopt such form of constitution and such by-laws and regulations for their government, not inconsistent with the constitution and laws of the United States, or of this state, as

Proviso.

they shall think proper; *provided*, that said company shall be subject to and controlled by the same laws, ordinances, rules and regulations as the several companies of the fire department of the city of Paterson, now are or may hereafter be subject to or controlled by.

Amount of capital stock and how applied.

2. *And be it enacted*, That the capital stock of said company shall not exceed the sum of twenty thousand dollars, which shall be applied to the purchase of stock in any insurance company, real estate, furniture for their house, equipments for their members, and such implements and machines, and to such incidental expenses as shall appear to said com-

pany best calculated to secure the property of their fellow citizens from injury or destruction by fire.

Capital stock how divided.

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

Instalments how paid.

Books of subscription when 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 times after the passage of this law as the members of the company shall deem proper.

Annual election.

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

Property exempt from taxation.

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

Annual statement of affairs to be made.

7. *And be it enacted*, That an annual statement of the financial affairs of said company, signed by the president thereof, shall be placed upon the records of said company not less than fifteen, nor more than thirty days, before each annual election.

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

Approved February 3, 1875.

CHAPTER VIII.

An Act to incorporate the Sea Grove Association of the Lower Township of the County of Cape May.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Alexander Whilldin, Downs Edmunds, Dr. V. M. D. Marcy, James Gass and John Wanamaker, and such other persons as may subscribe to the stock hereby authorized, and their successors, shall be and they are hereby created a body politic and corporate, in

Corporate name

fact and in law, by the name of the "Sea Grove Association," and by that name shall be capable in law of purchasing, improving, selling and disposing of such real and personal estate in the county of Cape May, as may be necessary to the objects of this corporation; and may receive and make all deeds, transfers, covenants, conveyances, grants, contracts, agreements and bargains whatsoever necessary for the purposes aforesaid, on such conditions and restrictions not repugnant to the laws of this state or of the United States, as they may see fit.

May construct roads, waterworks, etc.

2. *And be it enacted*, That it shall be lawful for said corporation to construct all necessary roads, waterworks, gas works, and to provide all the conveniences and improvements which may be deemed necessary or desirable.

Affairs by whom managed.

3. *And be it enacted*, That the affairs of said corporation shall be managed and conducted by not less than five nor more than nine directors, a majority of whom shall be residents of this state, all of whom shall be stockholders; the persons named in the first section of this act shall be the

First directors.

first directors of the said company, and are hereby authorized to receive subscriptions to the capital stock of said company; the first named shall hold their offices respectively for one year and until others are elected; and that the

Directors to be chosen annually.

said directors shall be chosen annually, at such time and place as shall be provided for by the by-laws of said corporation, by such of the stockholders as shall attend for that

purpose, either in person or by proxy, and notice of the time and place of such election shall be published, not less than two weeks previous thereto, in a newspaper published in the county of Cape May, and each stockholder shall be entitled to one vote for each share he or she may hold in said corporation, and the persons having the greatest number of votes shall be directors, who may appoint such agents or officers as they may think fit; and if at any time it shall happen that any vacancy or vacancies occur from whatever cause, among such directors, such vacancy or vacancies shall be filled by such person or persons as the remainder of the directors for the time being, or a majority of them shall appoint.

Vacancies how filled.

4. *And be it enacted*, That the said board of directors shall, from their own number elect a president and treasurer annually, and may appoint such other officers of the corporation as they may think proper, from time to time, and may pass and enforce such by-laws as they may deem necessary, provided the same be not repugnant to the constitution or laws of this state or of the United States.

May make by-laws, etc.

5. *And be it enacted*, That the capital stock of said corporation shall be fifty thousand dollars, with the privilege of increasing the same from time to time to any sum not exceeding one hundred and fifty thousand dollars, divided into shares of one hundred dollars each, which shall be deemed personal property, transferable only on the books of the company, in such manner as the directors of said company by by-laws or otherwise may direct, and which shall be paid in such manner and upon such notice as the said directors may appoint; and as soon as five hundred shares of the capital stock shall have been subscribed and the sum of ten dollars on each share so subscribed is paid, or secured to be paid, it shall and may be lawful for said corporation to carry into effect the objects of said corporation, and in case of the failure of any stockholder to pay his or her installment at the time and place appointed for the payment thereof (except in case of the first installment to be paid at the time of subscription) within thirty days thereafter, the stockholder so in default shall incur a forfeiture of his or her share or shares and of all previous payments thereon, to the use of the company, and it shall be lawful for said company to issue certificates of stock for the purposes of said company.

Amount of capital stock.

Objects of corporation when carried into effect.

Failure of stockholders to pay installments shares forfeited.

Power to make by-laws, etc., for management of corporation.

6. *And be it enacted*, That a majority of the directors for the time being shall form a board for the transaction of the business of said corporation, and shall have power to make such by-laws, ordinances and regulations as shall seem necessary and convenient for the management and disposition of the stock, effects and concerns of the said corporation, and for the purpose of restricting nuisances and of compelling a uniform system of improvements; the said company are hereby authorized and invested with power to incorporate into any deed or conveyance made by them, whether in fee simple or otherwise, a clause or condition forbidding the sale upon the premises of any spirituous or intoxicating liquors, and to require of any grantee of said company to make and maintain such style and character of improvement on said lots so conveyed or on the streets fronting thereon as to the said company may seem best for securing a uniform system of development and improvement throughout the said settlement; and the board of directors of said company shall have the power to appoint such peace officers as they may deem necessary for the purpose of keeping order on the premises, which officers shall be paid by the said company, but shall have when on duty the same power and authority and immunities which constables and other peace officers under the laws of this state possess or enjoy when on duty as such, and they shall have the same power to enforce obedience to any rule or regulation of said corporation for the preservation of quiet and good order on the premises of said corporation and their grantees; *provided*, that such by-laws or regulations are not contrary to the laws or constitution of the United States or of this state.

May incorporate into deed forbidding sale of liquors, etc.

Power to appoint officers.

Their powers, etc.

Proviso.

Failure to elect directors, corporation not to be dissolved.

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

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

Approved February 4, 1874.

CHAPTER IX.

A supplement to an act entitled "An act to incorporate the West Jersey Railroad Company," approved February fifth, eighteen hundred and fifty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the third section of the act to which this is a supplement as requires that the president and a majority of the board of directors shall be residents of this state, be, and the same is hereby repealed. Repealer.

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

Approved February 8, 1875.

CHAPTER X.

An Act to extend an act entitled "An Act to incorporate the Shrewsbury Mutual Fire Insurance Company," passed February twenty-seventh, one thousand eight hundred and thirty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An Act for the incorporation of the Shrewsbury Mutual Fire Insurance Company," passed February twenty-seventh, one thousand eight hundred and thirty-eight, be, and the same is hereby extended and declared to be continued until the first day of March, one thousand nine hundred and thirty. Act extended.

Approved February 9, 1875.

CHAPTER XI.

A Supplement to an act entitled "An Act to incorporate the Hibernia Mutual Fire Insurance Company of Newark, New Jersey," approved March twenty-seventh, one thousand eight hundred and seventy-one.

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 shall from and after the passage of this act be "The Hibernia Fire Insurance Company."

Increase of number of directors.

2. *And be it enacted*, That the number of directors of the said company may by election or appointment, as provided by the act to which this is a supplement, be increased to any number not exceeding seventeen, a majority of whom shall constitute a quorum, and the provision in the said act

Certain provisions repealed.

requiring the directors to be divided into classes and hold office for different terms, is hereby repealed, and the directors hereafter elected or appointed shall hold office until the next annual election, and until others are chosen in their stead.

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

Approved February 9, 1875.

CHAPTER XII.

A Supplement to the act entitled "An Act to incorporate the Children's Sea-shore House at Atlantic City, for Invalid Children," approved February twenty-fifth, one thousand eight hundred and seventy-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said corporation is hereby authorized to take and hold by gift, grant, purchase, devise or otherwise, real and personal property for the purposes of said house, to the amount of one hundred thousand dollars, and may sell, convey, demise, lease, mortgage and dispose of the same or any part thereof. May hold, purchase, sell and convey real and personal property.

2. *And be it enacted*, That the fourth section of this act limiting said amount to thirty thousand dollars, be and the same is hereby repealed. Repealer.

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

Approved February 9, 1875.

CHAPTER XIII.

An act to incorporate the Concert Hall Association, of Mount Holly, New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Theodore H. Risdon, Isaac P. Goldsmith, Charles Wills, Austin R. Haines, and Franklin B. Levis, and such other persons as may hereafter Names of corporators.

be associated with them, be and they hereby are constituted and declared a body corporate and politic, in fact and in law, by the name of "The Concert Hall Association, of Mount Holly, New Jersey;" and by that name they and their successors shall have perpetual succession, and shall be capable of leasing, purchasing and holding real estate in the town of Mount Holly, in the county of Burlington, and to erect thereon a hall and other improvements for the use of societies, public meetings, lectures, concerts, and such other purposes as said association shall deem expedient, subject to the by-laws and regulations of said association, and it shall be lawful for said association to use and lease such parts of the hall, or building to be erected by them, as shall not be necessary for the uses and purposes aforesaid, for the purpose of carrying on any trade or business therein, not inconsistent with the laws of this state, or the provisions of this charter.

Corporate name and powers.

Amount of capital stock.

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

Commissioners to open books and receive subscriptions.

3. *And be it enacted*, That the above named persons, or a majority of them shall be commissioners to open books to receive subscriptions to the capital stock of said company, at such time or times as they or a majority of them may deem proper; and at the time of subscribing for said stock such per centage shall be paid upon each share to the commissioners, or some one of them, as a majority of them shall deem proper, and as soon as fifteen thousand dollars of the capital stock is subscribed for, such commissioners, or a majority of them shall call a meeting of the stockholders to elect seven directors, a majority of whom shall be residents of this state; and such elections may be made by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote; and said commissioners, or any three of them shall be inspectors of the first election of said corporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books and money paid in, after deducting all expenses previously incurred, to the said directors; and the

Election of directors.

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 the first election and at the annual elections thereafter shall chose out of their own number a president, who shall be a resident of the town of Mount Holly, and in case of death or resignation, or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year by said board of directors, or a majority of them; and in case of absence of the president, the said board of directors, or a majority of them shall appoint a president pro tempore, who shall have such powers and functions as the by-laws of said corporation shall provide.

Vacancies how filled.

4. *And be it enacted*, That a majority of the directors shall be competent to transact all business of said corporation, to call in the remaining stock of said incorporation by installments, at such times as they may direct, by giving thirty days' notice in a newspaper published in the county of Burlington; *provided*, that no installment shall exceed ten dollars on each share, and that no two installments shall be required to be paid within thirty days of each other; and shall have power to forfeit, in case of non-payment of said installments, the share or shares upon which said default shall arise, and may and shall, by its board of directors, be capable of receiving and holding any devise, bequest or donation which may be made to it, and may borrow money on mortgage of the property of the association, to an amount not exceeding the capital stock actually paid in.

Instalments how paid.

Proviso.

5. *And be it enacted*, That the said board of directors shall have power to make such by-laws, rules and regulations, not inconsistent with the laws of the United States, or of this state, as may be deemed necessary for the management of its affairs, and the same to change or alter from time to time.

May make by-laws, etc.

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

Approved February 9, 1875.

CHAPTER XX.

A Further Supplement to the act entitled "An Act to incorporate the Newark Firemen's Insurance Company."

May invest part of surplus fund in stocks, etc., of incorporated companies.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said company may invest a part of its surplus funds in good regular dividend or interest paying stocks, bonds or securities of incorporated companies, to be approved by the finance committee of said insurance company.

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

Approved February 10, 1875.

CHAPTER XXI.

An Act to change the names of Raymond Dabb and Annie Meeker Dabb.

Names changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the names of Raymond Dabb and Annie Meeker Dabb, his wife, both of the city of Elizabeth and county of Union, be and the same are hereby changed to Raymond Dabb Yelland and Annie Meeker Dabb Yelland; and by these names they shall possess and enjoy all the rights, powers and privileges which they would have possessed and enjoyed had they retained their original names of Raymond Dabb and Annie Meeker Dabb.

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

Approved February 10, 1875.

CHAPTER XXII.

A Further Supplement to the act entitled "An act to incorporate the Vineland Loan and Improvement Association, of Cumberland county," approved February fifteenth, one thousand eight hundred sixty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of the said Vineland Loan and Improvement Association be and the same is hereby changed to the Equitable Loan and Trust Company, and that the said Equitable Loan and Trust Company is hereby invested with all the rights and privileges heretofore enuring to the Vineland Loan and Improvement Association, and that in any action in any of the courts of the state, whether in law or in equity, to which the said corporation may hereafter be a party, it may appear and prosecute or defend under the name of the "Equitable Loan and Trust Company," whether the cause arose before the passage of this act or not; and that by said name the said corporation shall have succession and possess all the powers contained in the act to which this is a supplement and the supplements thereto.

Corporate name changed.

May prosecute and defend actions.

Powers.

2. *And be it enacted*, That in case the annual election for officers shall not take place upon the day heretofore or hereafter designated or appointed for that purpose, the corporation shall not for that cause be deemed dissolved, but said election may be held at any other time, having first given ten days' previous notice of the time and place thereof.

Failure to elect officers corporation not to be dissolved.

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

Approved February 10, 1875.

CHAPTER XXIII.

An Act to authorize the Belvidere Delaware Railroad Company to issue bonds and to secure the same by mortgage.

Authorized to issue bonds to pay indebtedness and for improving and extending railroad, etc.

1. *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That for the purpose of retiring or paying their present outstanding indebtedness, as the same may become due and payable from time to time, and also to provide the means for the improvement, enlargement and extension of their railroad and appurtenances, and increasing their facilities for the transaction of their business, as the same may from time to time be necessary, the Belvidere Delaware Railroad Company be and they are hereby authorized to make and issue their bonds from time to time, in such amounts and on such terms, and payable at such times, and bearing such rates of interest, not exceeding seven per centum per annum, as said company may determine, such issue of bonds not to exceed in the aggregate five million of dollars; and said company are further authorized to secure the payment of said bonds by one or more mortgages of the whole or any portion of the railroad estates, real and personal, corporate rights and franchises acquired and to be acquired, and any such mortgage or mortgages may, at the option of said company, be made to secure with the same right, lien and privilege, any or all bonds which may be issued at any time and from time to time as herein authorized.

Amount.

May secure bonds by mortgage.

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

Approved February 10, 1875.

CHAPTER XXIV.

An Act to revive a certain act and to legalize and ratify proceedings thereunder.

Preamble. WHEREAS, by an act approved March twenty-fourth, eighteen hundred and seventy-four, it was recited as follows: "Whereas, the governor of this state, in accordance with the provisions of an act entitled 'an act providing for, declaring and making known that certain laws and joint resolutions have become inoperative and void, approved March third, eighteen hundred and seventy-three, has, by his proclamation, duly issued and dated the first day of December, anno domini, eighteen hundred and seventy-three, made known that the acts therein enumerated, have become and are inoperative and void because the parties therein interested have failed to pay the assessments required by law; and whereas such failure to pay such assessments has arisen in many cases from mistake or inadvertance;'" and whereas, by the same act it was enacted that certain acts, and among others, the following: "an act to confirm a certain sale and conveyance made by Anna Maria Cougles, late of the county of Hunterdon, dated March seventeenth, eighteen hundred and fifty-eight; approved March twenty-second, eighteen hundred and sixty-four," should be and were thereby revived and declared to be in full force; *provided* that the persons in said acts interested should pay or cause to be paid on or before the first day of May then next ensuing, the assessments due thereon, respectively according to the terms of the acts entitled "an act to increase the revenues of the state of New Jersey," approved March sixth, eighteen hundred and fifty-eight, and the supplement thereto approved March eighteenth, eighteen hundred and fifty-nine, and also twenty-five dollars additional for the said last named supplement; and whereas, the person at whose instance and for whose benefit the said act approved

Proviso.

March seventeenth, eighteen hundred and sixty-four, had sold and conveyed all his interest in the lands and real estate therein referred to, and changed his residence from this state to the state of New York, long prior to the approval of the act dated March twenty-fourth, eighteen hundred and seventy-four; and whereas, it appears that the present owner of the said lands and real estate was entirely ignorant of the non-payment of the assessments required to be paid by the above recited acts until after the last named act had taken effect: now therefore,

Act revived.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "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," approved March seventeenth, eighteen hundred and sixty-four, be and the same is hereby revived and declared to be in full force and effect; *provided*, the person interested in the said act shall pay or cause to be paid, on or before the first day of May now next ensuing, the assessments due thereon, respectively, according to the terms of the act entitled "an act to increase the revenues of the state of New Jersey," approved March sixth, eighteen hundred and fifty-eight, and the supplement thereto approved March eighteenth, eighteen hundred and fifty-nine, and also twenty-five dollars additional for this supplement.

Proviso.

Upon payment of assessments, acts and proceedings revived and declared legal.

2. *And be it enacted*, That in case of the payment of the assessments as required by this act, all acts and proceedings had and done heretofore under the act so revived, be and they are hereby ratified, legalized and confirmed, and are declared to be of equal force and effect as if the said assessments had been paid as required by law.

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

Approved February 15, 1875.

CHAPTER XXX.

An Act to extend the charter of the Trenton Banking Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An Act to erect and establish the Trenton Banking Company," passed on the third day of December, eighteen hundred and four, and the act entitled "An Act to renew the charter of the Trenton Banking Company," passed on the third day of April, eighteen hundred and fifty-five, be and the same are hereby extended and continued in force for the term of twenty years, from and after the time by the last mentioned act limited for the continuance thereof. Acts extended and continued in force.

2. *And be it enacted*, That the annual election for directors of the said corporation shall hereafter be held on the first Monday of February in each year, at the banking house, in the city of Trenton, at such hour as the board of directors may appoint; at every election nine directors only shall be chosen, all of whom shall be residents of this state, and a majority of said directors shall constitute a quorum for the transaction of business; *provided*, that nothing herein contained shall be construed to alter or repeal the provisions of the charter regulating the election of the president and the appointment of the cashier of the said corporation. Time of holding annual election. Number of directors. Proviso.

Approved February 16, 1875.

CHAPTER XXXIV.

An Act to incorporate the Mitchell Fire Company, Number Four, of the City of Burlington.

Names of corporators.

1. *Be it enacted by the Senate and General Assembly of the State of New Jersey*, That David B. Van Slyke, John E. Cheesman, Littleton M. Abdill, Joseph F. Mount, Thomas Stokeley, William R. Schuyler and William Rambo, and all persons who now are or hereafter shall become associates of the Mitchell Fire Company, Number Four, of the City of Burlington, be and they are hereby constituted and declared to be a body corporate and politic, in fact and

Corporate name

in law, by the name of "The Mitchell Fire Company, Number Four, of the City of Burlington," and by that name shall have perpetual succession, and the other usual powers incident to corporations aggregate of this state.

Amount of capital stock how applied.

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

Election of officers.

3. *And be it enacted*, That said company shall elect annually, out of their own body, a president and such other officers and assistants as they shall deem necessary for conducting their affairs, according to their constitution and by-laws; and that 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.

Property exempt from taxation.

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

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

Approved February 18, 1874.

CHAPTER XXXV.

An act to amend an act entitled "An Act to incorporate the Excelsior Hook and Ladder Company Number One, of Scotch Plains, township of Westfield," approved March second, one thousand eight hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That an act entitled "An Act to incorporate the Excelsior Hook and Ladder Company, of Scotch Plains, township of Westfield," approved March second, one thousand eight hundred and sixty-nine," be and the same is hereby amended by striking out the second, third and fourth sections of said act, and inserting in lieu thereof the following: Act amended.

2. *And be it enacted*, That this corporation shall be capable in law of purchasing, holding and conveying, in its corporate name, real estate not exceeding the amount of ten thousand dollars in value, and of purchasing, receiving and holding in its corporate name, personal property, goods and chattels requisite and necessary for the uses and purposes of the said corporation as a fire company, and if necessary or expedient to sell, dispose of or replace the same, including all property now owned and possessed by the said corporation. Amendment.

3. *And be it enacted*, That the objects of this corporation are hereby declared to be to assist in the extinguishing of fires, the rescue and removal of persons and property from burning buildings, and buildings in dangerous proximity to fire, and generally to preserve the persons and property of their fellow citizens from injury or destruction Objects.

by fire; the members of this corporation who now are, or shall hereafter become associates of the said corporation, and who shall serve as firemen for seven years, including the time that they or either of them may have served as a member of the said corporation, previous to this act, shall be entitled to all exemptions and privileges secured to firemen by existing laws; shall during such service and forever thereafter be exempted from serving as a juror in any of the courts of this state, and from militia duty, except in cases of insurrection or invasion.

Certificate to be evidence of membership.

4. *And be it enacted*, That the certificate, signed by the president and secretary of the said corporation, and under its corporate seal, shall be conclusive evidence in all cases that the person therein named is, or has been a member of the said corporation for the period therein stated, and no member of the said corporation shall be individually liable in law or equity for any debt or obligation of the corporation.

Repealer.

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

Approved February 18, 1875.

CHAPTER XXXVI.

An Act to authorize owners of meadow and marsh in the township of Downs, county of Cumberland, State of New Jersey, to build a bridge over Ware Creek.

Names of persons authorized to build and construct a bridge over creek.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Harrison Perry, William Chance, Boliver Lore, Thomas T. Gandy, William Newcomb, J. C. Fleetwood, and others, owners of meadow an marsh on Ware Creek, Downs township, Cumberland county, be and the same are hereby authorized to build or construct

a bridge over said creek, at or near the mouth of Johnson's ditch, said bridge to have a draw not less than twelve feet in width, and to be kept in good working order, so as not to obstruct navigation unnecessarily at any time, said bridge being on a private road through the salt marsh in said township of Downs.

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

Approved February 18, 1875.

CHAPTER XXXVII.

An Act to incorporate the Passaic County Fair Grounds Association.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That David Henry, Absalom B. Woodruff, Isaiah Rynders, Samuel Smith, Richard A. Terhune, George V. De Mott, William Strange and Michael Moss, their associates and successors be and they are hereby created a body politic and corporate in fact and in law, by the name, style and title of the "Passaic County Fair Grounds Association," and by that name shall sue and be sued, and shall generally possess all the powers and privileges of a corporation. Names of corporators. Corporate name

2. *And be it enacted*, That the capital stock of said corporation shall be fifty thousand dollars, divided into shares of one hundred dollars each, and be paid in by the stockholders in such time and manner as the by-laws may direct; which shares shall be deemed personal property, and shall be transferable on the books of said corporation in such manner as the by-laws may prescribe; and said corporation may hereafter increase their capital stock to an amount not to exceed one hundred thousand dollars; and each stockholder shall be entitled to only one vote for the shares held by him, and such vote must be cast in person and not by proxy. Amount of capital stock.

Commissioners to open books and receive subscriptions.

3. *And be it enacted*, That the above named persons, or a majority of them shall be and they are hereby appointed commissioners to open books and receive subscriptions to the capital stock of said association, at such times and places, and in such manner and amount as they, or a majority of them shall think proper, giving public notice for at least two weeks, in a daily paper, published in the city of Paterson, and as soon as fifty shares are subscribed, the said commissioners, or a majority of them are hereby authorized to call a meeting of the subscribers thereto, who shall then and there elect a board of directors of not less than five, nor more than thirteen in number, and such other officers and committees as they may deem necessary; which said directors and officers shall hold their offices for one year and until their successors be elected.

May make by-laws, etc.

4. *And be it enacted*, That the board of directors shall have the right to make by-laws, rules and regulations for the government of this association not inconsistent with the constitution of this state or the provisions of this act.

May keep, maintain, purchase, sell, etc., real estate for driving and agricultural exhibitions.

5. *And be it enacted*, That the object of said association shall be to provide, keep and maintain in the county of Passaic, in this state, real and personal estate suitable for driving and agricultural and other exhibitions; and shall have power to adopt a common seal, to receive by donation or devise, to acquire by purchase, lease or exchange, and to use, possess and enjoy such real estate, not exceeding one hundred acres, and such personal estate as they may deem necessary for the purpose of said association, and to sell, lease, mortgage or otherwise dispose of any such real or personal estate at their pleasure, and also to make such improvements, and construct such buildings, road, tracks, and fences on their premises as they may deem expedient to better carry into effect the provisions of this act.

Profits to be divided among stockholders.

6. *And be it enacted*, That so much of the profits of said association as the directors may deem expedient, shall, from time to time, be divided among the stockholders; but no dividends shall be declared which will impair the capital stock of said association.

May hold fairs, exhibitions, etc.

7. *And be it enacted*, That for the purpose of carrying into effect the object and purposes of this association, it shall be lawful for said association to hold upon their grounds, as often as they shall deem proper, fairs and exhibitions for

the development of speed and other desired qualities, and to offer and pay such premiums for stock exhibited, and for superiority in the objects sought for, as usually exercised by the state and county agricultural societies for the improvement of the breed of horses, as said directors may agree upon, and to ask, demand and receive for the use of said association, such reasonable fees for admittance of exhibitors and visitors to their grounds and exhibitions as said directors shall deem proper, and shall have the power to let, rent out or lease unto any agricultural or other society, any or all of the grounds and improvements belonging to said association.

Directors to have police jurisdiction.

8. *And be it enacted*, That for the purpose of maintaining order and preserving the peace upon and about all the exhibition or meeting grounds of said association, each of said directors shall have police jurisdiction upon their exhibition or meeting grounds, and for the distance of one-quarter of a mile around the same, and shall have the power to suppress and regulate the sale of malt and spiritous liquor, by persons not licensed by the proper authorities, and to prohibit and suppress every species of gaming, breach of the peace or laws of this state, within said limits; and it shall be lawful for the directors to appoint from time to time, proper persons to be constables and special policemen within the aforesaid limits which persons so appointed shall take and subscribe an oath or affirmation, before a justice of the peace, of like form and effect as is now prescribed by law for constables to take and subscribe, which oath or affirmation shall be filed in the office of the clerk of Passaic county, and the clerk shall receive for filing such oath or affirmation, the lawful fees for filing affidavits and oaths ; and such constables and special policemen shall have power and authority without process, to arrest all persons who shall be there found violating any of the laws of this state, or who shall conduct themselves in a disorderly or immoral manner, or disturb or wrongfully interfere with the meetings or exhibitions, or visitors thereto, or rules or regulations of said association ; and the said parties so arrested shall be taken, as soon as conveniently may be, before some justice of the peace of said county, there to be dealt with according to law.

May appoint persons to act as constables, etc.

May arrest persons for violating laws, etc.

Incorporators not incapacitated from being elected directors.

9. *And be it enacted*, That the incorporators named in this act, or the commissioners referred to, shall not be inca-

pacitated or prohibited from being elected directors of the said corporation at any time.

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

Approved February 18, 1875.

CHAPTER XXXVIII.

A supplement to an act entitled "An Act to incorporate the Trenton Baptist Association of the State of New Jersey," approved February third, eighteen hundred and sixty-nine.

Power to elect board of trustees.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That "The Trenton Baptist Association," a corporation now existing by law, shall have power hereafter to elect a board of trustees from among the members of the churches included in said association; the number of members of said board, their respective terms of office, the time and manner of their election and their general duties shall be regulated by the by-laws of said coporation; and vacancies in said board by death, removal, or expiration of term of office shall be filled at such times and in such manner as the said by-laws shall direct.

Vacancies how filled.

Authorized to use its funds in assisting feeble churches, etc.

2. *And be it enacted*, That in addition to the purposes for which said corporation is now authorized to use its funds, it shall hereafter be lawful for such corporation to use such funds as now are, or hereafter may be, specially acquired for that purpose, in assisting feeble Baptist churches in the erection of houses of worship.

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

Approved February 18, 1875.

CHAPTER XXXIX.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That on and after the passage of this act the said company shall be known as "The Newark City Insurance Company," and by such name shall have all the powers granted to it, and be subject to all the liabilities imposed upon it under any other name. Corporate name changed.

2. *And be it enacted*, That the time for the expiration of the charter of said company be extended to the first Tuesday in February, in the year nineteen hundred and five. Time of expiration of charter extended.

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

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

Approved February 18, 1875.

CHAPTER XL.

A supplement to the act entitled "An Act to incorporate The Widows' and Orphans' Friendly Society," approved April third, one thousand eight hundred and seventy-three.

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

said "The Widows' and Orphans' Friendly Society" be, and the same is hereby changed to "The Prudential Friendly Society," by which latter name the said corporation shall hereafter be known, and shall and may have, possess and exercise all the powers, rights and privileges, and be subject to all the liabilities conferred and imposed upon The Widows' and Orphans' Friendly Society, by their act of incorporation; *provided*, that no contract made by, or with the said corporation, shall hereby in any way be impaired, but such contracts may hereafter be enforced by or against said corporation in the name of The Prudential Friendly Society.

Powers.

Proviso.

Election and number of directors.

2. *And be it enacted*, That at the next and all subsequent annual elections for directors in said corporation, nine directors shall be elected instead of fifteen, and that after such next annual election the number of the directors of said corporation shall not be less than nine, but such number as the by-laws of said corporation shall name; and that said directors shall hold office for one year from the time of their election, and it shall not be necessary for said directors to divide themselves into classes, and determine by lot the length of their terms of office, as required by the fifth section of the act to which this is a supplement.

Term of office.

Amount of money referred to in certain section.

3. *And be it enacted*, That the amount of money referred to in the proviso of the ninth section of the act, to which this is a supplement, shall be two hundred and fifty dollars.

Power to receive money on deposit and to purchase and erect dwellings.

4. *And be it encated*, That the said corporation shall have full power to receive deposits of money, or other valuables, upon such terms as may be agreed upon, or to make contracts with its members for the purchase and erection of dwellings, and to provide a fund to be paid either before or after death, for such purposes and in such manner as may be designated by its members.

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

Approved February 18, 1875.

CHAPTER XLI.

An Act authorizing the Bishop of the Protestant Episcopal Church of the Diocese of Northern New Jersey to register certain acts on the register of the Parish of Grace Church, in the city of Newark.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter all baptisms and marriages, or any other official or ministerial acts which have been or may be solemnized or performed by the Bishop of the Protestant Episcopal Church of the Diocese of Northern New Jersey, having the city of Newark under his jurisdiction, may be entered by him on the register of the parish of Grace Church, in the city of Newark; and the same when entered on said register shall have the like legal effect and operation as if the said marriage or baptism had been solemnized or performed by the clergyman having charge of said church or parish, and been by him entered on the register thereof; and the said church or parish may also be the place of deposit for any papers and documents connected with his (the said Bishop's) office.

Baptisms and marriages may be entered on register.

To have legal effect, etc.

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

Approved February 18, 1875.

CHAPTER XLII.

An Act to incorporate the South Jersey Telegraph Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thomas Hand, Charles Stotham, Ebenezer Westcott, Jacob Dailey, B. Rush Bateman, and J. Frank Dailey, and their successors and associates, be and they are hereby created a body politic and corporate, in fact and in law, by the name, style and title of

Corporate name

"The South Jersey Telegraph Company," and by that name may sue and be sued, and shall generally possess the powers and privileges of a corporation.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said corporation shall be five thousand dollars, with the privilege of increasing the same to thirty thousand dollars, and shall be paid in by the stockholders at such times and in such places and in such installments as the directors of said corporation may direct, and such shares shall be deemed personal property and shall be transferable only on the books of the corporation, and in such manner as the said corporation may prescribe.

Commissioners to open books and receive subscriptions.

3. *And be it enacted*, That the above persons, or a majority of them, shall be and they are hereby appointed commissioners to open books and receive subscriptions to the capital stock of said corporation, at such times and places, and in such manner and amount as they, or a majority of them shall think proper, giving two weeks' previous notice in the newspapers, one in the city of Camden and the other in the city of Bridgeton, in this state, and as soon as one thousand dollars of the capital stock shall be subscribed to and paid in, the said commissioners, or a majority of them,

Election of directors.

are hereby authorized to hold its first meeting of the stockholders, and proceed to the election of seven directors, and such other officers as they may deem necessary to carry out the objects of said corporation, which directors shall be

elected and hold office for one year, and until others are elected in their stead.

Power to make by-laws, etc.

4. *And be it enacted*, That the said directors shall have power to establish such by-laws, rules and regulations as they may deem expedient; *provided*, the same shall not be inconsistent with the constitution and laws of this state. Proviso.

Power to construct and maintain telegraph lines, etc.

5. *And be it enacted*, That the said corporation shall have power to construct and maintain telegraph line or lines in the counties of Cumberland, Cape May, Salem, Gloucester and Camden, in this state, and shall also have power to lay, maintain and construct and operate telegraph or magnetic lines and cables on lands under water, without prejudice to and with compensation to the state for such lands under water, and to connect them with other lines in any of the counties aforesaid, and also to build and erect offices along their said lines, and also to construct the same over and along any public roads, streets or highways in said counties; *provided*, that the consent of the municipal or other authorities of the respective cities or townships over and along whose streets, highways or roads the same may be constructed, shall be first had and obtained. Proviso.

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

Approved February 22, 1875.

CHAPTER XLIII.

An act to incorporate the "Atlas Assurance Guarantee Company."

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John P. Hardenbergh, Alexander H. Wallis, Charles D. Deshler, L. Stewart Jordan, Benjamin G. Clarke, and all other persons who may hereafter associate with them as hereinafter prescribed and their successors shall be a corporation by the name "Atlas

Corporate name and powers.

Assurance Guarantee Company," for the purpose hereinafter mentioned, and in that name they shall be capable of suing and being sued, defending and being defended in all courts, and by that name may also have, purchase, possess and enjoy to them and their successors, lands, tenements and hereditaments, goods and chattels of what kind and nature soever, necessary for the purpose of the corporation, or sold under and by virtue of process of any court in any suit or proceeding in which said company may be a party, and the same may grant, demise, alien and dispose of at pleasure for the benefit of said company, and may have a common seal and alter and reduce the same at pleasure, also make by-laws expedient for the well ordering and government of said company, and alter the same at pleasure; *provided*, such by-laws shall not be contrary to the laws of this state or of the United States.

Proviso.

May guarantee and indemnify holders of policies of insurance.

2. *And be it enacted*, That the purpose for which said company shall be incorporated shall be the guaranteeing and indemnifying of holders of policies of insurance, other than policies of life insurance, against loss by the default of the underwriter; *provided*, that nothing herein shall authorize said company to make direct or immediate contracts of insurance as are made by insurance companies.

Proviso.

Principal office and business how managed.

3. *And be it enacted*, That the principal office of the said company shall be located in the city of Jersey City, and that the business and affairs of said corporation shall be managed and conducted by a board of five directors, a majority of whom shall reside in this state, to be elected from among the stockholders of said company.

Amount of capital stock.

4. *And be it enacted*, That the capital stock of said company shall consist of five hundred shares of the value of one hundred dollars each, to be paid in at such times and in such manner as the board of directors may decide; *provided*, that said company shall not begin the transaction of business until one half of the whole capital stock shall be subscribed for and paid in in cash; and the said company may from time to time, by votes of the stockholders or directors, at an annual or special meeting, increase the capital stock to an amount not exceeding two hundred thousand dollars.

Proviso.

Contracts may be with or without seal.

5. *And be it enacted*, That all contracts authorized by this act which shall be made and entered into by said corporation, may be with or without the seal thereof, and shall be

subscribed by the president or vice president and attested by the secretary or assistant secretary, and being so signed, executed and attested, shall be binding and obligatory upon the said corporation, according to the true intent and meaning of said contracts, and all such contracts may be so made, signed, executed and attested without the presence of the board of directors.

Names commissioners to receive subscriptions.

6. *And be it enacted*, That John P. Hardenbergh, Alexander H. Wallis and L. Stewart Jordan, and the survivors or survivors of them, shall be commissioners to receive subscriptions to the capital stock of said company, and when one half of said capital stock shall be subscribed for the commissioners shall call a meeting of the subscribers to the said capital stock, by an advertisement published at least ten days previously, in some newspaper published and circulating in the county of Hudson, stating the time and place at which said meeting shall be held, and at which meeting the said subscribers shall elect the first board of directors of said corporation, who shall have power to make such by-laws, rules and regulations as may be necessary and convenient for commencing and carrying on business under this act; *provided*, said by-laws shall not conflict with the laws of New Jersey or of the United States, or any of them.

Election of directors and may make by-laws, etc.

Proviso.

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

Approved February 22, 1875.

CHAPTER XLIV.

An Act to incorporate the Caledonian Club, of Hudson County, New Jersey.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That W. D. Smith, Peter McEwen, Neil Campbell, George Hamilton, Alexander McDonald, John McInnes, Thomas Walker, David T. Keiler, Alex-

ander Robertson, Alexander Pyle, Archibald Minto, James Alexander, Peter Boag, John Neil, William Harold, Robert H. Muir, Stephen Young, James Aitcheson, Samuel Evans and such other persons as may become members of the corporation hereby created are constituted and declared to be a body corporate and politic by the name and style of "The Caledonian Club, of Hudson County, New Jersey," and by that name they and their successors shall have perpetual succession and be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and may have a common seal, and alter and change the same at pleasure, and that they and their successors by the said name shall be capable in law to purchase, take, receive or hold any estate real or personal by devise or otherwise, to the use of them, their successors or assigns, and to lease, sell, convey, or otherwise dispose of the same as to them shall appear necessary for promoting the interests of their corporation; *provided*, the yearly income of such real and personal estate shall not at any time exceed the sum of five thousand dollars.

Corporate name and powers.

Proviso.

2. *And be it enacted*, That the said corporation is hereby created for the purpose of preserving the ancient literature, costumes and games of Scotland, establishing a lecture room and library, employing lecturers, and for such charitable purposes as the members of said corporation, or a majority of them, may by their constitution and by-laws direct, and the estate and funds of the said corporation, after paying all proper charges and expenses, shall be exclusively used for the objects aforesaid so far as may be deemed expedient, and for more effectually carrying out the above specified purposes the said corporation may apply its funds to the purchase of real estate, and the improvement and erection of buildings thereon, for the benefit, accommodation, and use of the members of said corporation, which real estate may be sold by the corporation, and the proceeds thereof reinvested as may be deemed expedient.

Objects and purposes of corporation.

3. *And be it enacted*, That the said corporation shall have power, from time to time, to make and establish such constitution and by-laws, rules and regulations, as they shall judge proper, not in conflict with this act; to provide for and regulate the election of officers and members of said

May make and establish constitution, by-laws, etc.

body, for the imposing and collection of admission fees, fines and contributions from the members, for regulating the times and places of meeting, for suspending or expelling such members as refuse or neglect to comply with said constitution, by-laws and regulations, and generally for the management and direction of said corporation.

Officers and annual election.

4. *And be it enacted*, That the officers of said corporation shall consist of a president, a vice president, a treasurer, a recording secretary and a corresponding secretary, who shall be elected annually at such time as may be prescribed by the rules and regulations of the corporation, and shall hold their respective offices for one year, or until their successors shall be elected.

Affairs by whom and how conducted.

5. *And be it enacted*, That the business affairs of said corporation shall be transacted by a board of eleven directors, who shall be elected annually, and shall hold their office for the term of one year, and that a majority of said board shall have power to make contracts, and all acts and deeds made and done by said board of directors, in their official capacity, shall be valid; *provided*, that no real estate shall be bought or sold for the use of said corporation by said directors, unless sanctioned by a two-third majority vote of the members of the corporation present at a regular meeting; all the members of said corporation to be duly notified by the corresponding secretary in writing, of such proposed purchase or sale, one month previous to action thereon.

Proviso.

Names of first board of directors.

6. *And be it enacted*, That the first five corporators specified in the first section of this act, viz.: W. D. Smith, Peter McEwen, George Hamilton, Neil Campbell, Alexander McDonald, together with John Haydock, Daniel Payne and Robert Duncan, of the finance committee, and James Neil, Alexander Milne and James Stuart, of the property committee, shall constitute the board of directors for one year, from the first of January last, and until their successors, shall be appointed or elected.

May require treasurer to give bonds.

7. *And be it enacted*, That the treasurer of said corporation may be required to give bonds in such sum as the board of directors may require, with approved security to said corporation by their corporate name, conditioned for the faithful performance of the duties of his office, and said bond shall be valid in law.

Act may be modified or repealed.

8. *And be it enacted*, That the legislature reserve the

right at any time hereafter to repeal, alter, or modify this act.

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

Approved February 22, 1874.

CHAPTER XLV.

An act to authorize Samuel H. Weatherby, William F. Lippincott and William M. Weatherby to build and maintain a wharf in front of their lands on Salem Creek, in the township of Pilesgrove, in the county of Salem.

Authorized to erect and maintain wharves, piers, bulkheads, etc.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*,, That Samuel H. Weatherby, William F. Lippincott and William M. Weatherby be and they are hereby authorized and empowered to erect and maintain all such wharves, piers and bulkheads in front of their lands on Salem Creek, in the township of Pilesgrove, county of Salem, as they may deem proper and necessary for the improvement of their property, or for the benefit of commerce, and to collect wharfage for the use thereof, and to hold, use and enjoy the same to themselves, their heirs and assigns ; *provided however*, that such wharf, pier, or bulkhead shall not extend so far out into said stream as to injure or impede the navigation of the same, and that nothing in this act shall affect the rights of the state, to the lands lying under water ; and the compensation for said lands shall be fixed by the Riparian Commissioners and shall be paid or secured to the state to the satisfaction of the Governor on or before the first day of January next, and in default thereof then this act and all the provisions thereof shall thereupon cease and be of no force or effect.

Proviso.

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

Approved February 22, 1875.

CHAPTER XLVII.

A Supplement to an act entitled "An Act to incorporate the New York and Long Branch Railroad Company," passed April eighth, eighteen hundred and sixty-eight.

May increase capital stock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the New York and Long Branch Railroad Company, from time to time, with the assent of a majority in interest of the stockholders, to increase their capital stock to any sum not exceeding two million of dollars.

May change or alter location of road or to so locate new lines, etc.

2. *And be it enacted*, That it shall be lawful for the said company to change or alter the location of their said railroad, or to locate new lines or branches, not varying in any case over one mile from the line as located, after filing in the office of the secretary of state a survey of such location as varied from the original location; and shall be invested with all the powers and privileges, and subject to all the conditions and restrictions in taking possession of and using the land required, which by their act of incorporation they might exercise, and to which they are subject respecting lands required for the road.

May lease their road or consolidate with any other railroad.

3. *And be it enacted*, That it shall be lawful for the said company to purchase, lease or operate, or to lease their road, or any part thereof, to or consolidate the same with any railroad which may at any time connect with or intersect their road, or to guarantee the bonds of such company, or to consolidate the stock of said company with their own on terms to be mutually agreed on; *provided*, such purchase or consolidation shall not be made without the assent of a majority in interest of the stockholders.

Proviso.

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

Passed February 23, 1875.

CHAPTER XLVIII.

A Supplement to the act entitled "An Act to incorporate the Eatontown and Sea Shore Turnpike Company," approved February ninth, eighteen hundred and sixty-five.

Directors authorized to lease or sell turnpike road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the directors of the Eatontown and Sea Shore Turnpike Company, the Long Branch and Deal Turnpike Company, and the Mechanicsville and Oceanville Turnpike Company, are hereby authorized and empowered to lease or sell a part or the whole of said turnpike roads at such times and upon such terms as the stockholders or a majority may direct, at any meeting called for such purpose.

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

Passed February 23, 1875.

CHAPTER XLIX.

An act to incorporate the Worthy Grand Lodge of the American Protestant Association 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 James Logan, Jacob Beiswenger, August C. Schaufell, Frederick Ahrens, Jacob A. Schillen, Thomas Orr, Andrew Baird, Thomas Schick,

Adam Flomer and Peter J. Edmond and their associates, officers and members of the Worthy Grand Lodge of the American Protestant Association 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 "The Worthy Grand Lodge of the American Protestant Association of the State of New Jersey," and by that name they and their successors shall 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 shall have power to make and use a common seal and the same at pleasure to alter, and 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, 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 twenty-five thousand dollars.

Corporate name

May have, hold and possess lands, etc.

Proviso.

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

Approved February 23, 1875.

CHAPTER L.

A Further Supplement to an act entitled "An act to incorporate the Miners' Savings Bank of Dover, New Jersey," approved February seventh, eighteen hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of section fifth (5th) of the act to which this is a supplement, which limits the managers of the Miners' Savings Bank of Dover to in-

Repealer.

vest a portion of their funds in temporary or call-loans upon approved personal or collateral security, to an amount not to exceed ten thousand dollars, be and the same is hereby repealed; and the managers of the said Miners' Savings Bank of Dover, New Jersey, be and the same are hereby authorized to invest a portion of their funds in temporary or call-loans upon approved personal or collateral security, to an amount not exceeding at any time one-third of the whole amount of the assets and securities of the said corporation.

Managers may invest portion of funds in call loans, etc.

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

Approved February 23, 1875.

CHAPTER LVI.

An Act to authorize the Livingston Baptist Society to sell and convey certain lands and real estate in the county of Essex.

Trustees authorized to sell and convey lands, etc.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of "The Livingston Baptist Society," of the township of Livingston, in the county of Essex, or their successors in office, be and they are hereby authorized and empowered to sell and convey any part or the whole of a certain tract, piece or parcel of land, with appurtenances thereunto belonging, situate in said township of Livingston, in the county of Essex, now held in trust as the property of the said "The Livingston Baptist Society," of the township of Livingston, by virtue of the last will and testament of Reverend William T. Reimann, deceased; bearing date August nineteenth, one thousand eight hundred and fifty-two, and admitted to probate March fourth, one thousand eight hundred and seventy-four, and for that purpose to make, execute and deliver a good and sufficient deed of conveyance therefor to the purchaser or

purchasers of the same, and that such deed or deeds of conveyance shall be good and effectual in law.

Proceeds of sale of lands to be invested in bond and mortgage, etc.

2. *And be it enacted*, That the proceeds of the said land, and all other moneys received from the estate of said Reverend William T. Reimann in trust for the said "The Livingston Baptist Society" shall, by the said trustees or their successors in office, be invested in bond and mortgage on real estate, in the county of Essex, worth not less than double the amount loaned thereon; and that the said trustees or their successors in office are hereby authorized to use the interest in paying the current expenses of the said "The Livingston Baptist Society;" and when any part of the principal sum shall be paid in, the trustees of said society shall reinvest the amount on bond and mortgage, as hereinbefore required.

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

Approved February 25, 1875.

CHAPTER LVII.

An Act to incorporate the Association of Exempt Firemen of the town of Morristown, New Jersey.

Names of corporators.

1, BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Y. Sayre, Isaac G. Arnold, Richard M. Stites, Charles McCollum, William H. Voorhees, Sidney W. Stalter, Samuel K. Smack, Isaac Van Vleet, Charles H. Green, Heyward G. Emmell, Mancius H. C. Jennings and Louis H. Atno and their associates and successors be and they are hereby constituted and declared to be a body corporate and politic, in fact and 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

Powers.

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 association, and shall have full power to make, form and adopt such form of constitution and such by-laws, rules 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.

Annual election of officers.

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

May hold real and personal property.

3. *And be it enacted*, That the said association may hold real or personal property, either purchased or devised, not to exceed however the sum of fifteen thousand dollars.

Benefits of certain acts extended to members.

4. *And be it enacted*, That the benefits contained in the first section of a supplement to an act entitled "An Act to incorporate Morristown, approved April sixth, one thousand eight hundred and sixty-five," which supplement was approved March thirtieth, one thousand eight hundred and sixty-nine, shall, after the passage of this act, be extended to all members in good standing of the above named association; and their widows and children who are or may hereafter become indigent shall be entitled to the same benefits that active firemen or their families are now or may hereafter be entitled to from the funds which are now or may hereafter be held by the trustees of the Morristown Fire Department Charitable Fund.

Widows and children entitled to benefits.

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

Approved February 25, 1875.

CHAPTER LVIII.

An act to incorporate the Ossenberg Hose Company of the city of Trenton.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William H. Gandy, John E. Voorhees, Thomas Leonard, E. R. Taylor, Albert Rainbow, Johnson Naylor, Henry Schroth, George Lawton, William Schwartz, Richard Rainbow, and all persons who now are or may hereafter become members of "Ossenberg Hose Company, Number Three, of the City of Trenton," be and they are hereby constituted and declared a body corporate and politic in fact and in law, by the name of "Ossenberg Hose Company, Number Three, of the City of Trenton," and by said 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 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 the United States, or of this state, as they shall think proper; *provided*, that said company shall be subject to and controlled by the same laws, ordinances, rules, regulations, as the several companies of the fire department of the city of Trenton, now are or may hereafter be subject to or controlled by.

Names of corporators.

Corporate name

Powers.

Proviso.

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

Amount of capital stock how applied.

Annual election of officers.

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

Property exempt from taxation.

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

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

Approved February 25, 1875.

CHAPTER LIX.

An Act to incorporate the State Council of the Junior Order of United American Mechanics, of New Jersey.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William H. Meirs, Emmon Applegate, Ogden Lanning, P. H. Packer, M. R. Pervis and J. C. Hays and all other persons as now are or hereafter may be associated with them and their successors, members of the State Council of the Junior Order of United American Mechanics, of the State of New Jersey, are hereby created a body politic and corporate in deed and in law by the

Corporate name and powers.

name, style and title of the State Council of the Junior Order of United American Mechanics, of the State of New Jersey, and by that name shall have and enjoy perpetual succession, be able to sue and be sued, plead and be impleaded, in all courts of law or elsewhere in this state, and shall be able and capable in law and equity to take, purchase, hold and receive to them and their successors, for

the use of said association, any lands, tenements, goods, chattels, sum or sums of money by grant, gift, bargain and sale, will, devise or bequest, from any person or persons whatsoever, and the same to grant, bargain, sell, mortgage, improve or dispose of for the use of the association, to make and use a common seal and the same to alter or renew at pleasure, and in general to do all things which may be lawful or necessary for the well-being and proper management of said corporation; *provided*, that the real estate of which the said corporation shall any time be possessed shall not exceed the clear annual value of twenty thousand dollars. Proviso.

2. *And be it enacted*, That the officers of the said corporation shall consist of a state councillor, state vice councillor, state council secretary, state council treasurer, state council conductor and state council warden and such other officers as shall be from time to time provided for by the constitution and by-laws of said corporation, all of whom shall be elected annually at such time and place and in such manner as the constitution and by-laws provide. Officers and annual election.

3. *And be it enacted*, That the present officers of the said council shall remain in office under this act for the remainder of their respective terms unless sooner removed in accordance with the constitution and by-laws of said council, and the said corporation shall have power to renew and enlarge said constitution and by-laws as may be necessary for the government of its affairs and the furtherance of its objects, and the same to amend and alter in such manner as may be therein provided; *provided*, that the same shall not be inconsistent with the provisions of this act, the constitution and laws of this state and of the United States of America, and the constitution and by-laws now in force shall be good and valid until altered, amended or abrogated by the said corporation. Present officers to remain in office. May renew by-laws, etc. Proviso.

4. *And be it enacted*, That the said corporation shall have power to grant charters to subordinate councils of the Junior Order of United American Mechanics in the state of New Jersey according to the regulations, by-laws, rules and constitutions adopted to govern the same, or may be necessary for their government and the promotion of the principles of the said association; *provided*, that no by-law, rule or regulation as aforesaid shall be valid if inconsistent with Power to grant charter to subordinate councils. Proviso.

the constitution and laws of this state or of the United States of America.

Objects and purposes.

5. *And be it enacted*, That the objects of this association shall be to maintain and promote the interests of the American youth; to assist them in obtaining employment; to encourage them in business; to afford relief to the members thereof, and to defray the expenses of their funerals or such other cases of distress as shall be defined by the by-laws.

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

Approved February 25, 1875.

CHAPTER LX.

A Further Supplement to an act entitled "An act for establishing a turnpike road from the town of Hackensack to Hoboken, in the county of Bergen," passed November thirtieth, eighteen hundred and two.

Power and authority to construct a railroad etc.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Bergen Turnpike Company are hereby authorized and empowered to lay down and construct a railroad, with the necessary turn-outs and switches, from some point at or near the present terminus of their turnpike road in the village of Hackensack, near the intersection of Main street and Passaic street, thence along Main street northerly to Grand avenue, thence along Grand avenue southerly to Clinton Place, thence along Clinton Place easterly to Linden street, thence along Linden street southwesterly to Anderson street, thence along Anderson street easterly to Main street, and also from their said turnpike road at the intersection of Essex street, westerly to First street or the Polifly road, with a branch or branches to the railroad depots as the same now are, or may hereafter be located, said railroad and the branches aforesaid to be con-

structed and operated from time to time, and in such portions or sections on any part of the aforesaid route or streets as the said company shall deem expedient; *provided*, that the said railroad shall be so constructed as to interfere as little as conveniently may be with the streets in which it shall be laid. Proviso.

2. *And be it enacted*, That the track to be laid by said company, by virtue of the authority conferred by this act, as well as the track which shall be laid upon their said turnpike road, within the limits of the village of Hackensack, under the authority conferred by an act, being a further supplement to the act incorporating said company, approved March fifth, eighteen hundred and fifty-eight, shall be of the same width as the wagon track now established by law, and the same shall be laid level with the surface of said streets, and in conformity with the grade thereof, as the same now is, or hereafter may be established by the proper authority; and it shall be the duty of the said company to keep the surface of the streets inside the rails, and for two feet outside thereof, at its proper grade and in good order and repair, and whenever any macadamizing or other mode of paving shall be ordered by competent authority, in any portion of any street in which the track, authorized by this act, or by said supplement of March fifth, eighteen hundred and fifty-eight, shall be laid, the said company shall cause such macadamizing or paving to be done at their own expense, in such part of said street, between the rails of their said track and for two feet on each side thereof, and shall keep and maintain the same in good order and repair; *provided however*, that the building, constructing and repairs to said railroads in public streets, roads and avenues from time to time, shall be under such reasonable restrictions and regulations as the municipal or other proper authority, having control of said streets, roads and avenues, may from time to time prescribe. Width of track and how laid. Company to pave between rails and keep the same in order and repair. Proviso.

3. *And be it enacted*, That the said company shall have power to purchase all such machinery, horses, mules, cars or other vehicles, for the transportation of persons and property on said railroad as they may think expedient, and to use and operate the same on the railroad hereby authorized, or on any portion of the track which shall be laid upon their said turnpike road, under the authority conferred by the Power to purchase materials, etc., and to collect money for transportation.

aforesaid supplement, but no steam power shall be used as a motive or propelling power on said railroad, or on said turnpike road, and the said company are hereby authorized to demand and receive such sums of money for the transportation of persons or property thereon as they may think reasonable and proper; *provided*, that not more than ten cents shall be demanded or received for conveying any person from any point to another point upon the railroad of said company, within a distance of two miles.

Proviso.

May hold real estate, etc.

4. *And be it enacted*, That the said company may purchase and hold real estate at such places along the line of the said road as they may desire, and may erect and build thereon depots, stables, shops and such other buildings and improvements as may be necessary for carrying out the purposes of this act.

May increase capital stock.

5. *And be it enacted*, That the said company are hereby authorized to increase their capital stock from time to time to such an amount as shall be equal to the cost of the construction and equipment of said railroad, in shares of ten dollars each, and that the same shall be subscribed for, paid and collected in the manner specified by an act being a further supplement to the act incorporating said company, approved February twenty-second, eighteen hundred and fifty-three.

May borrow money, etc.

6. *And be it enacted*, That the said corporation shall have power to borrow such sums of money from time to time as shall be necessary to build, construct, repair or equip their said road, and to secure the payment thereof by bond and mortgage, or otherwise, on any portion of the said railroad, turnpike road, lands, privileges, franchises and appurtenances of said company, at the rate of interest not exceeding seven per centum per annum.

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

Approved February 25, 1875.

CHAPTER LXXII.

A further supplement to an act entitled "An act to incorporate the Peoples' Fire Insurance Company," of Trenton.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the "Peoples' Fire Insurance Company" of Trenton be, and they are hereby authorized to increase their capital stock from time to time, as the board of directors may determine, to an amount not exceeding five hundred thousand dollars. Authorized to increase capital stock.

2. *And be it enacted*, That the increased capital hereby authorized shall be divided into six thousand shares of fifty dollars each, and may be issued by the directors at such times and in such manner as they may deem most expedient for the interest of the company; *provided*, that the stockholders of the company, at the time of such issue, shall be first entitled to take such additional stock in proportion to the number of shares held by them respectively. Increased capital by whom and how issued. Proviso.

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

Approved March 2, 1875.

CHAPTER LXXIII.

An Act to incorporate the Paulsboro' Hall Association.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Henry Loudenslager, M. Gill, W. E. Gaunt, E. G. Miller, S. Hopkins, C. E. Gibbs, C. N. Shuster, W. A. Mullen, Samuel T. Miller, I. J. Cow- Names of corporators.

gill, C. W. Wilkins and Thomas B. Lodge, and all such other persons as may hereafter be associated with them and their successors, be, and they are hereby created a body politic and corporate, in fact and in law, by the name and

Corporate name

title of the "Paulsboro Hall Association," and by that name and title shall have and possess all the powers and privileges, which by the laws of this state are now incident and belonging to corporations.

Objects.

2. *And be it enacted*, That the object of the said association shall be to erect and maintain, within the village of Paulsboro', in the county of Gloucester in this state, a suitable building or buildings, whereby to provide necessary and proper accommodations for lectures, meetings, exhibitions, concerts, stores, lodge rooms, library rooms and purposes of a like character.

Amount of capital stock.

3. *And be it enacted*, That the capital stock of said association shall be ten thousand dollars, divided into shares of ten dollars each, and shall be paid by the stockholders at such time and in such manner and by such installments as the directors of said association shall direct, and such shares shall be deemed personal property, and shall be transferrable but only on the books of said association in such manner as the said association may by their by-laws direct; and the

May increase capital stock.

said association may at any time hereafter increase their capital stock to any amount not exceeding thirty thousand dollars.

Commissioners to open books and receive subscriptions.

4. *And be it enacted*, That the before named persons or any three of them who may be chosen by a majority of said persons, shall be and they are hereby appointed commissioners to open books and receive subscriptions to the capital stock of said association, at such time and place and in such manner and amount as a majority of the said commissioners may determine; and as soon as two hundred shares of stock are subscribed, and five per centum paid in, the stockholders of said association, or a majority of them, are hereby authorized to hold their first meeting at such time and place as they may determine, and choose and elect a president, secretary, treasurer and six other stockholders, who together shall constitute a board of directors, and such and so many other officers as may be necessary to carry out the objects of this association, which said officers and directors shall hold their offices for one year and until others are elected in their stead.

5. *And be it enacted*, That in case any election of officers of said association should not be held upon the day when pursuant to the by-laws of said association it ought to have been held, the corporation shall not for that reason be deemed to be dissolved, but the stockholders may proceed to hold an election on any other day, ten days' notice having been given by advertisements in a newspaper published in the county of Gloucester, and at all elections and meetings of said association each stockholder shall be entitled to one vote, in person or by proxy, for each share of stock held; and in case a vacancy should occur in any of the offices, by death, resignation or in any other manner, the board of directors for the time being shall fill the vacancy by appointment of any person who is a stockholder in said association, and any person so appointed shall hold said office until the next annual election, and until another is elected in his stead.

Failure to elect officers on day corporation not to be dissolved.

Vacancies how filled.

6. *And be it enacted*, That it shall be lawful for the said association to make and establish such by-laws for the government and management thereof as may be deemed proper and necessary; *provided*, that such by-laws shall not conflict with the constitution of this state or of the United States, or of the provisions of this act.

May make by-laws, etc.

7. *And be it enacted*, That the said association, for the purpose of erecting and maintaining such building or buildings for the purposes specified in section two of this act, shall have power and authority to receive by gift, devise, bequest or purchase, and to use, hold, possess and enjoy such real and personal property as shall be necessary and proper for the purpose hereinbefore specified, and the same or any part of said real and personal property, to sell, lease, hire, mortgage or otherwise dispose of at pleasure, and to ask, demand and receive for the said association's own use such sum or sums of money for the rent and use of such building or buildings, or any part or parts thereof, as shall be fixed and determined by the said board of directors.

Power to receive, use, hold, sell and lease real and personal property.

8. *And be it enacted*, That the said association shall have power and authority to borrow such sum or sums of money as, from time to time, shall be necessary for the uses and purposes of the said association, as hereinbefore specified and set forth, and to secure the payment therefor by bond or bonds and mortgage, or otherwise, or lands and real estate,

May borrow money and secure same by bond or bonds and mortgage.

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

Profits to be divided among stockholders.

9. *And be it enacted*, That so much of the profits of said association as the directors thereof may, from time to time, think fit, shall be divided among the stockholders, but no dividend or dividends shall be declared which will impair the capital of said association.

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

Approved March 2, 1875.

CHAPTER LXXIV.

A Supplement to an act entitled "An act to incorporate the Union Iron Company," approved April seventh, eighteen hundred and sixty-eight.

Corporate name changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of the corporation created by the act to which this is a supplement, be changed to the name of the "North Jersey Iron Company," and that all the legal rights and liabilities of said corporation shall remain the same as if this act had not been passed.

May locate office, etc., in Morris county.

2. *And be it enacted*, That it shall be lawful for the said company to locate their office, furnace and works in the county of Morris, instead of in the county of Hunterdon, if they think it necessary or desirable to do so.

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

Approved March 2, 1875.

CHAPTER LXXV.

A Further supplement to an act entitled "An act to incorporate the Farmingdale and Squan Village Railroad Company," approved April third, eighteen hundred and sixty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said "the Farmingdale and Squan Village Railroad Company" be and they are hereby authorized and empowered to extend their railroad from some point at or near the present terminus at Squan Village, in the county of Monmouth, to some point at or near Long Branch, in said county; and for said purpose, the said company shall have all the powers conferred on them in the act to which this is a further supplement; and said company shall have power to connect their road with that of any other railroad company at or near Long Branch. Authorized to extend railroad. May connect with any other railroad.

2. *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 and construct said extension of said railroad, and to secure the payment thereof by bond and first mortgage, or otherwise on said road, lands, privileges, franchises, depots and appurtenances of or belonging to said extension, at a rate of interest not exceeding seven per cent., per annum, which mortgage shall have priority over any mortgages that have been or may hereafter be executed on the main line of said road; and it shall not be lawful to plead usury on their bonds or other securities sold, or that at any time may be sold, by them at such prices, as at the time they thought best for the interests of the company, but said securities shall at all times be good against said company for their face value. Power to borrow money and to secure same by bond and mortgage on road, etc. Mortgage to have priority over any other mortgage.

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

Approved March 2, 1875.

CHAPTER LXXX.

A Further Supplement to the act entitled "An act to incorporate the Longwood Valley Railroad," approved April third, anno domini eighteen hundred and sixty-seven.

Authorized to increase capital stock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Longwood Valley Railroad Company be and they are hereby authorized and empowered, at any time to increase their capital stock to an amount not exceeding two millions of dollars.

Time limited for completion extended.

2. *And be it enacted*, That the time limited for the completion of said road, be and the same is hereby extended for two years from the first day of April, anno domini eighteen hundred and seventy-six.

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

Approved March 3, 1875.

CHAPTER LXXXI.

An Act to incorporate the Mutual Fire Insurance Company, of Hudson County.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Cox, Charles F. Ruh, Louis Linnewerth, Daniel Bermes, Peter Schupp, Michael Weigand, Charles Knack, Andreas Riemenschneider, Andrew Beck, Adolph Meckert, Otto Kohler, Frederick Frambach, Charles Schlembach, Wm. J. Danielson, Charles Rau, Louis C. Hauenstein, Henry Kuehl, John

Schupp, John Kuntz, Charles Wittreich, John Weigand, Warren Smyth, John Dwyer, Charles Wurtz, Sr., Edward Knack, and all other persons who may hereafter associate with them in the manner hereinafter prescribed, shall be a corporation by the name of the "Mutual Fire Insurance Company, of Hudson County," for the purpose of insuring their respective buildings, household furniture, merchandize and other property against loss or damage by fire, and by that name they and their successors may have perpetual succession, and shall have power to sue and be sued, and to defend and be defended in all courts, whether in law or equity, and by that name may also have, purchase, possess and enjoy, to them and their successors, lands, tenements, hereditaments, goods, chattels and effects, of what nature and kind soever, necessary for the purpose of said corporation, and the same may grant, demise, alien and dispose of at pleasure for the benefit of said company, and may also have a common seal, and alter and renew the same at pleasure, also may make and establish such by-laws and regulations as to them shall seem necessary for the well ordering and government of the said company, and put the same into execution; *provided*, that they be not contrary to the constitution or laws of this state or of the United States.

Corporate name

General powers.

Proviso.

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

Persons insuring to become members.

3. *And be it enacted*, That all the affairs, property and concerns of said corporation shall be managed and conducted by thirteen directors, who shall continue in office one year, and until others shall be chosen in their place, all of whom shall be members of the said corporation, and shall take an oath or affirmation of office, and choose out of their body a president and vice president; all vacancies may be filled for the remainder of the year by such person or persons as a majority of the board of directors for the time being may appoint, and five of whom shall constitute a quorum for the transaction of business.

Affairs to be managed by directors.

Vacancies how filled.

4. *And be it enacted*, That William Cox, Charles F. Ruh, Louis Linnewerth, Daniel Bermes, Peter Schupp, Michael

Names of first directors.

Weigand, Charles Knack, Andreas Riemenschneider, Andrew Beck, Adolph Meckert, Otto Kohler, Frederick Frambach and Charles Schlembach, shall be the first directors of said corporation, and that annually hereafter a board of directors may be elected at such time and place in the town of Union, county of Hudson and state of New Jersey, as the said corporation in their by-laws shall appoint; of each election due notice shall be given, in at least one of the public newspapers printed in said county, for two weeks immediately preceding such election; and it shall be the duty of the board of directors to appoint three discreet persons, not members of said board, to be inspectors of such election, and to count the votes that may be given in, and to declare the result of such election, which shall be by a plurality of the votes of the members or their proxies then present, allowing one vote to each member for every one hundred dollars insured in said company at the time of such election; and it shall be the duty of such inspectors or a majority of them, to make and sign a certificate of the result of such election, stating who are elected by the greatest number of votes, and deliver such certificate to the secretary of the company for the time being, which certificate shall be filed and recorded by the secretary, and be conclusive evidence of the result of such election, until set aside by some court having competent authority to do so.

Election of directors.

May appoint officers, etc.

5. *And be it enacted*, That the board of directors may appoint a secretary and such other officers and agents as may be requisite for effecting the business of said company, and allow them such compensation as may be agreed upon, and also determine the rates of insurance, the sum to be insured, and the sum to be deposited for any insurance.

Contracts may be made with or without seal, etc.

6. *And be it enacted*, That all policies or contracts founded thereon, which shall be made or entered into by the said company, may be made under the seal thereof, and shall be subscribed by the president and attested by the secretary, and being so subscribed and attested by the secretary, shall be binding and obligatory upon said company, and the company shall be liable for all loss or damages sustained, agreeable to and on such terms and conditions as shall be contained in the policy.

7. *And be it enacted*, That every person who shall become insured in said company shall, before he receives his or her

policy, pay such sum of money and deposit their promissory note or notes for such sum or sums of money as shall be determined upon by the directors, such note or notes to be paid at such time and in such manner as the by-laws may determine; and it shall be lawful for said company to loan or put out at interest their moneys, or any part thereof, not immediately wanted for the purposes of said corporation, on bonds and mortgages, on real estate, government or other dividend-paying stocks and securities, and may from time to time call in such money or change such investments.

Persons insured shall pay sum of money and deposit prommissory note.

May invest moneys, etc.

8. *And be it enacted*, That there shall be a cash capital of fifty thousand dollars paid in before commencing operations upon other than a mutual plan, as an additional security to the members and others effecting insurance therein, which cash capital shall be left open for accumulation, and shall be loaned and invested, and the said company may allow an interest on said cash capital, and prescribe the liability of the owners thereof to share in the losses of the company, and such cash capital shall be liable in the payment of the debts of the company.

Amount of cash capital to be paid in, etc.

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

When and how policies may be cancelled.

Grantee, etc., may have policy ratified and confirmed.

10. *And be it enacted*, That the officers of said company, at the expiration of one year from the time the first policy shall have been issued, or within one month thereafter, and within one month of every subsequent year, shall cause an estimate to be made of the profits and losses, and true state

Estimates of profits and losses to be made.

of the affairs of said company to be made as near as may be for the preceding year, and so on for each successive year, which estimate shall be conclusive upon all persons entitled to receive certificates of profits, as hereinafter provided for.

Members entitled to receive certificate of proportion of profits.

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

Suits at law may be maintained against members for collection of deposit notes.

12. *And be it enacted*, That suits at law or in equity may be maintained by said corporation against any of its members for the collection of their deposit notes or any part thereof, or for any other cause relating to the business of said company; also, suits at law or in equity may be prosecuted and maintained by any member against said corporation for losses, if payment be withheld more than sixty days after full and proper proofs of loss or damage are filed with said company; and no member of the corporation not being in his individual capacity a party to such suit, shall be incompetent as a witness in any case on account of his being a member of said corporation.

Especial insurances how made

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

No policy to be issued until application for certain amount is made.

14. *And be it enacted*, That no policy shall be issued by said company until application shall be made for insurances to the amount of twenty-five thousand dollars, at least.

Place of business to be designated by directors.

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

Act how long to continue in force.

16. *And be it enacted*, That this act shall continue in force for the term of twenty years from and after the passage thereof, subject to be altered, amended, modified or repealed by the legislature at any time hereafter, when in their opinion the public good may require it.

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

Approved March 8, 1875.

CHAPTER LXXXII.

An act to authorize the trustees of the Presbyterian Church at Woodstown, in the county of Salem, to sell and convey certain real estate.

Trustees authorized to sell and convey lot of land.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the Presbyterian church, of the village of Woodstown, in the county of Salem, or their successors in office, be, and they are hereby authorized and empowered to sell and convey a certain lot of land situate in said village of Woodstown, in the said county of Salem, now held in trust as the property of the said Presbyterian church of Woodstown, by virtue of a deed made to the trustees of said church by Charlotte Pedrick, bearing date the twenty-third day of December anno domini eighteen hundred and sixty-five, and to make, execute and deliver a good and sufficient deed of conveyance therefor to the purchaser or purchasers for the same, and that such deed or deeds of conveyance shall be good and effectual in law.

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

Approved March 9, 1875.

CHAPTER LXXXIII.

An act confirming and making valid the act entitled "An Act to incorporate the Germania Mutual Savings Institution," approved March fourteenth, one thousand eight hundred and seventy-one, and the supplement thereto, approved March first, one thousand eight hundred and seventy-two.

Act revived and declared in full force and effect.

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 Germania Mutual Savings Institution," approved March fourteenth, one thousand eight hundred and seventy-one, and the supplement thereto, approved March first, one thousand eight hundred and seventy-two, be and the same are hereby declared to be of full force and effect, the same as if the state tax upon said acts had been paid within the time prescribed by law, and all the rights, powers and franchises, in the said acts conferred upon said corporation, are hereby continued and declared to be vested in and exercisable by said corporation as fully as in said acts are set forth, and all and every act matter or thing done and performed by said corporation, under the provisions of said acts, be and the same are hereby ratified and made valid; *provided*, that the state assessments upon the said original act and supplement, and on this act be paid on or before the first day of July next, after the passage of this act.

Proviso.

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

Approved March 9, 1875.

CHAPTER LXXXIX.

An Act to incorporate the Stanhope Union Cemetery.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That W. H. Stackhouse, John M. Knight, John S. Van Arsdale, Joseph H. Bissell, C. J. Cottrell, G. G. Palmer, John Osborn, Richard Applegit, William Brown, and such others as shall become associated with them, shall be and are hereby created, declared and constituted a body corporate and politic, by the name of the Stanhope Union Cemetery, with the general powers and privileges of a corporation.

Corporate name

May purchase, take and hold lands to be used for cemetery purposes.

2. *And be it enacted*, That the said association shall have power to purchase, to take and hold in fee, a tract or tracts of land, situate near Stanhope, in the county of Morris or Sussex, in the state of New Jersey, not to exceed twenty acres, for the use and purpose of a cemetery, and erect thereon such buildings and other improvements as the directors may deem suitable and necessary for the objects of said corporation, and may sell or otherwise dispose of the sub-lots or plats in the said cemetery, to the several purchasers or owners thereof, by a good and sufficient deed or deeds of conveyance, under the corporate seal of said association, signed by the president and secretary thereof, to be used only as a cemetery for the burial of deceased persons, with the use and privilege of the several avenues, passages and walks, and other accommodations therein and thereunto belonging; subject, however, to such rules, regulations and restrictions as may be established in relation thereto by any by-law or ordinance of the said association; transfers of sub-lots, or rights thereunto, may be made by the owner or owners thereof by simple assignment annexed to said deed, but shall not be valid until the assignment is recorded on the books of said association; *provided*, that all parts of land not required for cemetery purposes shall be sold within one year after the purchase of the same.

May sell and dispose of sub-lots, etc.

Proviso.

May sell and dispose of lands unsuited for purposes, etc.

3. *And be it enacted*, That if any of the lands purchased by the said corporation for the purpose aforesaid shall be unsuited for the purpose of a cemetery, or if the title made to such corporation shall contain any restriction prohibiting them from using such land for such purposes, then it shall be lawful for said corporation to sell and dispose of such parts thereof as are unsuited for or which they are prohibited from using for said purposes.

Affairs how and by whom conducted and managed.

4. *And be it enacted*, That the business and concerns of the said corporation shall be conducted and managed by a board of directors, consisting of seven persons, all of whom shall be residents of this state, and who shall be elected annually, at such time and place as the by-laws may direct, upon notice given at least ten days previous thereto, by advertisements in two newspapers published or circulated in the county where said cemetery is now or shall hereafter be located, at which election each share of stock shall entitle the holder thereof to one vote; and the said directors shall elect one of their number president, and shall appoint such other officers and agents as they may deem expedient, and fix the compensation to be paid them; they shall have power to fill all vacancies in their own number until the annual meeting next ensuing; and the said board of directors shall have power to make and establish all needful rules, regulations, ordinances and by-laws, and affix from time to time, to the several plats and lots, such prices as they shall deem reasonable and proper, and shall have the sole charge, control and superintendence of said cemetery.

First directors.

5. *And be it enacted*, That, until the first election of directors, the persons named in the first section of this act shall be the directors, and may act as such until others are chosen in their stead; and in case it should happen that an election of directors should not be made during the day fixed by the by-laws, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time, upon due notice being given by the directors, and the directors for the time being shall continue to hold their office until others are chosen.

Failure to elect directors corporation not to be dissolved.

Money paid for land and improving grounds, etc., to be the capital stock.

6. *And be it enacted*, That the sum or consideration which the said corporation may agree to pay for the tract or tracts of land hereinbefore mentioned, and the sums which shall be expended in embellishing, improving, beautifying,

erecting fences, buildings, and other necessary accommodations, shall be the capital stock of the said association, and shall be divided into shares of twenty-five dollars each.

Proceeds of sale of lots how expended, etc.

7. *And be it enacted*, That on the sale of any or all of the lots or plats in said cemetery, not less than twenty-five per centum of the net proceeds shall be appropriated or funded for the further embellishment and maintaining the improvements, fences, and other accommodations of said cemetery grounds, and the balance received shall belong to and be divided among the stockholders according to their several interests; and whatever sum shall be funded as aforesaid, the same shall be free from all taxes, and no taxes or assessments shall be imposed on the lot owners thereof.

Directors to call in subscriptions to capital stock.

8. *And be it enacted*, That it shall be lawful for the directors, or a majority of them, to call in the subscriptions to the capital stock at such times, and in such sums, and upon such notice, as they may deem reasonable, and a failure to comply with such notice on the part of any stockholder, shall, at the option of the directors, or a majority of them, be cause of forfeiture of all moneys paid thereon, all rights by virtue of his or her subscription to such stock shall be vitiated.

Capital stock and lands exempt from taxation.

9. *And be it enacted*, That the said corporation shall have, use, and exercise all the rights and privileges incident to a corporation herein stated, and shall be exempt from all taxes, assessments and charges upon their capital stock, and the property which they may acquire, hold or possess, and the real estate of said corporation, and the said lots and parcels when conveyed by the said corporation, or when sold to individual proprietors, or held by any person for cemetery purposes, shall be exempt from all taxation or assessment whatsoever, and shall not be liable to be sold in execution, or subject to attachment, or applied to the payment of debts by assignment, under any insolvent or bankrupt laws, but may be conveyed under such regulations as the said directors may adopt.

No street or road to be opened through cemetery grounds.

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

Associations, etc., may purchase and hold lots.

11. *And be it enacted*, That any association of persons, for benevolent purposes, and also any religious society, may purchase and hold lots in said cemetery, adjacent to each

other, in which they may bury, agreeably to any particular rites or ceremonies of their own, subject only to the rules and regulations prescribed by the said board of directors.

May take and hold any grant, bequest in trust for the improvement, etc., of cemetery.

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

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

Approved March 9, 1875.

CHAPTER XC.

A Further Supplement to an act entitled "An act to incorporate the New Brunswick and Cranberry Turnpike Company."

Preamble.

WHEREAS, The said "The New Brunswick and Cranberry Turnpike Company" have, under the provisions of their original act of incorporation, approved February twenty fourth, eighteen hundred and sixty-five, and the supplement to the said act entitled "A supplement to an act entitled An act to incorporate the New Brunswick and Cranberry Turnpike Company," approved March twenty-seventh, eighteen hundred and sixty-seven, constructed and made a turnpike road from New Brunswick, in the county of Middlesex, to Cranberry, in the said county;

and whereas, the said company have not yet constructed a turnpike road from Cranberry aforesaid to Cranberry Station, as authorized in the said original act of incorpotion; therefore—

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the construction of the said turnpike road from New Brunswick to Cranberry, under the said original act, and the said supplement thereto, be and the same is hereby ratified and confirmed as fully and entirely as if the same had been constructed and completed under the said original act of incorporation. Construction of road ratified and confirmed.

2. *And be it enacted*, That the said company shall have the further time of six years, from and after the passage of this act, to construct and complete a turnpike road from Cranberry, in the said county of Middlesex, to Cranberry Station, in the said county. Time of completion extended.

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

Approved March 9, 1875.

CHAPTER XCI.

A Further Supplement to the act entitled "An act to incorporate the Warren Foundry and Machine Company," approved March third, anno domini eighteen hundred and fifty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the ninth section of the original act to which this is a supplement, which limits the continuance of said act to twenty years, be and the same is hereby repealed. Repealer.

Approved March 9, 1875.

CHAPTER XCII.

An Act to legalize the sale of real essate, made by Anna T. Hora and John K. Hora, her husband, of the city of Rahway, county of Union, and state of New Jersey.

Preamble.

WHEREAS, Anna T. Hora, wife of John K. Hora, and the said John K. Hora, of the city of Rahway, in the county of Union, and state of New Jersey, by a deed of conveyance, dated on the fourteenth day of December, in the year one thousand eight hundred and seventy, did convey to the said John K. Hora, as trustee for Eliza Nelson and her children, Anna Sophia Nelson, Rosalia Jane Nelson and Eliza Page Nelson, certain lands and premises in said deed described, upon certain trusts therein mentioned; *and whereas*, doubts have been expressed as to the validity of said deed, by reason of one of the parties of the first part being the party of the second part, and the husband of the other party of the first part, therefore,

Deed of conveyance declared valid, etc.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said deed of conveyance so made by said Anna T. Hora and John K. Hora, her husband, to the said John K. Hora, be and the same is hereby declared to be valid and effectual in law to convey to and vest in the said John K. Hora, his heirs and assigns forever, all the estate of the said Anna T. Hora and John K. Hora, her husband, so purporting to be conveyed by said deed of conveyance aforesaid, subject to the trusts in said deed mentioned.

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

Approved March 9, 1875.

CHAPTER XCIII.

A supplement to the act entitled "An act to incorporate the Mays Landing Water Power Company," passed April third, eighteen hundred and sixty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the president and board of directors of the Mays Landing Water Power Company, with the consent of two-thirds of the stockholders of the company, may reduce the par value of the shares of stock of said corporation to any sum not less than thirty dollars per share. Par value of shares of stock may be reduced.

2. *And be it enacted*, That the assessment for taxation on the property of the Mays Landing Water Power Company, in Hamilton township, Atlantic county, shall not be increased above the assessment for eighteen hundred and seventy-four, to wit, sixty-four thousand dollars, for the period of ten years from the first of January, eighteen hundred and seventy-six; *provided always*, that unless the said company shall, before the close of the present year, commence improvements to increase the production of their mill by one hundred looms, this section shall be void and of none effect; and *provided further*, that the provisions of this section shall not apply to taxation for state purposes. Assessment for taxation not to be increased. Proviso. Proviso.

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

Approved March 10, 1875.

CHAPTER XCIV.

A Supplement to an act entitled "An Act to incorporate the Elizabethtown Water Company," approved March third, eighteen hundred and fifty-four.

May issue bonds and to sell the same.

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 Elizabethtown Water Company, from time to time, to issue their corporate bonds for an amount not exceeding five hundred thousand dollars, of such denomination, and payable at such time and manner, and with such a rate of interest not to exceed seven per cent., as may be stipulated; and to sell the same on the best procurable terms without invalidation thereof by virtue of any statute against usury.

Penalty for injuring any pipe, reservoir, etc.

2. *And be it enacted*, That if any person or persons shall wilfully and maliciously do, or cause to be done, without authority of law any act or acts or thing whatsoever, to injure any water wheel, engine, machine, reservoir, pipe, fire plug, hydrant, or structure whatever, or anything appertaining to the works or property of said corporation, or whereby the same may be obstructed, or injured; or shall wilfully and maliciously draw off or waste the water from any pipe, fire plug, hydrant or reservoir; or shall wilfully put or cause to be put in any reservoir or any of the works or structures of said corporation, or into the pond, or streams, or source from which the said corporation shall take water for the purpose authorized by the act incorporating said company anything that may render, or is calculated or liable to render the said water offensive, impure, or unwholesome, the person or persons so offending shall be deemed guilty of a misdemeanor, and, being convicted thereof, shall be punished by a fine not exceeding five hundred dollars, or imprisoned in the county jail not exceeding six months, or both; *provided*, such criminal prosecution shall not in any wise impair the right of action of said corporation against such person

Proviso.

or persons for damages by a civil suit, and the said corporation are hereby authorized to bring an action and recover damages by civil suit for any such injury in any of the courts of this state having cognizance of the same.

3. *And be it enacted*, That it shall and may be lawful for the president of the said corporation for the time being to appoint by writing under his hand and the seal of said corporation so many of its officers, servants, and employees as he shall deem necessary to act as special police, who shall have power to immediately arrest any person or persons, committing or attempting to commit the misdemeanors mentioned in section two of this act, and immediately conduct the person or persons so arrested before the nearest magistrate of Union county, to be dealt with according to law. May appoint special police. Power of special police.

4. *And be it enacted*, That the Elizabethtown Water Company shall have the right and power to sell, assign, transfer and convey to any person or persons or corporation, all the rights, franchises, lands and property, real and personal, of every kind and description, belonging to or vested in said corporation, or to which they are or shall become entitled, upon such terms and conditions as they shall see fit, and such assignment, transfer and conveyance when so made shall vest in the person or persons, or corporations purchasing the same, all the right, title and interest to their said franchises, lands and property which said the Elizabethtown Water Company had therein prior to such sale and conveyance; *provided*, that no such sale and transfer shall be made except by the consent of two thirds in interest of the then stockholders of said corporation, to be expressed by a vote at a meeting to be called for that purpose, of which meeting notice shall have been given by at least two insertions in some newspaper published and circulated at Elizabeth, in said county of Union. Power to sell, assign and convey rights, lands, etc. Proviso.

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

Approved March 10, 1875.

New Jersey State Library

CHAPTER CIV.

Supplement to an act entitled "An act to incorporate the Lambertville Building and Loan Savings Bank," approved March twenty-third, one thousand eight hundred and seventy-three.

Corporate name changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of "The Lambertville Building and Loan Savings Bank," incorporated by the act of the legislature of this state, approved March twenty-third, one thousand eight hundred and seventy-three, and to which this act is a supplement, be and the same is hereby changed to "The Lambertville Savings Bank," and by that name shall be invested with all the rights and privileges heretofore inuring to "The Lambertville Building and Loan Savings Bank," and that in any action in any of the courts of this state, whether at law or in equity, to which the said corporation may hereafter be a party, it may appear and prosecute or defend under the name of "The Lambertville Savings Bank," whether the cause of action arose before the passage of this supplement or not; and that all actions now pending shall be carried to a conclusion, in the name of "The Lambertville Building and Loan Savings Bank."

Invested with all rights.

May prosecute and defend actions.

Amendment.

2. *And be it enacted*, That the third section of the original act to which this is a supplement shall be amended by striking out the words "of said association," after the word "persons," and before the word "offering" in said third section, and by inserting the words "of such association" immediately after the word "members," and before the word "and" in said section; so that the whole sentence shall read "that the directors of said association shall choose one of their number president, and may appoint such other officers and agents as they shall deem expedient; fill vacancies in their own board until the next annual election, make by-laws, collect installments, let money on interest to members of said association and other persons, upon such security as

Amendment.

the board of directors shall consider judicious and proper, and declare dividends to stockholders entitled to receive them."

3. *And be it enacted*, That said institution may invest money and deal in bonds, promissory notes and bills of exchange drawn by individuals or corporations, and buy and sell such bonds, promissory notes and bills of exchange. May invest money in bonds etc.

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

Approved March 11, 1875.

CHAPER CV.

A Further Supplement to the act entitled "An Act to incorporate the Citizens' Gas Light Company, of the City of Newark," approved March eighteenth, one thousand eight hundred and sixty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for this company to reduce its capital stock to the sum of five hundred thousand dollars on the vote or written consent of two-thirds in interest of the stockholders or their legal representatives. Company may reduce capital stock.

2. *And be it enacted*, That hereafter, until the reduction of the stock may be made as authorized by the first section of this act, this company shall be taxed on the actual value of all the real and personal estate owned by said company; *provided*, that such reduction shall be made before the first day of January, eighteen hundred and seventy-eight. Company to be taxed on actual value of real and personal property. Proviso.

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

Approved March 11, 1875.

CHAPTER CVI.

A Further Supplement to an act entitled " An Act to incorporate the Hoboken Bank for Savings of the city of Hoboken," approved March twentieth, one thousand eight hundred and fifty-seven.

Certain acts revived.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An Supplement to an act entitled ' An Act to incorporate the Hoboken Bank for Savings of the city of Hoboken,' " approved March twentieth, one thousand eight hundred and fifty-seven, approved March twenty-third, one thousand eight hundred and sixty-four, and the act entitled " An Act to incorporate the Hoboken Bank for Savings of the city of Hoboken," approved March twentieth, one thousand eight hundred and fifty-seven, approved April sixteenth, one thousand eight hundred and sixty-eight, be and they are hereby revived and declared to be in full force ; *provided*, that the persons in said acts interested shall pay or cause to be paid, on or before the first day of May, now next ensuing the assessments due thereon respectively, according to the terms of the act entitled " An Act to increase the revenues of the state of New Jersey," approved March six, one thousand eight hundred and fifty-eight, and the supplement thereto, approved March eighteenth, one thousand eight hundred and fifty-nine.

Proviso.

Acts and proceedings heretofore done legalized and confirmed.

2. *And be it enacted*, That in all cases of the payment of the assessments as required by this act, all acts and proceedings had or done heretofore under the acts so revived, and each of the before mentioned acts of the legislature be, and they are hereby ratified, legalized and confirmed, and are declared to be of equal force and effect as if the said assessments had been paid as required by law.

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

Approved March 11, 1875.

CHAPTER CVII.

A Further Supplement to an act entitled "An Act to incorporate the Home Mutual Fire Insurance Company of Newark, New Jersey," approved March the twenty-fourth, Anno Domini, one thousand eight hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the annual election of directors of the said company shall hereafter be held on the second Wednesday in January of each and every year, and that notice of such election shall be given in the manner provided by the sixth section of the original act. Time of holding annual elections.

2. *And be it enacted*, That section eighth of the original act be amended so as to read as follows: "it shall and may be lawful for the said company to insure houses and other buildings and personal property of all kinds against loss or damage by fire; also ships, steamboats or other vessels, and the property contained therein against loss or damage by fire or other casualty, and generally to insure against all losses pertaining to fire and marine risks, upon such rates and conditions as shall be contained and stated in the policy of insurance." Amendment.

3. *And be it enacted*, That seven directors of said company shall constitute a quorum to transact the business of said company; and all parts or portions of the act to which this is a supplement or the supplements thereto, inconsistent with or repugnant to the provisions of this act, be and the same are hereby repealed. Quorum. Repealer.

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

Approved March 11, 1875.

CHAPTER CVIII.

An act to confirm and make valid an act entitled "An Act to incorporate the Highwood Land Company," approved March seventeenth, one thousand eight hundred and seventy.

Act declared in full force and effect.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act incorporate the Highwood Land Company," approved March seventeenth, one thousand eight hundred and seventy, be and the same is hereby declared to be of full binding, force and effect, to all intents and purposes, the same as if the state tax upon said act had been paid within the time prescribed by law, and all the rights, powers and franchises in the said act conferred upon the said corporation by said act, are hereby continued and declared to be vested in and exercisable by said corporation as fully as in said act is set forth, and all and every act, matter or thing done and performed by said corporation under the provisions of said act, be and the same are hereby ratified and made valid; *provided*, that the state assessment upon the said act, and on this act, be paid on or before the first day of July next after the passage of this act.

Acts ratified and made valid.

Proviso.

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

Approved March 11, 1875.

CHAPTER CIX.

A Supplement to an act entitled "An act to incorporate the Rahway Gas Light Company," approved February eighteenth, eighteen hundred and fifty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of directors of the Rahway Gas Light Company may, by resolution, at any time, or from time to time, increase the number of said board; *provided*, that the whole number of said board shall not exceed nine. Power to increase number of directors. Proviso.

2. *And be it enacted*, That whenever a resolution making any such increase shall be passed by said board, they shall immediately elect from among the stockholders of said company, one or more members of said board as may be required to make up such increased number, who shall hold their office until the next following annual meeting of the stockholders of said company; and their successors shall thereafter be elected in the same manner and for the same time as the other members of said board. Board may elect members of board until others are elected.

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

Approved March 11, 1875.

CHAPTER CX.

An Act to incorporate the "Cape May City Passenger Railway Company."

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Alexander I. Whilldin, Edwin Richards, Edward A. Warne, William J. Sewell, Downs Edmunds, R. B. Swain, and John C. Bullett, and such other persons as may 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 "Cape

Corporate name.

May City Passenger Railway Company," and by that name shall be capable of purchasing, holding and conveying lands, tenements and real estate, goods and chattels, necessary or proper for the objects of said corporation.

Amount of capital stock.

2. *And be it enacted*, That the amount of the capital stock of said corporation shall be fifteen thousand dollars, with the privilege of increasing the same to twenty-five thousand dollars, 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 and receive subscriptions.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioned to open books to receive subscriptions to the capital stock of said corporation, at such time and place in the city of Cape May or elsewhere, at their discretion, as they or a majority of them think proper, giving at least twenty days' notice of the same in the newspapers published in the said city of Cape May; and at subscribing, ten per centum shall be paid for each share subscribed for, to the commissioners or some one of them, and as soon as ten dollars of the capital stock shall be subscribed, said commissioners shall give like notice for a meeting of the stockholders, to choose not less than five, nor more than seven directors, and such election shall be made

Election of directors.

at the time and place appointed by such as shall attend for that purpose, either in person or by proxy, each share of the

capital stock entitling the holder thereof to one vote, and the above named persons or 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 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; in case of the death, resignation or removal of the president or any directors, such vacancy or vacancies may be filled for the remainder of the year in which they may happen by the board of directors or a majority of them; and in case of the absence of the president the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the corporation shall provide.

Vacancies how filled.

4. *And be it enacted*, That in case it shall happen that an election shall not be made during the day when pursuant to this act it ought to be made, 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 offices until others shall have been chosen in their places.

Failure to elect on day corporation not dissolved.

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 the said company by such installments and at such terms 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 board shall appear proper.

Directors to transact business and may make by-laws, etc.

6. *And be it enacted*, That the said corporation shall have power and authority to lay down and construct a rail-

Power to lay down and construct a railroad, etc.

road with the necessary turnouts and switches, beginning at the present railroad depot of the West Jersey Railroad Company, and thence running to Schellinger's Landing, on Cold Spring Inlet, and returning thence along the Atlantic Ocean to Sewell's Point on said inlet, and returning thence to the steamboat landing on Delaware Bay, and returning by such route as the company may deem best to the point of beginning, with the right to extend their tracks elsewhere in the city of Cape May as they may deem best, and to occupy any streets, roads, lanes or alleys which may be deemed proper by said company for the use of their tracks; *provided, however*, that said company shall first obtain the consent of the board of commissioners or city council of Cape May before they shall occupy any street in said city, and shall be subject to any and all rules and regulations made by said board of commissioners or city council in reference thereto; *and provided also*, that said company may construct such portion of their tracks when first organized as they may deem advantageous, and may afterwards from time to time construct other portions thereof as they may consider proper.

May extend tracks and to occupy streets, roads, etc.

Proviso.

Proviso.

7. *And be it enacted*, That the said corporation may purchase, have and hold such real and personal estate as may be necessary for carrying out the object of the said corporation.

May hold real and personal estate.

8. *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, of the net profits of the said railroad.

May make and declare dividends.

9. *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 the said corporation all machinery, cars, wagons, carriages, or other vehicles for transportation of persons or property on their railroad, as they may think fit, expedient or right, and also to purchase horses or mules as they may or shall deem fit for the purposes of said corporation; *provided, however*, that no steam power shall be used as a motive power upon said railroad, except that known as the dummy engine, and they are hereby authorized to demand and receive such sum or sums of money for the transfer of persons or property upon such railroad as they shall think reasonable and proper.

Power to purchase cars, etc.

Proviso.

Penalty for injuring works or obstructing railroad, etc.

10. *And be it enacted*, That if any person or persons shall wilfully or maliciously impair, injure or destroy, or obstruct the said railroad, or any of its works, turnouts, switches, carriages, animals or machines, such person or persons shall forfeit and pay therefor to the 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.

Power to borrow money to construct and equip road, etc.

11. *And be it enacted*, That the said corporation shall have power to borrow such 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 said corporation, at the rate of interest not exceeding seven per centum per annum.

Statement of cost, etc., to be filed.

12. *And be it enacted*, That as soon as the said railroad is finished the president of the company shall file, under oath or affirmation, a statement of the amount of the cost of the railroad inclusive of 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 road, 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 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.

State tax.

Proviso.

Company not to pay damages or compensation for use of streets, etc.

13. *And be it enacted*, That no damages or compensation shall be demanded or recovered from said company for the use of said streets or the right of way through the same, either by the city or the land owners along said streets; *provided*, that the said company shall be liable, as in other cases, for all damages done by them to private property.

Proviso.

May connect with any other horse railroad and may make contracts.

14. *And be it enacted*, That said company shall have power to connect with any other horse railroad that may hereafter be built and established by any company or incorporation, and to make contracts and engagements with them or with individuals for operating such railroad upon such terms and conditions as shall be agreed between them not inconsistent with this charter.

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

Approved March 11, 1875.

CHAPTER CXI.

A Supplement to the act entitled "An Act to incorporate the High Bridge Railroad Company," approved March twenty-second, eighteen hundred and seventy-two.

Power to alter location and to locate new lines

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 change or alter the location of their said railroad, or to locate new lines when additional tracks shall be required, not varying in any case over one mile from the line as located and filed, after filing in the office of the secretary of this state a survey of such location as varied from the original location, and shall be invested with all the powers and privileges, and subject to all the conditions and restrictions in taking possession of and using the land required, which by their act of incorporation they might exercise, and to which they are subject respecting lands required for their road.

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

Approved March 11, 1875.

CHAPTER CXII.

A Supplement to an act entitled "An act to incorporate the United States Fertilizing and Chemical Company," approved March eighteenth, eighteen hundred and seventy-four.

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 corporation to increase its capital stock, from time to time, to a sum not exceeding one million dollars in the aggregate, in the same manner and subject to the same general conditions as are provided in the eighth section of the act to which this is a supplement. Power to increase capital stock.

2. *And be it enacted*, That it shall and may be lawful for the stockholders of said corporation to increase the number of directors to any number not exceeding fifteen, who shall be elected at the same time and in the same manner, and shall hold their offices for the same periods, as are now provided in the act to which this is a supplement. Number of directors may be increased.

3. *And be it enacted*, That it shall and may be lawful for said corporation, as often as the necessities of the business of said corporation may, from time to time require, to purchase, hold, sell, use and dispose of any and all patents for any and every chemical compound or process, and the right to use the same upon such terms and in such way or manner as said corporation may see fit. May purchase, hold, sell, use and dispose of patents, etc.

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

Approved March 11, 1875.

CHAPTER CXVI.

An Act to incorporate the Union Telegraphic Association of New Jersey.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Frank L. Pope, Ralph W. Pope, Joseph V. Fenn, John T. Dunn, Henry Van Hovenburgh, Myron C. Clark, and all such other persons as may hereafter be associated with them and their successors and assigns are hereby created a body politic and corporate, in fact and in law, by the name and title of the

Corporate name

" Union Telegraphic Association of New Jersey," and by that name and title shall have and possess all the powers and privileges which by the laws of this state are now incident and belonging to corporations.

Objects and purposes of association.

2. *And be it enacted*, That the objects of said association shall be to manufacture and apply every description of electrical apparatus for local purposes in private and public buildings, such as burglar and fire alarm, railway signals, gas lighters, annunciators, signal bells, dial printing, or signal telegraph instruments for the purpose of communicating between two or more points, and to construct and maintain any telegraph wires through any street or streets which may be necessary to connect any two or more points, subject to municipal authority, or to apply any electric apparatus that may be invented for any special purpose which may be desired.

Principal office and amount of capital stock.

3. *And be it enacted*, That the principal office shall be located at Elizabeth, New Jersey, in the county of Union, and that the capital stock of said association shall be twenty-five thousand dollars, divided into shares of twenty-five dollars each, and shall be paid by the stockholders at such time and in such manner, and by such installments as the directors of said association shall direct, and such shares shall be deemed personal property, and shall be transferable on the books of said association in such manner as the said

association may by its by-laws direct, and the said association may at any time hereafter increase its capital stock to any amount not to exceed thirty thousand dollars.

Commissioners to open books and receive subscriptions.

4. *And be it enacted*, That the above named persons, or any three of them, who may be chosen by a majority of said persons, shall be and they are hereby appointed commissioners to open books and receive subscriptions to the capital stock of said association at such time and place, and in such manner and amount as a majority of said commissioners may determine, and as soon as three hundred shares are subscribed and twenty-five per cent. of said stock paid for in cash the said association, or a majority of them, are hereby authorized to hold their first meeting at such time and place as they may determine and choose and elect a president, secretary, treasurer, and six other stockholders, who together shall constitute a board of directors, and such and so many other officers as may be necessary to carry out the objects of said association, which said officers and directors shall hold their offices for one year, and until others are elected in their stead.

First election of officers, etc.

Failure to elect officers on day corporation not to be dissolved.

5. *And be it enacted*, That in case any election of officers of said association should not be held on the day when pursuant to the by-laws of said association it ought to have been held, the corporation shall not for that reason be deemed dissolved; but the stockholders may proceed to hold an election on any other day; ten days notice of such election having been given by advertisement in a newspaper published in the county of Union; and at all elections and meetings of said association, each stockholder shall be entitled to one vote, in person or by proxy, for each share of stock held; and in case a vacancy should occur in any of the offices, in consequence of death, resignation or in any manner whatsoever, the board of directors for the time being shall fill said vacancy by appointment of any person who is a stockholder in said association; and any person so appointed shall hold said office until the next annual election, and until another shall be elected in his stead.

Vacancy how filled.

May make by-laws, etc.

6. *And be it enacted*, That it shall be lawful for said association to make and establish such by-laws for the government and management thereof, as may be deemed proper and necessary; *provided*, that such by-laws shall not con-

Proviso.

flict with the constitution of this state or the United States, or the provisions of this act.

May hold, purchase, sell, lease and convey property.

7. *And be it enacted*, That said association shall have the right to receive and hold by grant, purchase or bequest, such real or personal estate as may be proper for the purposes hereinbefore specified, or to dispose of any or all of said real and personal estate, or to lease, hire or mortgage the whole or any part of the same, at the pleasure of said association or its board of directors, and to demand and receive for said association, such sum or sums of money for the use or rental of such real or personal estate as may be fixed and determined by the board of directors of said association.

Power to borrow money and secure the same by bond and mortgage.

8. *And be it enacted*, That said association shall have power and authority to borrow money in such sum or sums, from time to time, as may be deemed necessary to carry out the objects of said association; and said association shall give bond and mortgage in security for the same, on its real and personal estate, or such part of the same as may be desired; *provided*, not more than the rate of seven per centum per annum of interest shall be paid on such bond and mortgage.

Proviso.

Profits to be divided among stockholders.

9. *And be it enacted*, That so much of the profits of said association as the directors thereof shall from time to time think fit, shall be divided amongst the stockholders; but no dividend or divivends shall be declared which will impair the capital stock of the association in any manner whatsoever.

Capital stock not to be impaired.

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

Approved March 12, 1875.

CHAPTER CXVII.

An Act to incorporate the West Jersey Mutual Insurance Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel W. Stokes, William J. Sewell, Samuel Hopkins, Thomas W. Synnott, Thomas W. Hurff, Isaac C. Stevenson, Horatio J. Mulford, Allen S. Morgan, and George W. Bailey, and all other persons who may hereafter associate with them in the manner hereafter prescribed, shall be a corporation, by the name of the "West Jersey Mutual Insurance Company," for the purpose of insuring their respective vessels, buildings, household furniture, merchandise, and other property, against loss or damage by sea or fire; and by that name they and their successors may have perpetual succession, and shall have power to sue and be sued, and to defend and be defended, in all courts, whether in law or equity, and by that name may also have, purchase, possess and enjoy, to them and to their successors, lands, tenements, hereditaments, goods, chattels and effects, of what nature and kind soever necessary for the purpose of said corporation, and the same may grant, devise, alien and dispose of at pleasure, for the benefit of said company; and may also have a common seal, and alter and renew the same at pleasure; also, may make and establish such by-laws and regulations as to them shall seem necessary and expedient for the well-ordering and government of said company, and put the same into execution; *provided*, that they be not contrary to the constitution or laws of this state or of the United States.

Names of corporators.

Corporate name

General powers.

Proviso.

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

Persons insured to become members.

Affairs by whom managed.

3. *And be it enacted*, That all the affairs, property and concerns of said corporation shall be managed and conducted by nine directors, who shall continue in office one year, and until others shall be chosen in their place, all of whom shall be members of the said corporation, and shall take an oath or affirmation of office, and choose out of their body a president; all vacancies may be filled for the remainder of the year by such person or persons as a majority of the board of directors for the time being may appoint, and a majority of the whole shall constitute a quorum for the transaction of business.

Vacancies how filled.

First directors.

4. *And be it enacted*, That the persons named in the first section of this act shall be the first directors of said corporation, and that annually hereafter a board of directors may be elected at such time and place in the town of Wenonah, county of Gloucester, and state of New Jersey, as the said corporation in their by-laws shall appoint; of each election due notice shall be given in at least one of the public newspapers printed in said county, for two weeks immediately preceding such election; and it shall be the duty of the board of directors to appoint three discreet persons, not members of said board, to be inspectors of such election, and to count the votes that may be given in, and to declare the result of such election, which shall be a plurality of the votes of the members or their proxies then present, allowing one vote to each member for every one hundred dollars insured in said company at the time of such election; and it shall be the duty of such inspectors, or a majority of them, to make and sign a certificate of the result of such election, stating who are elected by the greatest number of votes, and deliver such certificate to the secretary of the company for the time being, which certificate shall be filed and recorded by the secretary, and be conclusive evidence of the result of such election, until set aside by some court having competent authority to do so.

Annual election of directors.

Board may appoint officers, etc.

5. *And be it enacted*, That the board of directors may appoint a secretary and such other officers and agents as may be requisite for effecting the business of said company, and allow them such compensation as may be agreed upon, and also determine the rates of insurance, the sum to be insured, and the sum to be deposited for any insurance.

Policies may be made with or without seal.

6. *And be it enacted*, That all policies or contracts founded thereon, which shall be made or entered into by the said company, may be made under the seal thereof, and shall be subscribed by the president, and attested by the secretary, and being so subscribed and attested by the secretary, shall be binding and obligatory upon said company; and the company shall be liable for all loss or damage sustained, agreeable to, and on such terms and conditions as shall be contained in the policy.

Company liable for losses.

Insurers to pay money and deposit promissory notes, etc.

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

May invest moneys.

Policy to be cancelled when property shall be sold, etc.

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

Grantee may have policy ratified and confirmed.

Company to have a lien on vessels, cargoes and buildings insured.

9. *And be it enacted*, That all vessels or cargoes insured by said company are hereby pledged to said company, and the said company shall have a lien thereon, in the nature of a bottomry and respondentia; and all buildings insured by

said company, together with the right, title and interest of the assured to the lands on which they stand, shall be and are hereby pledged to said company, and the said company shall have a lien thereon in the nature of a mortgage, to the amount of the deposit note or notes given for such insurance.

Division of money how made.

10. *And be it enacted*, That when the cash means on hand shall exceed twenty-five per centum of the amount of risks the company is liable for, at any annual meeting, the board of directors may order a division of such excess among the members of the company, in proportion to the amount of premium paid by each member; but no person shall be entitled to a dividend on a policy that occasions loss; nor shall dividends be paid of sums between even tens of dollars, nor for any sum under ten dollars; but all such fractional part of sum or sums less than ten dollars shall be passed to the contingent account of said company, and applied to the payment of expenses and other charges of said company.

Corporation may maintain suits for collection of deposit notes, etc.

11. *And be it enacted*, That suits at law or in equity may be maintained by said corporation against any of its members for the collection of their deposit notes, or any part thereof, or for any other cause relating to the business of said company; also, suits at law or in equity may be prosecuted and maintained by any member against said corporation for losses, if payment be withheld more than four months after the company are duly notified of such loss or damage; and no member of the corporation, not being in his individual capacity a party to such suit, shall be incompetent as a witness in any case on account of his being a member of said corporation.

Members may maintain suits against company.

Especial insurances how made.

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

When policies are to be issued.

13. *And be it enacted*, That no policy shall be issued by said company until application shall be made for insurances to the amount of twenty-five thousand dollars, at least.

Principal office.

14. *And be it enacted*, That the principal office of said corporation shall be at such place in Wenonah, in the county of Gloucester, as shall be designated by a majority of the directors at the first regular meeting in every year.

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

Approved March 15, 1875.

CHAPTER CXVIII.

A supplement to an act entitled "An act to confirm the title of the American Dredging Company," approved the fifth day of March, anno domini eighteen hundred and seventy-four.

Preamble.

WHEREAS, by virtue of an act passed by the legislature of this state, and approved by the governor the fifth day of March, anno domini eighteen hundred and seventy-four, the title of the American Dredging Company, a corporation incorporated by the state of Pennsylvania, was confirmed and declared to be good and valid, both at law and equity, and the said company was thereby authorized to hold and convey the said lands, or any part thereof, in fee simple; subject, however, to the compliance by the said company with certain requirements of the riparian commissioners, and to the payment or securing to the state of the compensation to be fixed by the said commissioners, as by the said act will fully appear; *and whereas*, all of the said requirements have been complied with by the said company, and the said compensation has been paid to the state; *and whereas*, the said company is desirous to acquire other lands in the said city and county of Camden, and to improve the same by the erection of buildings and workshops, and the construction of piers, docks, wharves, et cetera; therefore,

Authorized to hold, improve and convey lands, wharves, docks, etc.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said The American Dredging Company be and it is hereby authorized to hold the lands which may be purchased by it within the said city and county, to improve the same by the erection, construction and operation of buildings, workshops, piers, docks, wharves, et cetera, thereupon, and upon the lands referred to and recited in the act to which this act is a supplement, and to convey all the said lands, and the improvements thereupon, or any part or parts thereof, from time to time,

Proviso. in fee simple; *provided, however*, that nothing herein contained shall authorize the construction of piers, docks or wharves, unless the consent of the riparian commissioners be first had and obtained, and that the boundaries, the exterior bulkhead and their lines, and the compensation to be paid or secured to the state shall be fixed and established by the riparian commissioners from time to time, as purchases of lands within the said city and county may be made by the said company; and if the bulkhead and pier lines, or either of them, shall be hereafter extended by the said commissioners, the right and title of the grantees shall extend to such extended bulkhead and pier lines without further compensation, which compensation, fixed by the said commissioners as aforesaid, shall be paid or secured to the state, to the satisfaction of the governor, from time to time as purchases of lands may be made by the said company, before the provisions of this act shall apply; and in default thereof then this act, and all the provisions thereof, shall cease and be of no force and effect as to any and all the lands the compensation whereupon fixed by the said commissioners shall not be paid or secured to the state as aforesaid.

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

Approved March 15, 1875.

CHAPTER CXIX.

An Act to incorporate the Essex Sewage Company.

Names of corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles T. B. Keep, George D. G. Moore, Isaac J. Everitt, Henry D. Gould, Elias O. Doremus, and John M. Reuck, and their successors and assigns, be and they are hereby made a corporation by Corporate name the name of the Essex Sewage Company, and shall have and exercise all and every of the powers conferred upon

corporations by the statute of this state entitled "An act concerning corporations," approved February fourteenth, one thousand eight hundred and forty-six.

Amount of capital stock.

2. *And be it enacted*, That the capital of said company shall be fifty thousand dollars, with power to increase the same from time to time as occasion may require, to an amount not exceeding in all the sum of two hundred and fifty thousand dollars, which stock shall be divided into shares of twenty dollars each; the affairs of said company shall be managed by six directors; the corporators herein- Directors.
before named shall be the first directors, and shall continue in office until their successors are appointed; the stockholders may meet annually to elect directors, vacancies occurring in the board of directors may be filled until the Vacancies how filled.
next stockholders' election by the remaining members of the board; the said directors may elect a president, secretary and treasurer, and such other officers and agents as they may deem necessary.

Power to carry on business.

3. *And be it enacted*, That said company shall have power to engage in and carry on the business of manufacturing fertilizers from sewage, and to purchase and sell the same, and to acquire materials therefor, and for that purpose any city, borough, township, or other municipality in the county of Essex may make contracts with said company, May make contracts.
allowing said company to take, remove, and use for the purposes of said company all or any of the sewage that may be within the limits of any of said municipalities; in the case of cities or towns having a common council such contracts shall be made on the part of the city or town by the common council and the mayor, or other chief magistrate, and in the case of townships said contracts on the part of the townships shall be made by the township committee.

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

Approved March 15, 1875.

CHAPTER CXX.

An Act to incorporate the Spring Lake Beach Improvement Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Edward Browning, Gustavus A. Nicolls, James Hunter, Samuel C. Huey, Henry C. Howell, John G. Reading, David C. Spooner, Isaac W. Hughes, William H. Gatzmer, and Samuel B. Huey, and such other persons as they may hereafter associate with them, be and they hereby are constituted and declared to be a body corporate and politic in fact and in law by the

Corporate name

name of "The Spring Lake Beach Improvement Company," and by that name shall have a corporate seal; shall be able to sue and be sued, and shall have power to purchase, hold, improve, lease, rent, and sell real and personal estate, or any interest therein, and to open books of subscription at such time and place in the county of Monmouth as they may select; and until other directors are chosen, the ten corporators hereinabove mentioned shall be first directors, with power to make by-laws and transact such other business as may be consistent with this act.

Capital stock.

2. *And be it enacted*, That the capital stock of the said company shall consist of five thousand shares of one hundred dollars each, which shares shall be deemed personal property and be transferable in such manner as the company may by its by-laws direct; and as soon as one thousand shares are subscribed, and twenty per cent. thereon paid in to the corporators, it shall and may be lawful for the said corporation to proceed to carry into effect the objects of this act; and it shall be lawful for the directors of said corporation to call and demand from the stockholders thereof, respectively, such instalments, at such times and in such proportions as they may deem proper, not exceeding twenty dollars on each share at any one time, and notice of at least thirty days shall be given before any one of such instalments

is required to be paid; and it shall be lawful for said company to issue certificates of stock, in whole or in part, for any real or personal estate purchased by the said company; and in case of failure by any stockholder to pay his or her instalment or instalments, as the case may be, at the time and place appointed for the payment thereof, or within thirty days thereafter, such stockholder shall, if the company shall so direct, incur forfeiture of his or her share or shares, and of all previous payments thereon for the use of the company.

Failure of stockholders to pay instalments stock forfeited.

3. *And be it enacted*, That the property and affairs of the said company shall be managed by a board of five directors, shareholders in said company, who shall be chosen annually at such place in the State of New Jersey or city of Philadelphia, and at such times, and in such manner, and upon such notice as the by-laws of said company shall direct, each share of the capital stock entitling the holder to one vote either in person or by proxy, said directors to hold office until others are elected in their places; a majority of said directors shall constitute a quorum competent to transact all business; said directors shall choose one of their number to be president, and may appoint such other officers and agents as they may deem expedient; meetings of such board of directors may be held either in New Jersey or Philadelphia.

Property and affairs how managed and by whom.

4. *And be it enacted*, That the president and directors of said company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to purchase, hold, use, and improve, rent, lease, sell, and dispose of real or personal estate, or any interest therein of however limited a nature, in the state of New Jersey; to survey such real estate as they may purchase, to lay it out in such lots, to lay out and establish or locate thereon such streets or lines of division, and to sell it in fee simple, or for a lesser estate, and at such prices as shall to said company seem best calculated to improve and build up said property or properties, and to transact all business connected with the carrying out the objects of said corporation.

Power to purchase, hold, lease, sell, etc., real estate.

5. *And be it enacted*, That any conveyance, deed, lease, agreement or other instrument signed by the president and secretary of said company, and duly sealed and acknowledged according to the laws of New Jersey, shall have full

Conveyances acknowledged to have full force and effect.

force and effect to bind said company to all the covenants and conditions therein contained.

Power to incorporate into deeds clause forbidding sale of liquors and to make certain improvements.

6. *And be it enacted*, That for the purpose of restricting nuisances, and compelling a uniform system of improvements in lands belonging to them, the said company are hereby authorized and invested with full power to incorporate into any deed of conveyance made by them, whether fee simple or otherwise, a clause or condition forbidding the sale upon the premises so conveyed by said company of any spirituous or intoxicating liquors, and forbidding any nuisance which the said company may deem detrimental to the interests and prosperity of said settlement, and to require any grantee of said company to make and maintain such style and character of improvements on said lots so conveyed, or on the streets fronting thereon, as to the said company may seem most expedient for securing a uniform system of development and improvement of their property, and that any such clause, condition, or covenant shall be a covenant real.

May attach penalty, etc.

7. *And be it enacted*, That for the purpose of enforcing the provisions of the last section, the said company are hereby authorized and invested with power to attach to said clause, to restrict nuisances and regulate improvements, a penal sum which said grantee shall forfeit upon any non-fulfillment or non-compliance therewith, and the said sum the

How recovered.

said company may recover in any court of record having competent jurisdiction in actions of debt.

Dividends.

8. *And be it enacted*, That the president and directors of said company shall declare and make such dividends as they may deem proper and prudent, from time to time, out of the profits of the company, or proceeds of sales of its lands.

May borrow money and secure same by bond, etc.

9. *And be it enacted*, That the said company may borrow such sum or sums of money, from time to time, as shall be necessary to carry out the objects of said company, and secure the re-payment thereof by the execution and negotiation of any bond or bonds, and may secure any of said bonds by mortgage on the lands, privileges, franchises and appurtenances of and belonging to said company, said bonds bearing not more than seven per centum interest per annum.

How dissolved.

10. *And be it enacted*, That the said corporation may be dissolved at any time by a general meeting of the stockholders specially summoned for that purpose by the presi-

dent of the corporation, by direction of the board of directors; *provided*, that at least two-thirds in value of the stock be represented at said meeting; and upon such dissolution, the directors for the time being, or the survivor or survivors of them, shall be trustees for settling all the affairs of said corporation, and dividing the surplus among the stockholders in proportion to their respective interests therein, unless the stockholders at such meeting shall appoint one or more persons for such purpose, in which case the person or persons so appointed shall be trustee or trustees for the purpose aforesaid. Proviso.

11. *And be it enacted*, That the said company shall have power to subscribe for and take stock in, or purchase the bonds of any canal, railroad, turnpike, or other highway that now is or hereafter may be incorporated or established by the legislature of this state, which shall lead to or pass through any lands that may be owned by said company, and to purchase and hold any bond or bonds issued by itself as hereinbefore provided for. May subscribe for stock and purchase bonds of any canal, railroad, etc.

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

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

Approved March 15, 1875.

CHAPTER CXXI.

An Act to incorporate the Liedertafel Singing Society of the City of Trenton.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Louis Brand, Charles Woener, Jacob Opperman, Charles Engle, Ernest C. Stahl, John Melcher, Leopold Feckner, Henry Thoene, Charles Hauser, Martin Spiegel, Albert Brand, Paul Feckner, Michael Staiger, and Charles S. Hauser, and such other persons as now are or hereafter may be associated with them and their successors, shall be and are hereby constituted a body corporate by the name of "The Liedertafel Singing Society, of the City of Trenton," in the county of Mercer, having for its object the promotion of vocal and instrumental music, and mutual improvement and sociality.

Corporate name

Powers.

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

Amount of capital stock.

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

May make by-laws, etc.

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

due the said corporation, and for all other causes of action.

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

Approved March 15, 1875.

CHAPTER CXXII.

An Act to enable the owners of all that tract of meadow lying within the bounds of the half Way Creek Meadow Company, Money Island Meadow Company, and meadow lying between the Half Way Creek Meadow Company, and Alloway's Creek, in the township of Elsinborough, in the county of Salem, and state of New Jersey, the more effectually to maintain a road or roads, in and through and to their said meadows.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case any of the owners of the aforesaid body or tract of meadow, where roads to the fast land have been or hereafter may be laid out by law, or have been and hereafter may be established by contract or by the consent of the proprietors who would have to use any of said roads in going to and returning from their said meadows, cannot agree to support and keep the same in good and sufficient repair, it shall and may be lawful for three-fifths of the owners in value thereof so using said roads, after giving three weeks previous notice of their intentions and the time and place of meeting by advertisements set up in three of the most public places in the neighborhood, to meet, and by a plurality of the votes of those so met to choose such person or persons as they may think proper for manager or managers, treasurer and clerk for the ensuing year, or until their next annual meeting; they shall likewise at said first meeting appoint three judicious and disinterested persons as commissioners to value said meadow belonging to

Proceedings in case owners cannot agree to support and keep roads in repair.

each individual using said road, having regard not only to the value of said meadow, but also to the comparative benefit that may be derived to the owner from the road so contemplated to be improved.

Commissioners to procure plots and surveys and valuation of meadow of each owner, etc.

2. *And be it enacted*, That the commissioners, when appointed as aforesaid, shall, as soon as may be, procure draughts or plots, of all the lots or parcels of meadow belonging to each owner, either by adopting surveys already made, deeds, or causing the same to be carefully measured, showing the quantity held by each owner, and the valuation made thereon, and place the same in the hands of the manager or managers, who shall thereupon make an estimate of the sum or sums of money which will be necessary to defray the expenses of the different services required by this law; and also of making and keeping the aforesaid road sufficiently good for hauling hay over, and shall assess the same ratably on said meadow, and shall state the said assessment in a regular duplicate containing the names of the owners or possessors, the number of acres and parts of acres held by each, the sums assessed on them severally, and the time or times of payment, which duplicate shall be delivered by him or them to the treasurer appointed as aforesaid; and it shall be the duty of the manager or managers to keep in repair the said road from time to time, as he or they shall think necessary; and the said manager or managers shall be accountable for any moneys remaining in his or their hands at the end of every year, or at the annual meeting; and if the said manager or managers shall refuse to pay such balance remaining in his or their hands, to his successors in office, then such successor or successors shall sue for and recover the same, in an action of debt, with costs of suit.

Assessments how made.

Managers to keep road in repair.

Treasurer to notify owner of assessment.

3. *And be it enacted*, That the treasurer, on receipt of said duplicate, shall, in person, or by notice in writing left at the usual place of abode of each owner or possessor, or by advertisement in a public newspaper of the county, when any owner cannot be found, demand of and from such owner or possessor, twenty days before the time of payment, the sums assessed, as aforesaid; and if any of the said owners or possessors shall neglect or refuse to pay the sum assessed, as aforesaid, for the space of twenty days after the time fixed for the payment thereof, it shall and may be lawful to and for the said treasurer to seize and rent out by public ven-

Failure of owner to pay treasurer to rent out meadow to the highest bidder.

due, to the highest bidder, for so long a time, and no longer, as will be requisite, so much of the said meadow belonging to or in the possession of said delinquent owner or possessor as may suffice to discharge such assessment, and all expenses attending the recovery thereof, having first advertised the same for the space of three weeks in three of the most public places in the neighborhood where the said meadow lies, and also in one of the newspapers published in the vicinity of said meadow.

Owners to meet annually.

4. *And be it enacted*, That the owners and possessors of said meadow shall meet annually, after their first meeting, on the first Monday in April, unless by a majority of those met some other time for the annual meeting shall be fixed upon, and at such place as they shall also, by a majority of those met, appoint.

Managers may enter on lands and take and dig earth, etc.

5. *And be it enacted*, That it shall and may be lawful for the said manager or managers, and he or they are hereby authorized and empowered, from time to time, to dig and take, for the purposes aforesaid, any earth, mud or sod in any part of the said meadow most convenient and least detrimental to the owners thereof, and to have free ingress and egress for himself or themselves, his or their team or teams and workmen, through any part of said meadow, whenever he or they may deem it necessary; and whenever any owner thinks himself aggrieved, by any manager digging upon his meadow, and taking therefrom any mud, earth or sod, for the making and maintaining said roads, and demands damages therefor, if the said manager or managers cannot agree with such owner or owners as to the amount of damages sustained, the said manager or managers shall choose one disinterested freeholder resident in the township in which the damage was sustained, and the owner or owners of the soil shall choose another, and if they fail to agree they may select a third disinterested freeholder, resident as aforesaid, and the three persons so chosen shall view the premises and assess the damages sustained as aforesaid, and their decision or a decision of a majority of them, put in writing under their hands, shall be binding and conclusive on the parties.

Proceedings in case managers cannot agree with owners, etc.

Managers to pay damages to and for taking of soil.

6. *And be it enacted*, That it shall be the duty of the said manager or managers, within ten days after a copy of the said decision shall have been served upon him or them, to pay the owner or owners of the said soil the damages so

ascertained, and also to pay the expenses and compensation of the said freeholders; and in case he or they shall neglect or refuse so to do, the said owner or owners may maintain an action and recover judgment against him or them for the amount thereof, with costs, in any court of competent jurisdiction; and that the amount of the damages, expenses and compensation, which shall be paid by any such manager or managers, in pursuance of this act, shall be allowed and credited to him or them, in the settlement of his or their accounts.

New valuation when to be made.

7. *And be it enacted*, That a new valuation or assessment may be had every ten years, if three-fifths of the owners in value and possessors may deem it necessary.

Mode of voting and who entitled.

8. *And be it enacted*, That after the first organization, in all cases of an election for officers or for other purposes, the mode of voting shall be in person or by proxy in writing, duly executed in the following manner: every person owning or possessing meadow in the said company shall be entitled to a vote for every acre upon which he is assessed for maintaining said roads.

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

Approved March 15, 1875.

CHAPTER CXXVII.

A Further Supplement to an act entitled "An act to incorporate the Passaic Brick, Tile and Manufacturing Company," approved April second, eighteen hundred and sixty eight.

Portion of section repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of the fifth section of the act entitled "An act to incorporate the Passaic Brick, Tile and Manufacturing Company," approved

April second, eighteen hundred and sixty-eight, which reads as follows, viz.: "but the same shall in all cases be discharged into the Passaic river above the bridge over the same called Lincoln bridge," be and the same is hereby repealed.

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

Approved March 15, 1875.

CHAPTER CXXVIII.

An Act to incorporate the Paterson Locomotive and Merchants' Express Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Robert S. Hughes, Robert G. Hughes, James C. Christie, Hiram J. Smith and Charles D. Beekwith, together with such persons as shall subscribe to the stock hereby authorized, and their successors, be and they are hereby constituted a body corporate and politic in law, by the name of the "Paterson Locomotive and Merchants' Express Company," and by that name shall have power to use a common seal, to sue and to be sued, to defend and to 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. Corporators. Corporate name and powers.

2. *And be it enacted*, That the capital stock of said corporation shall be twenty-five thousand dollars, with the privilege to increase the same at any time to one hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and the said company may organize and Capital stock.

commence operations whenever two thousand dollars shall have been subscribed to said stock, and paid or secured to be paid, 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.

May procure, hold, lease and sell personal and real estate.

3. *And be it enacted*, That, for carrying out the purposes of this act, 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, lease, hold, mortgage and convey so much real estate as may be considered necessary for the proper transaction of their business.

Principal office.

4. *And be it enacted*, That the principal office of the said company shall be located in the city of Paterson, and the business of said corporation shall be conducted by not less than three directors, one of whom shall be president; and the said directors shall hold their office one year and until

Annual election

others are elected in their stead; the election for directors shall be held annually, at such time and place as the by-laws of said corporation shall provide, at which each stock holder shall be entitled to one vote, in person or by proxy, for each share of stock held.

Annual statement.

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

Dividends.

said company during the preceding year; and no dividends shall be declared upon the stock of said corporation, except from the net profits of the business.

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

Approved March 15, 1875.

CHAPTER CXXIX.

An Act to incorporate the Union Cranberry Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That J. Miller Shinn, Francis H. Jackson, Charles C. Mish and Charles H. Woodruff, and all such persons as may hereafter be associated with them, their successors and assigns, be and they are hereby constituted a body politic and corporate, in fact and in law, by the name of Union Cranberry Company, for the purpose of buying, holding, cultivating and improving lands in the counties of Burlington and Ocean, or either of them, and for raising and selling cranberries and other fruits and produce of said lands, and carrying on the business connected therewith, and erecting such buildings, and holding such personal property as may be necessary therefor; and that they and their successors, by the same name, may sell, mortgage and dispose of the said lands, tenements and hereditaments, cranberries, produce, fruits, goods and chattels, or any part thereof, and may lay out, open, make and maintain ditches, drains, sluice-ways and embankments through their own and adjoining and contiguous lands, and may flood the same as they may deem for the benefit of said lands, doing no unnecessary damage, and subject to such compensation to be made therefor as hereinafter directed, and for such purposes the said company shall or may raise by subscription, by opening the books therefor, or otherwise, a capital stock of fifty thousand dollars, with the privilege of increasing the same to one hundred thousand dollars, which shall be divided into shares of the par value of one hundred dollars each.

Corporators.

Corporate name and powers.

2. *And be it enacted*, That if said company or their agents cannot agree with the owner or owners of such required lands, for ditches, drains, sluice ways, embankments and flooding, as provided in the first section of this act, or when, by reason of the legal incapacity or absence of such owner

Proceedings in case company cannot agree with owners, etc.

or owners, no such agreement can be made, then the judge of the circuit court in the county of Burlington or Ocean, in which such lands are located, shall, on application of either party, nominate and appoint three disinterested persons to examine such lands, and estimate the damages sustained thereby, who shall, at the same time, take into consideration all the benefits which the said owner or owners may derive from or in consideration of said improvement, 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 said county of Burlington or Ocean, respectively, and whenever such report shall be confirmed by the court aforesaid, the said company shall, within two months thereafter, pay to the said owner or owners, or such person or persons as the court may direct, the sum mentioned in said report, in full compensation for the damages sustained; but if the person to whom such compensation shall be awarded, is, or the said company is dis. satisfied with the amount thereof, either party may appeal from the said adjudication to the circuit court of the county of Burlington or Ocean, respectively, which is hereby given jurisdiction to re-hear the said matter, and to cause a proper issue to be framed to try the question of compensation, and to have the same tried by jury, as an issue out of the supreme court in a civil action, but such appeal shall not restrain the said company from taking possession of such required lands, if the said compensation found by said appraisers shall have been tendered; if the jury shall find more than the appraisers, the cost of such appeal shall be paid by the company, but if the jury find less, or confirm said amount, the costs of appeal shall be paid by the owner or owners; in case any parties entitled to compensation cannot be found to whom to pay the same, or are unknown, or labor under legal disabilities, payment of such compensation into the circuit court of the county of Burlington or Ocean, respectively, shall be equivalent to the payment of the parties entitled to the same.

Affairs how managed.

3. *And be it enacted*, That the affairs of said corporation shall be managed by not less than three, nor more than five directors, all of whom shall be stockholders, one of whom

shall be president, and a majority of whom shall have all the powers of the board; and they shall hold their office for one year, and until others are elected in their stead, and shall have the power to make by-laws for the government and management of said corporation, and shall hold their meetings at such times and places as the by-laws may provide; and that until an election for directors shall be held, the persons named in the first section of this act shall be directors; and in case a vacancy shall occur in the board of directors by death, resignation, or otherwise, the remaining directors for the time being, or a majority of them, shall have power to fill such vacancy by the appointment of any stockholder.

May make by-laws, etc.

Vacancies in directors how filled.

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

Stock and dividends.

5. *And be it enacted*, That the said corporation may be dissolved by a general meeting of the stockholders specially called for that purpose; *provided*, that at least three-fourths in value of the 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.

How dissolved.

Proviso.

6. *And be it enacted*, That the said corporation shall possess the general powers and be subject to the general directions and liabilities set forth in "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, so far as the same are applicable.

General powers.

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

Passed March 16, 1875.

CHAPTER CXXX.

An Act to incorporate the New Jersey Stock Exchange.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel B. Dod, Samuel R. Syms, John H. Bonn, William G. Shepherd, Hazen Kimball, Charles F. Tag, Daniel Dodd, William W. Shippen, Frederic B. Ogden and James W. Vroom, and such other persons as may hereafter be associated with them, be, and they are hereby, constituted a body politic and corporate, in fact and in law, by the name of The New Jersey Stock Exchange, and that said corporation may sue, and be sued, implead, and be impleaded, may buy, hold, sell and convey any lands, tenements, goods and chattels, necessary or proper, for the purposes of this incorporation.

Corporate name

Powers of corporation.

2. *And be it enacted*, That said corporation shall be authorized to keep a registry of public and private stocks and bonds, and are hereby authorized to buy and sell the same at a public stock board, at such time and place as they or a majority of them shall designate, and to control and regulate the manner of dealing in said stocks and bonds, and for this purpose they may elect such officers as they may deem necessary, and establish and enforce the provisions of a constitution and by-laws not repugnant to this act or the laws of the State of New Jersey.

Copy of constitution and by-laws to be kept in office.

3. *And be it enacted*, That a copy of said constitution and by-laws shall be kept in the office of this corporation, subject to the inspection of all persons transacting business with said stock exchange.

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

Approved March 16, 1875.

CHAPTER CXXXI.

An Act to incorporate the People's Loan and Trust Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph Coult, Jeremiah O'Rourke, Joseph W. Ballentine, Patrick Sheridan, and Charles M. Zeh, and such other persons as may hereafter be associated with them, and their successors, are hereby constituted a body corporate, in fact and in law, under the name of the "People's Loan and Trust Company," and by that name shall have perpetual succession, and may sue and be sued in any court whatever, with powers and privileges as hereinafter provided.

Corporate name

Capital stock and principal office.

2. *And be it enacted*, That the capital stock of said company shall be two hundred thousand dollars, in shares of one hundred dollars each, but when one hundred thousand dollars shall have been actually subscribed, and one hundred thousand dollars paid in cash, the said company may organize and proceed to business under this act, the principal office of the said company shall be located at Newark in this State.

Power of corporation.

3. *And be it enacted*, That the said company shall have power to guarantee the payment, punctual performance and collection of promissory notes, bills of exchange, contracts, bonds, accounts, claims, rents, annuities, mortgages, choses in action, evidence of debt and certificates of property or value, and the titles of property, real or personal, upon such terms as may be established by the board of directors of said company; to receive upon storage, deposit, or otherwise, merchandise, bullion, specie, plate, stocks, bonds, promissory notes, certificates and evidences of debt, contracts, or other property, and to take the management, custody and charge of real or personal estate or property, and to advance moneys, securities and credits upon evidences of debt or any property, real or personal, on such terms as may be established by the directors of said company.

Business and affairs by whom conducted.

4. *And be it enacted*, That the business and corporate powers of said company shall be exercised by a board of nine directors, to be chosen as hereinafter provided, who shall elect from their number a president and other officers, if deemed expedient, five of which directors shall constitute a quorum for the transaction of business.

Commissioners to open books and receive subscriptions.

5. *And be it enacted*, That the persons named in the first section of this act shall be and they are hereby appointed commissioners to open books for subscriptions to the capital stock of said company, at such time and place as they or a majority of them shall deem proper, and for such amounts as in their judgment the business of the company may require, but for no less amount of subscription than fifty thousand dollars.

Annual election of directors.

6. *And be it enacted*, That the election of directors, as aforesaid, shall be held at a time and place to be fixed by said commissioners and annually thereafter on the second Monday in January of each and every year at such hour and place as may be directed by the by-laws of said company ; *provided*, that at least five days' public notice of such election shall be given in one newspaper published in the place where the principal place of business of said company shall be located, and at such election each stockholder shall be entitled to one vote for each share of stock held by him ; that the first election of directors of said company shall be held at such time and place after the said stock shall have been actually subscribed as aforesaid, as the said persons in the first section hereof, or a majority of them shall determine ; *provided*, five days' notice of such election shall be given as aforesaid ; and said directors shall hold office until others are elected as aforesaid.

Proviso.

Proviso.

May purchase, lease and convey real or personal estate.

7. *And be it enacted*, That it shall be lawful for said company to lease, purchase, hold and convey all such real or personal estate as may be necessary to carry on their business, as well as such real or personal estate as they may deem it necessary to acquire in the enforcement or settlement of any claim or demand arising out of their business transactions, and to sell and exchange the same for other property, as they may determine that the interest of said company may require ; and the said company are hereby authorized to make, execute, and issue, in the transaction of their business, all necessary receipts, certificates and con-

tracts, which shall bear the impress or stamp of the seal of the company, and shall be signed by the president and countersigned by the secretary or treasurer thereof.

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

Approved March 16, 1875.

CHAPTER CXXXII.

An Act to incorporate the New Jersey Trust Company of Newark.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Andrew A. Smalley, Aaron B. Baldwin, John M. Randall, Caleb S. Titsworth, Augustus W. Bell, Alfred Mills, Waldo B. Tichenor, William E. Pine, Joseph I. Meeker, and all other persons who may hereafter be associated with them as hereinafter prescribed, and their successors are hereby created a body corporate in fact and in law, by the name of the "New Jersey Trust Company of Newark," and by that name shall have perpetual succession, and be capable of suing and being sued in all courts. Corporators. Corporate name

2. *And be it enacted*, That the said company shall have power to construct, maintain and operate suitable buildings and structures for the reception and storage of personal property, to act as general consignees and bailees thereof, to take all manner of personal property upon deposit for safe-keeping, to make loans upon the same, to sell on commission, and guarantee the payment, punctual performance, and collection of promissory notes, bills of exchange, contracts, bonds, accounts, claims, rents, annuities, mortgages, choses in action, evidences of debt and certificates of property or value, and the title of property, real or personal, and to advance moneys, securities and credits upon evi- Powers of corporation.

dences of debt, or any property, real or personal, and to take the management, custody and charge of real or personal estate, on such terms as may be established by the board of directors.

Capital stock.

3. *And be it enacted*, That the capital stock of said company shall be two hundred and fifty thousand dollars in shares of one hundred dollars each, but when fifty thousand dollars shall have been actually subscribed and paid in, in cash, the said company may organize and proceed to business under this act.

Business of corporation to be managed by board of directors.

4. *And be it enacted*, That the business and corporate powers of said company shall be exercised by a board of thirteen directors, a majority of whom shall be residents of this state and stockholders in said company, to be chosen as hereinafter provided, who shall elect from their number a president, and other officers if deemed expedient, seven of which directors shall constitute a quorum for the transaction of business; and the principal office of said company shall be located at Newark, in this state.

Commissioners to open books and receive subscriptions to capital stock.

5. *And be it enacted*, That the first five persons named in the first section of this act shall be and they are hereby appointed commissioners to open books for subscription to the capital stock of said company, at such time and place as they shall deem proper, who shall certify to the subscribers when the sum of fifty thousand dollars is subscribed.

Annual election of directors.

6. *And be it enacted*, That the election of directors as aforesaid, shall be held at a time and place to be fixed by said commissioners, and annually thereafter, on the third Monday in January of each and every year, at such hour and place as may be directed by the by-laws of said company; *provided*, that at least five days' public notice of such election shall be given in one newspaper published in the place where the principal place of business of said company shall be located, and at such election each stockholder shall be entitled to one vote for each share of stock held by him; that the first election of directors of said company shall be held at such time and place after the said stock shall have been actually subscribed as aforesaid, as the said persons in the first section hereof, or a majority of them shall determine; *provided*, five days' notice of such election shall be given as aforesaid, and said directors shall hold office until others are elected as aforesaid.

Proviso.

Proviso.

7. *And be it enacted*, That it shall be lawful for said company to lease, purchase, hold and convey, all such real or personal estate as may be necessary to carry on their business, as well as such real or personal estate as they may deem it necessary to acquire in the enforcement or settlement of any claim or demand arising out of their business transactions, and to sell and exchange the same for other property, as they may determine that the interest of said company may require; and the said company are hereby authorized to make, execute, and issue, in the transactions of their business, all necessary receipts, certificates and contracts, which shall bear the impress or stamp of the seal of the company, and shall be signed by the president, and countersigned by the secretary or treasurer thereof. May lease, purchase, hold and convey real and personal estate.

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

Approved March 16, 1875.

CHAPTER CXLVIII.

An Act to change the name and ecclesiastical relations of the Reformed Church of Hackensack.

WHEREAS, The consistory of the Reformed Church of Hackensack did at a meeting of said consistory, duly called and held on the ninth day of March, Anno Domini eighteen hundred and seventy, resolve to unite said church with the denomination entitled the Presbyterian Church of the United States of America, and that instead of the Reformed Church of Hackensack, said church should hereafter be known as the First Presbyterian Church of Hackensack; and, whereas, at a meeting of the male members of said church, duly called and held at the meeting house of said church on the second day of May, Anno Domini eighteen hundred and seventy-one, the above-mentioned action of the consistory was approved, Preamble.

ratified and confirmed by said members; and whereas, said action of said consistory and of said church by its male members, was in accordance with the constitution customs and usages of the religious denomination to which said church belonged; and whereas, said church was, on the third day of July, Anno Domini eighteen hundred and seventy-one, duly and formally received by the Presbytery of Jersey City, as a constituent member of that body, and has since been known as The First Presbyterian Church of Hackensack; therefore,

Corporate name changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the corporate name of said church be and the same is hereby changed from The Reformed Church of Hackensack to that of the First Presbyterian Church of Hackensack.

Church constituted legal successor and invested with all rights, powers, etc.

2. *And be it enacted*, That the said The First Presbyterian Church of Hackensack be, and the same is hereby, made and constituted the legal successor of the said The Reformed Church of Hackensack, and shall succeed to and be vested with all the rights, powers and privileges, including the right and title to all the estate, real and personal, owned, possessed or had by the said The Reformed Church of Hackensack, subject to all the legal liabilities of the same, and shall be vested with all the rights, duties, powers, and privileges of a constituent member of said The Presbyterian Church of the United States of America, in the same manner and with the same effect as though it had been originally, or in accordance with any law or laws of this State so incorporated.

Trustees invested with all rights, etc.

3. *And be it enacted*, That the trustees of the said The First Presbyterian Church of Hackensack, and their successors, shall be deemed and held to be the legal successors in office of the trustees of said The Reformed Church of Hackensack, and shall succeed to all the rights, powers and privileges of the said trustees of The Reformed Church of Hackensack, and shall also be vested with all the rights, powers and privileges of the trustees of a constituent member of said Presbytery.

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

Approved March 17, 1875.

CHAPTER CLIV.

A Supplement to an act entitled " An Act to authorize and empower the consistory of the Reformed Church of Acquackanonk, in the county of Passaic, and State of New Jersey, to assess the pews of the said church," approved February ninth, eighteen hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the proviso contained in the first section of the act entitled " An act to authorize and empower the consistory of the Reformed Church of Acquackanonk, in the county of Passaic, and State of New Jersey, to assess the pews of the said church," approved February ninth, eighteen hundred and sixty-nine, be and the same is hereby repealed. Repealer.

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

Approved March 17, 1875.

CHAPTER CLV.

An Act to incorporate the Trustees of the Church of the Holy Innocents, in the city of Hoboken.

WHEREAS, Martha B. Stevens, of the city of Hoboken, by a certain deed of indenture, bearing date the first day of July, in the year of our Lord one thousand eight hundred and seventy-two, recorded in the clerk's office of the Preamble.

county of Hudson, in liber two hundred and forty-seven of deeds, page thirty-four, hath conveyed certain property therein described, unto Robert J. Nevin, Martha B. Stevens and John Stevens, to be held by them for the purpose of effecting certain charitable trusts therein mentioned; and whereas, the said Martha B. Stevens is desirous that the said trustees so appointed by her should be duly incorporated; now therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Martha B. Stevens, Robert J. Nevin and John Stevens, shall be and they are hereby constituted a body politic and corporate, by the

Corporate name

name of the "Trustees of the Church of the Holy Innocents," in the city of Hoboken, and by that name shall have perpetual succession, and may sue and be sued, implead and be impleaded, may purchase and hold property, both real and personal, may make and have a corporate seal, and the same break and alter at their pleasure, and shall have all other rights belonging to similar corporations by the laws of this state.

Affairs how managed and conducted.

2. *And be it enacted*, That the entire management of the affairs and concerns of the said corporation, and the corporate powers hereby granted, shall be vested in the above named trustees; who shall have power from time to time to enact by-laws not repugnant to the constitution or laws of the United States or of this state; to fill up vacancies in their board which may occur by death or resignation, or any cause whatever; and to increase the number of their board to not exceeding nine members.

May sell and convey real estate, etc.

3. *And be it enacted*, That the said Martha B. Stevens, Robert J. Nevin and John Stevens, are hereby authorized and empowered to sell and convey the real estate and property described in the deed above referred to, unto the said corporation; which is hereby empowered to manage the same for the purposes, trusts and benefits, set forth in the said deed; and is invested with all the powers which the said Martha B. Stevens intended to bestow upon the grantees in said deed; *provided*, that whensoever the said corporation shall deem it advisable, they may sell the said real estate, or any part thereof; and invest the proceeds of every such sale, for the benefit of said corporation.

Proviso.

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

Approved March 17, 1875.

CHAPTER CLVI.

A Further Supplement to an act entitled "An Act to incorporate the Elizabeth and Newark Horse Railroad Company," approved March twenty-fifth, one thousand eight hundred and sixty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Elizabeth and Newark Horse Railroad Company be and they are hereby authorized, in addition to the railroad and branches authorized to be constructed by the act to which this is a supplement, and the several supplements thereto, to lay down and construct a railroad with all the necessary turnouts and switches thereto, and with a single or double track from their present railroad in Broad street, in the city of Elizabeth, thence through East Grand and Trumbull streets to Newark bay; also to lay down and construct branch railroads through Livingston street from East Grand street to Staten Island sound, and through Bond street from Trumbull street to the stables of said company; *provided*, that the right to construct the said railroad through any of the streets shall not vest in the said corporation until the consent of the common council of said city shall first be had and obtained. May lay down and construct railroad, etc. Proviso.

2. *And be it enacted*, That in the construction, equipment, management, running and operation of said additional roads the said corporation shall have and possess all the powers, authority and privileges granted to or conferred upon them by said act, and the several supplements thereto in relation to the railroad extensions and branches authorized thereby; and that the provisions contained in a further Powers of company, etc.

supplement to the act to which this is a supplement, approved April ninth, one thousand eight hundred and sixty-seven, affecting the track of said company, running from the Central Railroad to the northward termination of the same, shall apply the same in all respects to the additional railroads authorized by this act; *and provided*, that the said company complete the road authorized by this supplement within two years from the passage of this act, and pave within the tracks of said road; otherwise this act to be null and void.

Proviso.

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

Approved March 17, 1875.

CHAPTER CLVII.

An Act to change the name of the Freehold Mutual Loan Association, Third Series, to "The Freehold Mutual Loan Association," with power to buy and sell real estate.

Name changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of The Freehold Mutual Loan Association, Third Series, organized June twenty-third, one thousand eight hundred and sixty-nine, under the act entitled "An Act to encourage the establishment of Mutual Loan and Building Associations," approved February twenty-eight, one thousand eight hundred and forty-nine, and the several supplements thereto, be and the same is hereby changed to "The Freehold Mutual Loan Association," by striking out of said corporate name the words "third series."

Power to conduct business.

2. *And be it enacted*, That the said The Freehold Mutual Loan Association shall have full power to conduct the business of said association in the same way and manner as the said The Freehold Mutual Loan Association, Third

Series, are now authorized to do, by virtue of their organization under the act aforesaid, and the several supplements thereto.

3. *And be it enacted*, That the said The Freehold Mutual Loan Association shall have full power to purchase real estate whenever necessary to protect their interest in the management of the business of said association, to sell and dispose of the same, and to make good and sufficient conveyances in the law to the purchasers thereof. Power to sell and convey real estate.

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

Approved March 17, 1875.

CHAPTER CLVIII.

An Act to incorporate the South Orange Savings Bank.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles E. Lum, John Q. Adams, John C. Milligan, Abijah F. Tillou, James M. C. Morrow, Moses P. Smith, Joseph W. Wildey, Thomas J. Fennor, Philander Ball, Luther T. Milligan, Ira Kilburn, be and are hereby constituted a body corporate and politic, by the name of "The South Orange Savings Bank," and by that name shall be capable of purchasing, taking, holding and enjoying, to them and their successors, any real estate in fee simple or otherwise, and any goods, chattels or personal estate which shall be necessary for the purposes herein mentioned, and of selling, leasing or otherwise disposing of said real estate 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 which may arise from any investment in which the deposits may be made, shall not exceed thirty thousand dollars. Corporators. Corporate name and powers. Proviso.

2. *And be it enacted*, That the said institution shall be conducted by five managers, elected by ballot from among Affairs how managed and by whom.

the number of the above named incorporators, three of whom shall be a quorum to transact business, and at least three shall be residents of the township of South Orange; and the seat of any manager who shall have neglected to attend for four consecutive meetings, may be vacated by the board; the managers shall meet annually, on the second Monday in May, and choose one of their number as president; they shall have power to appoint a secretary, treasurer and such other officers as to them shall appear necessary for conducting the business of the institution; which officers so chosen and appointed, shall continue in office one year, or until others are 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 offices, in such sum or sums, and such securities as may be directed by the board of managers.

May make by-laws, etc.

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;

Proviso.

provided, that such by-laws and regulations shall not be repugnant to the constitution and laws of this state and of the United States.

May receive money on deposit and execute trusts, etc.

4. *And be it enacted*, That the said institution may receive as deposits, all sums of money which may be offered, in such amounts and at such times, and on such terms as the by-laws shall prescribe, which shall be repaid to the depositor at such times, and with such interest, and under such regulations as the by-laws shall prescribe; and the said institution may accept and execute all such trusts of every description, as may be committed to them by any person or persons whatever, by will or otherwise, or transferred to them by the order of any court.

Rate of interest how regulated.

5. *And be it enacted*, That it shall be the duty of the managers to regulate the rate of interest to be allowed to the depositors, so that they shall receive a ratable proportion, as near as may be, of the profits, after deducting therefrom all necessary expenses and a reasonable surplus or contingent fund;

Proviso.

provided, that said rates of interest may, at the discretion of the managers, be so regulated as that the interest allowed to depositors having over one thousand dollars deposited, shall be at least at the rate of one per

centum per annum less than the interest allowed to other depositors.

Managers not to receive compensation or borrow money, etc.

6. *And be it enacted*, That no emoluments whatever shall directly or indirectly be received by the managers, or either of them, for their services as such, nor shall any officer of the institution be allowed, directly or indirectly, to borrow any money from said institution, or to use the same.

May invest money, etc.

7. *And be it enacted*, That the said corporation may invest the money left with them on deposit in public stocks or bonds created and issued by the United States, and by the several states, and by the several counties and cities in this state, under the laws thereof, and upon bond and mortgage on unencumbered real estate, worth double the amount invested.

Money may be paid to minors, etc.

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

Interest when allowed.

9. *And be it enacted*, That the institution shall not be required to allow interest on a deposit until it amounts to five dollars, nor to allow interest on the fractional parts of five dollars, nor shall the institution be required to allow interest for the fractional parts of a month.

Deposits to be entered in books.

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

Annual report to be made.

11. *And be it enacted*, That it shall be the duty of said institution to make an annual report to the comptroller of

this state, under 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.

Vacancies in board of managers how filled.

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

Place of business, etc.

13. *And be it enacted*, That the office or place of business of the said institution shall be in the village of South Orange, in the county of Essex, 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.

14. *And be it enacted*, That this act shall be and is hereby declared to be a public act and shall take effect immediately.

Approved March 17, 1875.

CHAPTER CLIX.

A Further Supplement to an act entitled "An Act to incorporate the Hoboken Land and Improvement Company," passed February twenty-first, one thousand eight hundred and thirty-eight.

Empowered to guarantee payment of bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Hoboken Land and Improvement Company are hereby authorized and empowered to guarantee the payment of any bonds issued by any steam or horse railroad company, that now is or hereafter may be incorporated by the legislature of this state, which shall lead to or pass through any lands or ferry which may be owned by the said company; *provided*, that the amount of bonds so guaranteed shall not at any time exceed in the whole one million of dollars.

Proviso.

2. *And be it enacted*, That the said company shall be liable for the payment of the principal and interest, on any bonds so guaranteed as aforesaid at their maturity; that this act shall be deemed a public act and shall take effect immediately. Liable for payment of bonds and interest guaranteed.

Approved March 17, 1875.

CHAPTER CLX.

An Act vesting the real estate of Charles Boetticher, deceased, in Dorothea Boetticher, his widow.

WHEREAS, Charles Boetticher, late of the town of Union, in the county of Hudson, and state of New Jersey, deceased, having acquired by his own industry and economy (and the industry and economy of his wife), a small amount of real estate, situate in the town, county and state aforesaid, described as follows: "All that tract, piece or parcel of land and premises hereinafter particularly described, situate, lying and being in the township of North Bergen (now town of Union), county of Hudson, and state of New Jersey, and which on a map entitled, "Map of the Hudson County Real Estate Company," is marked and laid down as lot number five hundred and thirty-six (536), lying and fronting on the northerly side of the Plank road to Hackensack, being twenty-five (25) feet wide in front and rear, and one hundred (100) feet deep throughout; and whereas, the said Charles Boetticher departed this life in the month of September, in the year one thousand eight hundred and seventy, intestate and without lawful issue, leaving Dorothea Boetticher his widow; and whereas, the said Charles Boetticher hath left no lawful heirs who can inherit the said real estate; and whereas, the said Dorothea Boetthicher is advanced in life and soon must become infirm, and the value of her dower in Preamble.

said premises is very trifling, and the title to the said real estate having been acquired partly by her own industry, toil and energy, and if vested in her would afford her a comfortable maintenance, and relieve her from want; therefore,

Title vested.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the right, title, estate, and interest of Charles Boetticher, deceased, at the time of his death, of, in and to the real estate hereinbefore mentioned and described, shall be vested in the said Dorothea Boetticher, her heirs and assigns; *provided, however*, that nothing in this act contained shall in any manner interfere with the lawful claims of any person whatever to the said lands and premises, other than those claiming or to claim under the state of New Jersey.

Proviso.

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

Approved March 17, 1875.

CHAPTER CLXI.

An Act to restore and make valid an act to incorporate the Ocean Beach and Squan River Turnpike Company.

Act declared valid upon payment of state assessment.

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 Ocean Beach and Squan River Turnpike Company," approved March twelfth, eighteen hundred and seventy-four, which act had become invalid by reason of the non-payment of the assessment provided by law, be and the same is hereby restored and made valid on the payment of the legal assessment and the additional sum of twenty-five dollars.

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

Approved March 17, 1875.

CHAPTER CLXII.

An Act to vest the title of the state in certain land of John Dodd, deceased, in Catharine Dodd, his widow.

Preamble.

WHEREAS, John Dodd, deceased, late of Jersey City, in the county of Hudson, emigrated to this country on or about the year one thousand eight hundred and forty-five, and became duly naturalized, after which by the industry of himself and his wife Catharine Dodd, he acquired some real property in said city of Jersey City, consisting of one small house and several vacant lots of small value; *and whereas*, the said John Dodd departed this life in the month of July, one thousand eight hundred and seventy-three, intestate, and leaving the said Catharine Dodd his widow, and without leaving any issue or any other heirs at law, by reason whereof it must escheat to the state; and whereas, a large part of the purchase money of the said property was earned by the said Catharine Dodd, who is now infirm and unable to earn her own living, and her dower in the said premises is very trifling, and the title to the said estate, if vested in her would relieve her from penury; therefore,

Title vested and confirmed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the right, title, interest, property, claim and demand of the State of New Jersey, of, in and to the land, and premises, with the appurtenances of which the said John Dodd died seized, is hereby granted, remised, released, and confirmed unto the said Catharine Dodd, widow of the said John Dodd, and to her heirs and assigns forever.

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

Approved March 17, 1875.

CHAPTER CLXIII.

An Act to incorporate the South Orange Gas Light Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William J. Salisbury, Luther T. Milligan, Robert Metcalfe, James M. C. Morrow, Charles E. Lum, Lewis H. Smith, Theodore Conrow, James L. Taintor, Andrew J. Metz, and all and every person or persons who may become stockholders in the capital stock hereinafter mentioned, their successors and assigns, are hereby constituted and made a body politic and corporate, in fact and in law, by the name of "The South Orange 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 materials, for the purpose of lighting the roads, streets, buildings, manufactories, and public grounds, situate in the village and in the township of South Orange, in the county of Essex; and under and by the aforesaid corporate name and style the said corporation shall have perpetual succession, and 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 ways and manners 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; and also to hold any and all patents and patent rights, necessary and proper for the purpose of carrying out

Corporate name and powers.

the object and intent for which such corporation is created, and for the accommodation of its business concerns.

Capital stock.

2. *And be it enacted*, That the capital stock of said corporation shall be fifty thousand dollars, with the privilege of increasing the same from time to time, to any sum not exceeding one hundred thousand dollars, divided into shares of fifty dollars each, which shall be deemed personal property, and transferable on the books of said company in such manner as the said corporation shall, by their by-laws, direct.

Names of commissioners to open books and receive subscriptions.

3. *And be it enacted*, That William J. Salisbury, Luther T. Milligan, Robert Metcalfe, James M. C. Morrow, or a majority of them, may open books to receive subscriptions to the capital stock of said corporation at such time or times, and at such place or places as they, or a majority of them may think proper, by giving notice of the same in a public paper published in the county of Essex, at least fourteen days previous to the time appointed, and whenever ten thousand dollars of the capital stock shall have been subscribed and shall be paid, or secured to be paid, it shall and may be lawful for the said corporation to commence business; and the above named persons, or a majority of them, shall then give like notice for a meeting of the stockholders to choose seven directors, who shall be stockholders in their own right and name, and 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 for said corporation, and shall certify under their hands the names of the persons duly elected, and thereupon deliver over the subscription books and moneys paid in, deducting therefrom all necessary expenses previously incurred, to the said directors; and the said directors shall hold their office for one year, and until others are elected in their stead, and shall fix the time and place for holding the annual meetings for the election of directors, notice of which shall be given in at least one public paper published in the county of Essex, at least ten days before said election, and the directors so chosen at any such meet-

Election of directors.

ing shall, as soon as may be thereafter, 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 of any director, such vacancy or vacancies may be filled for the remainder of the year by a majority vote of said board; and in case of the absence of the president of the said board 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.

Vacancies how filled.

Failure to elect directors corporation not to be dissolved.

4. *And be it enacted*,, That if at any time an election shall not be held 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 an election may be held any time within one year, in the manner provided by law; and the directors for the time being shall continue to hold their offices until others shall have been chosen in their places.

Business of corporation how and by whom managed.

5. *And be it enacted*, That a majority of the board of directors of the said corporation shall be competent to transact all the business of said corporation, and shall have power to call in the capital stock of said company in such installments, and at such times as they may direct, not exceeding ten per centum at any one time, and not less than thirty days after the previous installments; and in case of the non-payment of any such installments, or any one of them, to forfeit the share or shares upon which such default shall arise; and to open the books for further subscriptions of stock until the whole stock subscribed amounts to the sum of fifty thousand dollars, and also to make and prescribe such by-laws, rules and regulations as to them shall appear needful, touching the management of the stock, property, estate and effects of said corporation; and further, shall have power to elect or appoint as many officers, superintendents, agents, clerks and servants as to them shall seem meet, and to establish and fix their salaries, and also that of the president, as to the board shall appear proper.

Power to build and construct buildings, tanks, etc., for manufacture of gas and to lay pipes, etc.

6. *And be it enacted*, That the said corporation shall be, and hereby is, empowered and authorized to make, build, construct and erect any and all buildings, tanks, reservoirs, works and machinery for the manufacture of gas for lighting streets, buildings, manufactories, and so forth, from coal, resin or other material; and shall have power to enter upon

and make any and all necessary and proper excavations for the laying down of gas pipes and pipes for conducting the gas in the streets, roads, alleys, lanes and avenues, that may be in said village or township; and shall have power to erect gas posts, burners and reflectors, in the streets, roads, alleys, lanes and avenues in said village and township, or any part of them, and the dwellings, stores, factories, and other places therein, upon obtaining the consent of a majority of the trustees of the village of South Orange and majority of the town committee of said township; and said corporation shall have power to do all other things necessary to light the said township, or any of them; *provided*, the public travel shall not at any time be unnecessarily affected or impeded by the laying of the said pipes, or the erection of said posts, and the streets, roads, side and cross walks, lanes, alleys and avenues shall not be injured, but all be left in as good and perfect condition as before the laying of said pipes, or the erection of said posts; *and provided also*, that no private lands shall be in any way injured or defaced without permission in writing, first had and obtained from the owner or owners thereof. Proviso. Proviso.

7. *And be it enacted*, That if any person shall wilfully impair, injure, or wilfully do, or cause to be done, any act or acts whatsoever, thereby to injure any conduit, pipe, cock, machine, tank, reservoirs, works, building or structure whatsoever, or any other thing appertaining to the works of the said corporation, or whereby the same may be stopped, obstructed, or in any wise 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 to action for damages, by a civil suit hereby authorized to be brought for such injury as aforesaid, by and in the name of said corporation, in any court of this state having cognizance of the same. Penalty for injuring works or machines of company. Proviso.

8. *And be it enacted*, That the said corporation is hereby authorized and empowered to enter into contract with any other company to furnish or be furnished with gas, for the purposes before mentioned, on such terms as may mutually be agreed on. May enter into contract with any other company.

May borrow money and secure same by mortgage, etc.

9. *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 or expedient, and to mortgage their property and franchise, or otherwise to secure the payment thereof, and to execute all necessary securities therefor, with interest thereon, not exceeding seven per centum per annum, and to sell and dispose of any bonds obligations or assurances, which they may issue to secure the payment of the money so borrowed as aforesaid, at any rate of price they may be able to obtain for the same, without said obligations being in any way invalidated thereby, or any person or persons, or corporations, being liable to any penalty or forfeiture therefor.

Books of account to be kept.

10. *And be it enacted*, That the said corporation shall cause to be kept at their office proper books of account, in which shall be fairly and truly entered, all the transactions of the corporation, which books, together with the transfer book, shall at all times be open for the inspection of the stockholders.

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

Approved March 17, 1875.

CHAPTER CLXIV.

An Act to incorporate the "Somerset County Building and Loan Savings Bank."

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John H. Lyon, John H. Anderson, Augustus Van Zant, Culver Barcalow, William Ross, Jr., James J. Bergen, Edward F. Loomis, and such other persons as may be associated with them, shall be and they are hereby constituted and declared a body corporate and politic in law and fact, by the name of the "Somerset County Building and Loan Savings Bank," to be located in the county

Corporate name and powers.

of Somerset, in said state, and by that name, style, and title shall have continued succession, and shall be capable of purchasing, leasing, mortgaging, and conveying any lands, tenements, goods and chattels, and to let money at interest, and to secure the payment thereof as hereinafter provided, and to do all things necessary to carry out the objects of said corporation hereby created.

Capital stock.

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

Proviso.

Affairs to be managed by board of directors.

3. *And be it enacted*, That the property and business of said association shall be managed and directed by a board of directors, who shall be stockholders in said association, and shall be chosen annually, at such time and place in the county of Somerset, in such manner, and upon such notice, as the by-laws of said association shall direct, who shall serve for one year, and until others are elected; that John H. Lyon, John H. Anderson, Augustus Van Zant, Culver Barcalow, William Ross, Jr., and Edward F. Loomis, shall appoint three judges or tellers to receive the votes for the first directors of this association under this charter; that the board of directors shall not be less than three, nor more than nine directors; that the directors of said association shall choose one of their number president, and may appoint such other officers and agents as they shall deem expedient, fill vacancies in their own board until the next annual elec-

Board of directors and powers.

tion, make by-laws, collect instalments on stock, let money on interest to members and other persons of said association offering the highest premium, and declare dividends to stockholders entitled to receive them.

Initiation fee.

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

Failure to pay instalmens profits forfeited

Who may become members.

Books of account to be kept

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

Annual report to be made.

May receive money on deposit and invest the same.

6. *And be it enacted*, That the said institution may, or may not, as the majority of the directors may decide, receive as deposits, all such sums of money which may be offered, for the purposes of being invested, in such amounts and at such times, and on such terms as the by-laws shall prescribe, which shall be invested accordingly, and shall be

repaid to the depositors at such times, and with such interest, and under such regulations as the board of managers shall from time to time prescribe; and the said institution may accept and execute all such trusts of every description, as may be committed to them by any person or persons whatever, by will or otherwise, or transferred to them by the order of any court.

Interest when allowed.

7. *And be it enacted*, That the institution shall not be required to allow interest on deposits until it amounts to five dollars, nor to allow interest on the fractional part of one dollar, nor shall the institution be required to allow interest on the fractional parts of a month.

Deposits, etc., to be entered.

8. *And be it enacted*, That all deposits and payments shall be regularly entered on 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 shall be regularly entered as soon as made.

May invest money in stocks and bonds.

9. *And be it enacted*, That the said institution may invest money in the stocks created under the laws of the United States, and 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 and townships in the different states, under the laws thereof, and also upon bonds and mortgages.

Act how construed.

10. *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.

How dissolved.

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

Proviso.

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

Approved March 17, 1875.

CHAPTER CLXV.

A Further Supplement to an act, entitled "An act to incorporate the Dime Savings Institution of Plainfield, New Jersey," approved April twenty-second, one thousand eight hundred and sixty-eight.

Managers may invest funds to a certain amount.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the managers of the said dime savings institution of Plainfield be, and the same are hereby, authorized to invest their funds on demand or temporary loans upon approved collateral security to an amount not to exceed at any time twenty-five per cent of their total deposits.

Repealer.

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

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

Approved March 18, 1875.

CHAPTER CLXVI.

An Act to vest the Manalapan and Freehold Turnpike in the purchasers thereof, at a sale heretofore made by John H. Patterson, then late sheriff of the county of Monmouth.

Preamble.

WHEREAS, The Manalapan and Freehold Turnpike Company was incorporated under and by virtue of an act of the legislature of New Jersey, approved March eighteenth,

one thousand eight hundred and sixty-three, and by a supplement thereto, approved April ninth, one thousand eight hundred and sixty-eight, was authorized to borrow money and to mortgage the road, franchises, and so forth, and did by authority of said supplement borrow the sum of fifty-five hundred dollars, and execute a mortgage as authorized by said supplement; *and whereas*, said mortgage was regularly foreclosed, and the road, franchises, and so forth, sold by the sheriff of the county of Monmouth upon a fieri facias issued upon said foreclosure proceedings, and George Hunt, John S. Denise, David Clark Perrine, Acton C. Hartshorne, Joseph Ely, John R. Perrine, Charles H. Snyder and Thomas Smith became the purchasers thereof; therefore,

Sheriff's sale ratified and confirmed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the aforesaid sheriff's sale be ratified and confirmed, and made valid in law and equity, and that the said George Hunt, John S. Denise, David Clark Perrine, Acton C. Hartshorne, Joseph Ely, John R. Perrine, Charles H. Snyder and Thomas Smith be and are hereby incorporated into the name of The Manalapan and Freehold Turnpike Company, with the same power and authority to carry on the business of said turnpike road as is given in the aforesaid original act of incorporation, approved March eighteenth, one thousand eight hundred and sixty-three, and in the several supplements thereto.

Corporators.

Name and powers.

Mortgage declared a valid lien.

2. *And be it enacted*, That a mortgage, heretofore and since said sale executed upon said turnpike road, land, privileges, franchises and appurtenances for the sum of eight thousand dollars, shall be a good and subsisting lien upon said road, lands, privileges, franchises, and so forth, both at law and in equity.

May borrow money and secure same by bonds and mortgage, etc.

3. *And be it enacted*, That the said The Manalapan and Freehold Turnpike Company shall have power to borrow such sum or sums of money as shall be necessary to discharge the present or future indebtedness of said company, in whatever form such indebtedness may be, not exceeding the sum of ten thousand dollars, and to secure the repayment thereof, by the execution and negotiation of a bond or bonds, secured by a mortgage or mortgages on the said road, franchises and appurtenances of and belonging to said company, which mortgages shall constitute good and sufficient liens thereon.

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

Approved March 18, 1875.

CHAPTER CLXVII.

An Act to vest the title of real estate in the city of Newark, in Martha Boerum, widow of Martin Boerum, deceased.

Preamble. WHEREAS, Martin Boerum, late of the city of Newark, departed this life in the year one thousand eight hundred and seventy, seized of a lot of land in East Kinney street, in the city of Newark, conveyed to him by Charles S. Coit and wife by deed, dated on the twenty-fourth day of February, one thousand eight hundred and sixty-nine; and whereas, the said Martin Boerum died intestate, and without issue, leaving Martha Boerum, his widow, him surviving; and whereas, the said Martin Boerum left no lawful heirs, by reason whereof, said lot of land has escheated to the state; and whereas, the said Martha Boerum is old and infirm, and without means of support; and whereas, it was the original intention of said Martin Boerum, deceased, in his life time to have said premises deeded to himself and his wife jointly; therefore,

Title vested. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the right, title, estate and interest of the state of New Jersey of, in and to the lands and premises above described, be vested in the said Martha Boerum, her heirs and assigns; *provided*, that such estate shall be subject to all subsisting encumbrances and to all just debts and liabilities of the said Martin Boerum, deceased.

Proviso.

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

Approved March 18, 1875.

CHAPTER CLXVIII.

An Act to confirm the title of lands given by John Jufer to Barbara Horner, and by her devised by her last will to Elizabeth Blette, now Elizabeth Kolb, wife of Nicholas Kolb.

Preamble. WHEREAS, on the tenth day of October, in the year of our Lord one thousand eight hundred and fifty-five, John Jufer, late of the city of Newark, in the county of Essex and state of New Jersey, died intestate, seized of a certain tract of land and premises, to him conveyed by Isaac C. Winans and wife by deed of conveyance dated September nineteenth, one thousand eight hundred and fifty-four, and recorded in book 205 of deeds for Essex county, on pages 353 and 354, without leaving him surviving any heirs capable of inheriting the same, and without leaving any wife; and whereas the said John Jufer, in consideration of services to him in his last sickness rendered by Barbara Horner, unmarried, late of the city of Newark, in the county and state aforesaid, gave to her said lands and premises, verbally without writing, supposing such gift to be sufficient in law under the circumstances, for the purpose of vesting in the said Barbara Horner the title of said lands; and whereas, said Barbara Horner entered into possession of said lands and held the same during her life, and upon her death devised the same by her last will, duly executed and proved, to Elizabeth Blette, now Elizabeth Kolb the wife of Nicholas Kolb; therefore,

Title confirmed and made valid. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the title of the said Elizabeth Kolb, late Elizabeth Blette, to said lands described in above stated and recited deed, be and the same is hereby confirmed and declared to be good and valid, both at law and equity, and that said Elizabeth Kolb, late Elizabeth Blette, is seized thereof of an estate as of fee and in all

respects her title to said lands is declared to be the same as if the same had been devised to the said Barbara Horner by said John Jufer by his last will and testament in writing, duly executed and proved in the manner required by the laws of this state to be sufficient to devise real estate.

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

Approved March 18, 1875.

CHAPTER CLXXVIII.

An Act to incorporate the Ewingville Driving Park Association.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William H. Howell, Scudder H. Phillips, Israel Hendrickson, Alfred C. Howell, Edward Maguire, and their associates and successors, shall be and they are hereby created a body politic and corporate

Corporate name

in fact and in law by the name of the Ewingville Driving Park Association, and by that name shall sue and be sued, and shall generally possess all the powers, privileges and incidents of a corporation.

May make and adopt by-laws, etc.

2. *And be it enacted*, That the directors of the said association shall have the power and authority at their first or any subsequent meeting, to make, adopt and establish such by-laws, rules and regulations for the government of the association, as they may deem proper and expedient, and to alter and change the same at pleasure, and to adopt a corporate seal, and all other acts necessary for the organization

Proviso.

of the corporation hereby created; *provided*, such by laws, rules and regulations shall not be inconsistent with the constitution of this state and of the United States, or the provisions of this act.

Capital stock.

3. *And be it enacted*, That the capital stock of said corporation shall be twenty thousand dollars, divided into

shares of one hundred dollars each, and paid in by the stockholders in such time, manner and instalments, as the directors of the said corporation may direct, and such shares shall be deemed personal property, and be transferable only in such manner as the said association by their by-laws may prescribe, and the said corporation may hereafter increase their capital stock if they choose, to an amount not to exceed fifty thousand dollars.

Commissioners to open books and receive subscriptions, etc.

4. *And be it enacted*, That the above named persons, or a majority of them, shall be and they are hereby appointed commissioners to open books and receive subscription to the capital stock of said association, at such times and places, and in such manner and amount, as they, or a majority of them shall think proper, giving notice in one or more of the Trenton newspapers, and as soon as fifty shares are subscribed, the said commissioners, or a majority of them, are hereby authorized to hold their first meeting as directors of said association, at such time and place as they may agree upon, and to choose and elect a board of directors and such other officers and committees as they may deem necessary, which said directors and officers shall hold their said offices for one year and until others are elected to fill their places.

May keep and maintain grounds, stables etc.

5. *And be it enacted*, That the object of the said association shall be to improve the condition and breed of horses and other stock, and for that purpose may provide, keep and maintain adjacent to the village of Ewingville, in the county of Mercer, in this state, grounds, stables and other real and personal property suitable for riding and driving exercises and purposes, and shall have power and authority to receive by donation or devise, to acquire, purchase or lease and use, hold, possess and enjoy such real estate and such personal estate as they shall deem necessary for the purpose of the association; and the same or any part of such real or personal property, to sell, mortgage, lease or otherwise dispose of at pleasure, and also to make, build, construct and lay out on the real estate so held by them, such buildings, roads, tracts, walks and other improvements as they may deem necessary.

May hold fairs and exhibitions etc.

6. *And be it enacted*, That for the purpose of carrying into effect the objects and purposes contemplated by the provisions of this act, it shall be lawful for said association

to hold upon said grounds, from time to time, and as often as they deem proper, fairs and exhibition for the development of speed or other desired qualities, and to encourage competition may offer premiums and rewards for stock exhibited, and for superiority in the objects sought for as the directors, or a majority of them may agree upon; and to ask, demand and receive for said association's own use, such reasonable fees for admittance of exhibitors and visitors to the said grounds as the said directors, or a majority of them may deem proper; and shall have power to let, rent or lease unto any agricultural or other society, person or persons, any part or all said grounds, buildings and improvements belonging to said association.

Profits how divided.

7. *And be it enacted*, That so much of the profits of said association as shall be deemed proper and expedient by the directors, shall, from time to time, be equally divided among the stockholders; but no dividend shall be declared that will impair the capital of the association.

Invested with police jurisdiction.

8. *And be it enacted*, That for the purpose of maintaining order and preserving the peace and decorum upon and about all the exhibition or meeting grounds of said association, the said directors, or a majority of them, shall have police jurisdiction within one quarter of a mile of their boundaries of any their said grounds, and it shall be their duty, and they shall have the power to suppress the sale of ardent spirits and other intoxicating beverages by parties not regularly licensed by the public authorities, and to prohibit every species of gambling, breach of the peace or laws of this state within the said limits, and it shall also be lawful for the said directors, or a majority of them, to appoint from time to time, one or more fit, proper and discreet person or persons, who shall take and subscribe an oath or affirmation before one of the justices of the peace of said county, which oath or affirmation, shall be filed in the office of the clerk of said county, where said exhibition or meeting is to be held, and shall be of like form and effect, as is now required by law for constables to take and subscribe, and the date of said filing shall be endorsed by said clerk, who shall be paid the usual fee for filing papers of that description, and the person or persons so appointed and sworn or affirmed, shall possess so long as the said directors may choose to retain him or them, the same powers and authority or

Power to prevent sale of liquors, etc.

May appoint officers and their powers.

the premises of the said association, and on the lands and premises adjacent thereto within the limits above named which constables now possess in criminal cases in this state, and they shall have power and authority without process 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 manner, or disturb or wrongfully interfere with the meeting or exhibition of the said association, or the visitors thereto, or violate any of the rules or regulations of the said association, and the said person so arrested shall be taken as soon as conveniently may be, before some justice of the peace of said county of Mercer, and there to be dealt with according to law.

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

Approved March 22, 1875.

CHAPTER CLXXIX.

An Act to incorporate the River Dock and Warehouse Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles Stockham, Henry B. Wilson, Randolph Wood, John H. Dialogue, John B. Wood, William J. Sewell, and such others as may hereafter be associated with them, their successors and assigns, be and are hereby constituted and declared a body politic, in fact and in law, by the name of "The River Dock and Warehouse Company," and as such shall have the general rights of corporations formed under the laws of this state. Corporators. Corporate name

2. *And be it enacted*, That the affairs of this company shall be managed by not less than five nor more than nine directors, first selected by the incorporators, who shall hold office until others shall be chosen by vote, at an annual meeting of the stockholders, each share of stock having a Affairs how managed.

New Jersey State Library

May issue bonds etc.

right to a vote; the directors shall have the right to issue bonds and secure the same by mortgage upon the dock or docks of the said company; also, to declare cash or stock dividends out of the profits of the company, and to attend to the other business of the company, amongst which shall be the appointing of officers, building, buying or repairing, and managing floating and other docks, as well as all business that may be incidental thereto.

Capital stock.

3. *And be it enacted*, That the capital stock shall be twenty-five thousand dollars, with the right to increase to any amount not exceeding one hundred thousand dollars.

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

Approved March 22, 1875.

CHAPTER CLXXX.

An Act to incorporate the Rendrock Powder Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jasper R. Rand, Addison C. Rand and William P. Richardson and the survivors of them, and such other persons as may hereafter be associated with them, be and are hereby created a body politic and corporate, in fact and in law, by and under the name and style of "The Rendrock Powder Company," for the purpose, and with the power and authority of carrying on in the county of Passaic, in this state, and elsewhere, the business of manufacturing gun and blasting powder, and all other articles of which the materials used in the manufacture of such powder shall form a component part, or to be used in connection with or auxiliary thereto, and of buying and selling the same, and all other goods and articles requisite and proper to be used for and in the business authorized by this act; and by the said name shall have continued succession, and be capable in law of holding, purchasing, leas-

Corporate name and powers.

ing, mortgaging and conveying any lands, tenements, goods and chattels, requisite and proper for the use and purposes of the corporation hereby created; and the principal office of said corporation shall be in the county of Passaic aforesaid.

Capital stock.

2. *And be it enacted*, That the capital stock of said company shall be one hundred and fifty thousand dollars, with liberty to the directors to increase the same from time to time, to any amount not exceeding five hundred thousand dollars, to be divided into shares of one hundred dollars each; and the persons named in the first section of this act are hereby authorized to open books of subscription and take and receive subscriptions to such capital stock, at such time or times, and in such manner, and to such extent, not exceeding the amount herein authorized, as they shall deem proper; and whenever the same shall be paid, or satisfactorily secured to be paid to the extent called for, the said company may commence business; and the persons in the first section named, and the directors of said company may receive in payment of subscriptions for said stock, any land, buildings, machinery, patent rights or other rights or property by them deemed necessary or proper for the use of said company in said business, and at such valuation as a majority of the above named persons or the directors shall approve.

Affairs to be managed by board 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 three nor more than nine directors, being stockholders, who shall elect one of their number president; and the said directors, after the first directors hereinafter named, shall be elected by the stockholders, in person or by proxy, upon such notice, on such day and at such hour and place as the directors shall, by their by-laws or otherwise, from time to time appoint and direct; each share of the capital stock entitling the holder thereof to one vote, and the persons having the greatest number of votes shall be directors; and the directors may appoint such officers, superintendents and agents, and assign to them such compensation as a majority of the directors shall think fit; and if any vacancy, by death, resignation or otherwise, shall occur among the directors named in this act, or those hereafter to be elected, such vacancy may be filled by the remaining directors or a majority of them; and the said Jas-

Vacancies how filled.

First board of directors.

per R. Rand, Addison C. Rand and William P. Richardson shall be the first directors of said company, and shall serve as such until the next annual election, and until others are chosen.

May make by-laws, rules, etc.

4. *And be it enacted*, That a majority of the directors shall form a quorum for the transaction of the business of said corporation, who shall have power to ordain, establish and put into execution, such by-laws, ordinances and regulations as they shall deem necessary and proper for the annual elections and the notice for the same, the calling in and demanding payment of subscriptions to the capital stock, for the transfer thereof, and for forfeiting the same for default of payment, and for the government, management or disposition of the stock, effects, profits, business and concerns of the said corporation; *provided*, that the same be not contrary to the constitution of this state or of the United States.

Proviso.

Failure to elect directors corporation not deemed to be dissolved.

5. *And be it enacted*, That in case an election for directors shall not be made on the day prescribed for that purpose, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold such election on such other day and upon such notice as may be appointed for that purpose by resolution of the board of directors.

May subscribe for and take stock in other companies.

6. *And be it enacted*, That it shall be lawful for the said company to subscribe for and take stock in any other company or association organized for the purpose of carrying on any business connected with or auxiliary to the business authorized by this act.

May borrow money and secure same by bond, etc.

7. *And be it enacted*, That the said company shall have power to borrow such sum or sums of money from time to time as the directors shall deem necessary and expedient for said business, not exceeding one-half of the capital stock paid in, and to mortgage their property and franchises or otherwise secure the payment thereof; and to execute all proper and necessary securities therefor, with interest thereon not exceeding seven per centum per annum, and to sell and dispose of any bonds, obligations or assurances, which they may issue to secure the payment of the money so borrowed as aforesaid, at any rate of price they may be able to obtain for the same, without the same being in any way invalidated thereby.

8. *And be it enacted*, That the stock and property of said corporation, of whatever name or kind, shall be deemed personal estate, and the said stock shall be transferable in such manner as the directors may prescribe, but no transfer of stock shall be valid or effectual, until such transfer shall be entered and registered in the books to be provided and kept by the president and directors for that purpose, and no dividends shall be declared except out of the net profits of the company. Stock deemed personal property and how transferred.

9. *And be it enacted*, That the said company may be dissolved at any general meeting of the stockholders thereof specially convened for that purpose by the president, upon twenty days' notice ; *provided*, at least three-fourths in value of the stock shall be present or represented thereat by the said stockholders ; and upon such dissolution, the directors for the time being, and the survivors and survivor of them, shall be trustees for settling all the affairs of said corporation, disposing of its effects, recovering and paying its debts, and dividing its surplus among the stockholders, in proportion to their respective interest in the stock, unless the stockholders at such general meeting shall appoint other persons, not less than three nor more than five in number for such purpose, in which case the persons so appointed, and the survivors and survivor of them, shall be trustees for such purpose ; and the said trustees may use the corporate name of the company in all proceedings necessary and proper in the settlement and prosecution of any claims or business, and the transfer and sale of any property of the company. How dissolved. Provis).

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

Approved March 22, 1875.

CHAPTER CLXXXI.

An Act to incorporate the Gloucester City Printing and Publishing Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Frederick F. Pfieffer, James P. Michellon and James E. Hays, and such other person or persons as may hereafter be associated with them by becoming stockholders as is hereinafter provided, and their successors and assigns, be and they are hereby created and declared to be a body politic and corporate in fact and in law, by the name of "The Gloucester City Printing and Publishing Company," and by that name they and their successors and assigns shall have perpetual succession and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto in all courts of law and equity in this state or elsewhere, and shall have power to make and use a common seal and the same to renew at pleasure, and shall have all the powers, privileges and franchises belonging to or incident to a corporation in this state.

Corporate name and powers.

Powers, etc.

2. *And be it enacted*, That "The Gloucester City Printing and Publishing Company," hereby incorporated, and its successors and assigns shall have power, and the said company is hereby authorized and empowered to carry on the business of printing and publishing book, newspapers, pamphlets, and binding the same, and of selling and disposing of any and all such books, newspapers and pamphlets, and of purchasing and disposing of all such other books, newspapers, pamphlets and stationery as they may deem convenient and proper, and shall and may do and perform all manner of job work in all its branches, and shall be capable in law of acquiring, leasing, hiring, purchasing, and taking in fee any lands, tenements, hereditaments and appurtenances, as well as any and all personal property, goods and chattels as the said company may find convenient and

proper in the carrying on the business hereby authorized and empowered to be carried on, and may mortgage and sell or otherwise dispose of any and all of its real estate and personal property, at such time and times as the said company may determine.

Capital stock.

3. *And be it enacted*, That the capital stock of said company shall be ten thousand dollars, divided into shares of fifty dollars each, with the privilege of increasing the said capital stock to any amount not exceeding twenty thousand dollars, upon the vote of a majority of the shares of the stock of the company for such purpose; which capital stock shall be personal property and be transferable on the books of the company as the by-laws may provide.

Commissioners to open books and receive subscriptions.

4. *And be it enacted*, That the above named incorporators shall be commissioners to open books and receive subscriptions in cash to the capital stock of said company, at such time and place, and upon such notice as they shall direct; and at the time of subscribing for said stock, such amount on each share subscribed for shall be paid, satisfied or satisfactorily secured to said commissioners, as they or a majority of them shall direct; and the residue of the subscription shall be paid, satisfied or secured as the directors of the said company, when elected, may determine; in such instalments, at such times and places, and in such manner as said directors shall, from time to time, direct; giving ten days' written notice of such time and place, and of such instalments to be paid to each stockholder personally, or left at his usual place of business or abode; or by publishing the same in a newspaper published in the county of Camden, for two weeks, once in each week; and upon the failure of any person or persons to pay, satisfy or secure the payment of such instalments or any of them aforesaid, the directors shall be empowered to forfeit the share or shares of each and every person so failing, or any of them, to and for the use and benefit of said company; and every share or shares of stock forfeited aforesaid, may be held by the said company, or any person or persons for its benefit, and may at any time be sold or disposed of for the benefit of the company, as the directors may determine; or may be divided proportionately among the remaining stockholders, to be by them held and enjoyed, or sold and transferred with all the rights and benefits incident thereto, the same in all

Failure to pay instalments shares may be forfeited.

respects as if they were original shares by them subscribed.

Meeting of stockholders to elect board of directors.

5. *And be it enacted*, That whenever two thousand dollars of the capital stock aforesaid shall have been subscribed and paid in cash, said commissioners, or a majority of them shall, as soon as they deem expedient, give notice in such manner as they may determine of a meeting of the stockholders, at such time and place, in the state of New Jersey, as said commissioners may designate, to choose not less than three nor more than five directors, who shall hold their office for one year, and until others are duly elected; and at such meeting of stockholders, convened as aforesaid, said stockholders shall prescribe the time and place for holding the annual election, and the number of directors of the said company; which time, place and number of directors shall not be changed except at the annual election of said company; and the directors chosen at such meeting or at the annual election of said company, shall, as soon as may be after their election, choose from their number a president of said company, who shall hold his office for one year, and until his successor is duly appointed; and in case of the death, resignation or other incapacity of the president or any director of said company, the vacancy thereby created in the board of directors, may be filled by the remaining directors for the current year.

Vacancy how filled.

Who entitled to vote.

6. *And be it enacted*, That at all elections by stockholders for officers of said company, and at all meetings of stockholders, and upon all questions submitted to them, each stockholder shall cast one vote for each and every share of stock standing upon the books of said company in his or her name, which vote may be cast either by said stockholder in person or by proxy.

Power to purchase newspaper, presses, etc., and to change name.

7. *And be it enacted*, That it shall be lawful for the said "The Gloucester City Printing and Publishing Company" to purchase the newspaper now printed and published in Gloucester City, known as "The Gloucester City Reporter," as well as the presses, type, and all the materials and personal property used in and about the printing and publishing the said newspaper, and shall have power to change and alter the said newspaper, and call it by such name as the company hereby incorporated shall determine from time to time, and to print and publish any and all such other newspaper or newspapers, and to purchase all and such other

presses, type and personal property from time to time as it may determine upon; and it shall be lawful to publish in said newspaper any and all legal notices and advertisements required to be published; nothing herein contained shall be construed to authorize the publication of the public laws therein.

Board of directors may appoint officers and to borrow money and to issue bonds, etc.

8. *And be it enacted*, That the board of directors of the said company shall have power to appoint a treasurer, secretary, and such other agents and servants of the said company as they may deem expedient and proper, and to prescribe the duties and compensation, and may borrow money from time to time as they may deem advisable for the purposes of the company, and to pledge the property of the company for the payment thereof or to issue the promissory notes or bonds of the company, and to secure the payment of said promissory notes or bonds either by mortgage on the real or personal property of said company wheresoever situate, in whole or in part, or in such other way as such directors may see fit; and shall be authorized and empowered to enter into any contract or agreement necessary for the objects of the said company as the directors may determine upon; and the said directors shall direct the control and management of the business and affairs of the said company in such manner consistently with the provisions of this act as they may think proper, and they shall declare such dividends from the business of the company semi-annually as the business of the company will allow.

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

Approved March 22, 1875.

CHAPTER CLXXXII.

An Act to incorporate Saint Patrick's Mutual Alliance and Benevolent Association, of the state of New Jersey.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Burns, Thomas Kelly, Thomas F. Doyle, Bernard McGuigan, John C. McHugh, Philip Cavanagh, James D. Manning, Michael B. Holmes, Patrick Morgan, Richard McAghon, Alexander McCoy and Patrick McNulty, and their successors and associates, are hereby constituted and declared a body corporate

Corporate name

and politic, by the name of "Saint Patrick's Mutual Alliance and Benevolent Association of the state of New Jersey," with power to have a common seal and to use and change the same at pleasure, and with power to have and hold real or personal estate, either purchased or devised, not in excess of one hundred thousand dollars.

Object.

2. *And be it enacted*, That the object of the corporation shall be to establish a fund for the benefit, relief, and assistance of its members in sickness or need, and for the burial of the dead.

May adopt by-laws, etc.

3. *And be it enacted*, That said corporation shall have power to adopt a code of by-laws for its government, and also to have and hold branch societies of the same name, in any part of this state, subject to the by-laws of said corporation; *provided*, that such by-laws shall not conflict with the constitution and laws of this state or of the United States.

Proviso.

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

Approved March 22, 1875.

CHAPTER CLXXXIII.

An Act to incorporate the New Brunswick City Mission, and to enable the said Mission to provide charitable relief for the poor and suffering.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Woodbridge, D. D., William H. Campbell, D. D., Richard A. Chalker, David D. Demarest, D. D., Chester D. Hartranft, Charles W. Heisley, Carl Meyer, D. D., Charles E. Phelps, Henry F. Smith, Richard H. Steele, D. D., Alfred Stubbs, S. T. D., Albert E. Waffle, Edward Wilson, James Bishop, Charles D. Deshler, David C. English, M. D., Lewis L. Hyatt, William R. Janeway, James P. Langdon, Christian Latscher, William H. Mailler, Theodore G. Neilson, Arthur G. Ogilby, Runyon Pyatt, James L. Rogers, Isaiah Rolfe, William Rust, Charles S. Scott, Augustus T. Stout, McRee Swift, VanMarter W. Suydam, John N. Taylor, Simon Van Wickle, Abraham Voorhees, William Rowland and Jeremiah Wilbur, are hereby constituted a body politic and corporate by the name of the "New Brunswick City Mission," and by that name shall have continuance and succession, and be capable in law of suing and being sued, defending and being defended in all courts and places whatever, and may have and use a common seal, and alter the same at pleasure, and may make and enforce contracts relating to the objects of their incorporation, may purchase, take, hold and convey, for the said purposes, any lands, tenements, hereditaments and any sum or sums of money, rights, securities, goods and chattels, by gift, alienation, devise, bequest or otherwise, of any person or persons or bodies politic and corporate; *provided*, that the clear yearly income of the said estate, real and personal, shall not exceed the sum of five thousand dollars; and the said corporation may adopt and use and amend such by-laws for their government as shall be deemed by them right and adapted to promote the

Corporators.

Corporate name and powers.

Proviso.

Proviso.

objects of the incorporation; *provided*, that nothing in said by-laws shall be repugnant to the laws of the United States or of this state.

May employ missionaries, etc.

2. *And be it enacted*, That the New Brunswick City Mission may conduct local missions for the promotion of religion, in the city of New Brunswick and vicinity, and to this end may employ a missionary or missionaries, and such other agencies as may be deemed advisable, and may also at their discretion adopt any legal means to give relief to the poor, the sick, the suffering, and orphan or destitute children; *provided*, that the funds given specifically for the relief of one class shall not be expended for any other class.

Proviso.

Persons named constituted city mission, etc.

3. *And be it enacted*, That the New Brunswick City Mission shall be constituted by the persons named in the first section of this act, until the first Wednesday in June, Anno Domini eighteen hundred and seventy-five, and thereafter shall be constituted by the pastors (ex-officio) of the Baptist, Protestant Episcopal, Methodist Episcopal, Presbyterian, and Reformed churches in the city of New Brunswick, together with two representatives of each church of the above named denominations in the said city, and also one representative of the faculty of the theological seminary of the Reformed church located in the said city, and one representative of the faculty of Rutger's college, and these representatives shall be annually elected at a public meeting, duly called for the purpose by the City Mission, and held in the month of May in each year after public notice, at which meeting all members of any of the churches above named, which have contributed to the funds of said mission within one year of the day of said meeting, shall be entitled to vote, and the representatives so elected shall hold their places in the said mission for one year from the first Wednesday in June following their election and until their successors are elected; in cases of death, removal or resignation, vacancies may be filled as the by-laws direct.

Representatives elected annually and term of office.

Vacancies how filled.

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

Approved March 22, 1875.

CHAPTER CLXXXV.

An Act to authorize the Lackawanna Iron and Coal Company to hold mineral lands and other real estate in the state of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for "The Lackawanna Iron and Coal Company" incorporated by the legislature of the state of Pennsylvania, to hold in fee simple or otherwise, such lands and real estate in the state of New Jersey, as they may deem requisite and necessary for the use and business of the said corporation, and to lease, mortgage and convey the same at pleasure; and to operate any mines found upon such lands and real estate, and any conveyances to the said company of lands in this state heretofore made, are hereby declared to be good and valid in this state, both in law and equity. Lawful to hold, lease, mortgage and convey lands and to operate mines, etc.

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

Approved March 23, 1875.

CHAPTER CLXXXVI.

A Further Supplement to an act entitled "An act to incorporate the Phillipsburg Building and Loan Savings Bank," approved March fourteenth, eighteen hundred and seventy-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the Bank may invest money in certain stocks.

said bank to invest money in the stocks of the Delaware, Lackawanna and Western Railroad Company, The Central Railroad Company of New Jersey, The Lehigh Valley Railroad Company, and The Delaware and Hudson Canal Company.

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

Approved March 23, 1875.

CHAPTER CLXXXVII.

A Supplement to the act entitled "An Act to incorporate the Franklin Lake Company," approved April ninth, one thousand eight hundred and sixty-eight.

Lands etc., may be taken and condemned for use of company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all persons whose lands are not taken by the Franklin Lake Company, pursuant to the act to which this is a supplement, and whose right to or use of the Franklin Lake, or streams flowing therefrom, may be impaired or damaged or affected by the taking of the waters, or any portion of said lake or streams by said company, shall be subject to have their right to or use of said lake or streams, or any portion of them, taken and condemned in the same manner at any time, as by said act lands may be taken and condemned for the objects authorized by said act, in which case said company shall give notice to the persons claiming any such right or use, in all respects as provided for in said act respecting lands, and the

Commissioners to assess damages for taking and using of waters, etc.

commissioners who assess the damages to be sustained by the party claiming such right or use, shall assess the actual damages which such person or persons will sustain by reason of the taking and use of said waters in said lake or streams, or such portions thereof as may be taken by said company;

Proviso.

provided, that nothing herein contained shall be held to authorize the said company, its successors or assigns to take

by condemnation, any of the waters that are tributaries to the Passaic river, or to do any act affecting the existing rights of the society for establishing useful manufactures.

Persons dissatisfied may appeal.

2. *And be it enacted*, That any party dissatisfied with the report of said commissioners may appeal to the same court in the same manner, and proceedings on such appeal shall be conducted in the way, as is provided in said act in regard to appeals respecting lands taken.

Empowered to sell and convey all property rights &c.

3. *And be it enacted*, That the said Franklin Lake Company are hereby authorized and empowered to sell, convey and dispose of to any other incorporated company of this state, all the property, real and personal, stock, franchises, powers, rights and privileges of said Franklin Lake Company, or to consolidate its stock with that of any other company incorporated by this state, and upon any such sale, conveyance or disposition aforesaid, or consolidation as aforesaid, such company to whom the same is made shall be vested with all the property, stock, franchises, powers, rights and privileges which said Franklin Lake Company may have at the time of such sale, conveyance or disposition or consolidation, and thereafter they shall be used and exercised by such other company.

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

Approved March 23, 1875.

CHAPTER CXCVI.

Further Supplement to an act to incorporate the Manchester Land Company, approved March sixth, eighteen hundred and sixty-six.

May hold meetings without this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for said company to hold stockholders' and directors' meetings without

this state as may be provided in the by-laws of said company; *provided*, that stockholders' meetings for the election of directors and the principal office of the company shall be within this state.

Proviso.

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

Approved March 24, 1875.

CHAPTER CXCVII.

A Further Supplement to an act entitled "An act to incorporate the Red Bank and Rumsun Neck Railroad Company," approved March twenty-third, eighteen hundred and sixty-five.

Power to change or alter location of roads, etc.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the said Red Bank and Rumsun Neck Railroad Company to change or alter the location of their said railroad, or to locate new lines or branches, not varying in any case over one mile from the line as located, after filing in the office of the secretary of state a survey of such location as varied from the original location; and shall be invested with all the powers and privileges, and subject to all the conditions and restrictions in taking possession of and using the land required, which by their act of incorporation they might exercise, and to which they are subject respecting lands required for the road.

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

Approved March 24, 1875.

CHAPTER CXCVIII.

A Further Supplement to an act entitled "An act to incorporate the South Mountain and Boston Railroad Company," approved March seventeenth, eighteen hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said company, in addition to the privilege already conferred, may construct such spurs and branches as they may deem necessary to connect their main line with any railroad or railroads now built or to be built, or to any mines, iron works, or stone quarries in the counties of Warren and Sussex in this state, under the same restrictions as are contained in the original charter of said company. Power to construct spurs and branches, etc.

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

Approved March 24, 1875.

CHAPTER CXCIX.

A Supplement to an act entitled "An act to incorporate the Women's Christian Association, of the city of Newark," approved March twenty-fifth, eighteen hundred and seventy-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said "The Women's Christian Association, of the city of Newark," may from time to time encumber by mortgage or otherwise any real or personal estate they now have or may hereafter acquire. May mortgage real or personal estate.

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

Approved March 24, 1875.

CHAPTER CC.

An Act to revive an act entitled "An Act to incorporate the Newark Stove Platform Company," approved February eighteenth, one thousand eight hundred and seventy-four.

Preamble.

WHEREAS, At the last session of the legislature an act was passed entitled "An act to incorporate 'The Newark Stove Platform Company;"' and whereas, the same has become inoperative and void, because the parties interested therein have failed to pay the assessment required by law which failure has arisen from inadvertance and mistake now, therefore,

Act declared revived.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said act is hereby revived and declared to be in full force; *provided*, that the said persons interested in said act, shall pay or cause to be paid, on or before the first day of May next, all assessments due thereon, according to the terms of the act of the state of New Jersey entitled "An act to increase the revenues of the state of New Jersey," approved March sixteenth, one thousand eight hundred and fifty-eight, and the supplement thereto, approved March eighteenth, one thousand eight hundred and fifty-nine, and also ten dollars additional for this supplement.

Proviso.

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

Approved March 24, 1875.

CHAPTER CCI.

A Supplement to an act entitled "An Act to incorporate the Hoboken Ship Canal Company."

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 Hoboken Ship Canal Company, approved March twenty-sixth, eighteen hundred and seventy-four," be and the same is hereby revived and declared to be in full force; *provided*, that the persons in said act interested, shall pay or cause to be paid on or before the first day of July next ensuing, the assessments due thereon, according to the terms of an act entitled "An Act to increase the revenues of the state of New Jersey," approved March sixth, eighteen hundred and fifty-eight, and the supplement thereto, approved March eighteenth, eighteen hundred and fifty-nine. Act revived. Proviso.

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

Approved March 24, 1875.

CHAPTER CCII.

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

Power to extend road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the company incorporated by the act to which this is a supplement, is hereby authorized and empowered to extend its road from the present terminus thereof in the village of Irvington, to the village of Middleville, in the county of Essex; and that for carrying out the objects and purposes of this section, all the provisions of the said original act and the several supplements thereto, are hereby made applicable to the extension hereby authorized, and the said company, in respect to said extension, is hereby invested with all the powers and privileges, and subject to all the duties and restrictions contained in said provisions.

Provisions of act, etc., made applicable to extension.

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

Approved March 24, 1875.

CHAPTER CCIII.

A Further Supplement to an act entitled "An act to incorporate the Newark and South Orange Horse Car Railroad Company," approved April sixth, eighteen hundred and sixty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case of any sale and conveyance which have been or may be made of said road under and by virtue of any decree or decrees of the court of chancery of this state, and execution or executions issued thereon to satisfy any mortgage, debt, or debts, or under and by virtue of any power of sale contained in any mortgage, trust-deed, or other instrument made and executed by virtue of the seventeenth section of the act to which this is a supplement, such sale and conveyance duly made and executed shall be deemed and taken to vest in the purchaser or purchasers thereof, all the right, title, interest, property, possession, claim, and demand, in law and equity, of the mortgagors or grantors in any such mortgage, trust-deed, or other instrument, of, in, and to the said road with the appurtenances; and also of, in, and to the corporate rights, liberties, privileges, and franchises of the said corporation, but subject to all the conditions, limitations, restrictions, and penalties of said corporation of and concerning the same; and such purchaser or purchasers, and his and their associates, not less than fifteen in number, shall thereupon become a new body politic and corporate, in fact and in law, by the name of the aforesaid corporation, and shall be deemed and considered the stockholders of the capital stock of such new body corporate, in the ratio of the amount of purchase money by them respectively contributed; and shall be entitled to all the rights, liberties, privileges, and franchises, and be subject to all conditions, limitations, restrictions, and penalties of and concerning said road so sold and conveyed, which were contained in said act and the

Purchasers invested with all rights, titles, etc., to road and subject to conditions, etc.

Purchasers to become a new corporation.

supplements thereto, so far as the same were in force at the time of such conveyance.

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

Approved March 24, 1875.

CHAPTER CCIV.

A Supplement to the charter of the Port Royal Navigation Company, incorporated under the general law, October fourteenth, one thousand eight hundred and seventy-four.

Preamble.

WHEREAS, the Port Royal Navigation Company have changed their port of destination from Port Royal, South Carolina, to other ports, whereby it becomes desirable to change the title of said corporation; and whereas, doubts have arisen as to the power of said corporation to mortgage under the general law, therefore,

Stockholders may change name and issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the stockholders of this company may, by vote, at a meeting called for the purpose, thirty days' notice being given in one or more papers in this state, and one paper where the principal office may be located, change their name to "The Coast Navigation Company;" it shall not be necessary for a majority of the directors to be residents of this state, and they shall have power to declare dividends in stock, and issue seven per centum bonds and secure the same by mortgage.

May hold stock in other companies.

2. *And be it enacted*, That this company may hold stock in other companies and vote thereon; that their main office

Principal office.

shall be in the city of Camden, and the annual election shall be held in the city where said office may be located.

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

Approved March 24, 1875.

CHAPTER CCV.

An Act revising an act entitled "An Act to incorporate the Jersey City Curling Club," approved February fifth, one thousand eight hundred and seventy-four.

WHEREAS, the act entitled "An Act to incorporate the Jersey City Curling Club," which was approved February fifth, one thousand eight hundred and seventy-four, has become inoperative and void, and has been so declared by the governor of the state of New Jersey, because of the non-payment of the state assessment thereon within the time limited by law; and whereas, the said non-payment of assessment was not through the neglect or fault of any of the corporators therein mentioned, or of any person or persons interested therein, authorized and instructed to pay the same. Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That upon the payment to the state the assessment which should have been paid upon the said act entitled "An Act to incorporate the Jersey City Curling Club," approved February fifth, one thousand eight hundred and seventy-four, and ten dollars additional for this supplement and the assessment provided by law to be paid on this act, the said act entitled "An Act to incorporate the Jersey City Curling Club," approved on the date aforesaid, shall be and the same hereby is revived and made of full force and effect. Act revived upon payment of state assessment.

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

Approved March 24, 1875.

CHAPTER CCVI.

An Act to incorporate the Camden Hospital.

Preamble. WHEREAS, it is proposed by the devisees of William D. Cooper, deceased, late of the city and county of Camden, in the State of New Jersey, and Alexander Cooper, to convey certain lands in the said city of Camden to Albert W. Markley, Peter L. Voorhees, Charles P. Stratton, Rudolphus Bingham, Thomas F. Cullen, Joseph B. Cooper, Augustus Reeve, Alexander Cooper, and John W. Wright, as trustees, for the purpose of erecting thereon a building or buildings to be used as a free hospital, and to appropriate moneys for the maintenance and support of the same, pursuant to the wishes and directions of the said William D. Cooper, deceased; *and whereas*, it is considered that the benevolent intention of the projector of such institution, and of the said donors can be better carried out, and the objects sought to be accomplished, facilitated and 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 Albert W. Markley, Peter L. Voorhees, Charles P. Stratton, Rudolphus Bingham, Thomas F. Cullen, Joseph B. Cooper, Augustus Reeve, Alexander Cooper, and John W. Wright, be, and they are hereby constituted and made a body politic and corporate in fact and in law, by the name of "The Camden Hospital," and by that name they and their successors shall have perpetual succession, power to sue and be sued, to make and use a common seal, to purchase, take, have, hold, receive, and enjoy any lands, tenaments or hereditaments in fee simple, or otherwise, and any goods, chattels, or property of any description, real or personal, whether acquired by gift, grant, or otherwise, and to grant, convey, lease, assign, sell, or otherwise dispose of the same for the purposes of the said corporation.

Name and powers.

2. *And be it enacted*, That the object of said corporation shall be to afford gratuitous medical and surgical aid, advice, remedies and care to such invalid or needy person as, under the rules and by-laws of said corporation, shall be entitled to the same, and to construct such buildings and make such provision as are necessary for the accomplishment of said object. Objects of corporation.

3. *And be it enacted*, That the incorporators of this act shall continue the board of managers of said corporation, and shall have exclusive control of the management and business concerns of said institution, both external and internal; shall have authority to fill vacancies in their own board, however occasioned, and to make such constitution and by-laws for the regulation of their organization, and the conduct of their business as they may deem necessary. Incorporators to be managers, etc.

4. *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. Property exempt from taxation.

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

Approved March 24, 1875.

CHAPTER CCXVII.

An Act to incorporate the Moorestown Pursuing and Detective Company, of the township of Chester, in the county of Burlington.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the present members of "The Moorestown Pursuing and Detective Company," for the detection of horse thieves, house breakers, and other depredators on persons or property, and such other persons as shall become associated with them as members thereof, Made a body corporate.

according to their by-laws, be and they hereby are incorporated into a body politic by the name and title aforesaid, with the privileges, immunities and liabilities belonging to such bodies.

Objects.

2. *And be it enacted*, That the objects of said company shall be the detection, arrest and prosecution of burglars, horse thieves and other depredators, and for the recovery of stolen property.

May provide for admission fees and collection of fines and assessments.

3. *And be it enacted*, That in order to carry out the objects aforesaid, it shall and may be lawful for the said company, by their by-laws, to provide for raising a fund by fee for admission of members, assessments of the members, fines on officers and members for failure or neglect of any duty, which may be lawfully imposed upon them, and said fees, assessments and fines, may be collected by suit, in the name of the company against the delinquents, as debts of like amount may now by law be collected.

Officers to be chosen annually.

4. *And be it enacted*, That the officers of the company shall be a president, secretary, treasurer, thirteen directors and a correspondent, who shall compose a board of directors, and shall be annually chosen by a ballot at a general meeting of the company; *provided*, that the officers of secretary and treasurer may be filled by the same person, the said officers to continue in office for one year, or until their successors are elected; the first board of directors shall consist of the following persons, viz.: Levi Ballinger, Levi L. Walton, Joshua Hollingshead, Nathan J. Roberts, Eli Sharpless, William Dunn Rogers, Charles Collins, Samuel C. Decou, Samuel Brown, Josiah Lippincott, William Dyer, J. Willits Worthington, Josiah D. Pancoast, directors, who shall continue in office until the first annual general meeting after the passage of this act, and until their successors are chosen.

Proviso.

Directors may appoint detectives and their powers.

5. *And be it enacted*, That the board of directors may appoint or elect any number not exceeding twenty detectives, and give to each a badge of office, who shall each have the power and authority of a constable, so far as may be necessary to carry out the objects of the company, and may execute warrants for that purpose, issued by justices of the peace and aldermen, and shall be liable to all the responsibilities of constable in the exercise of said power and authority; *provided*, that they shall not be liable to the performance of any services except as directed by the by-laws

Proviso.

of this company, nor shall they be entitled to any fees or compensation for their services, except out of the funds of the company and according to the by-laws or other regulations thereof, and that they shall, before entering upon the duties of their office, respectively take an oath or affirmation, of which a record shall be kept by the secretary, any member of the board of direction being authorized to administer the same, to support the constitution of the United States and the constitution of the state of New Jersey, and perform the duties of their office with fidelity.

General meeting. 6. *And be it enacted*, That a general meeting of the company shall be held annually, at such time as shall be fixed by the by-laws, and at such place as the board of directors may, from time to time direct; the board of directors shall have the power to call special meetings at their discretion; notice of every meeting of the company shall be given for twenty days, by weekly publication in a newspaper published in the county of Burlington, and in case any vacancy should occur in the board of directors during the year, the said board may fill the same until the next annual election.

Board of directors to prepare by-laws, etc. 7. *And be it enacted*, That it shall be the duty of the board of directors, as soon as may be after the acceptance of this act, to prepare by-laws for the admission and expulsion of members, and for the general regulation and government of said company, and for carrying out its objects, and before said by-laws shall go into effect they shall be approved by a meeting of the company, convened in the manner herein directed, and in the meantime the present laws and regulations of the company shall be in force as heretofore; *provided*, that none of the by-laws, rules or regulations shall be in conflict with the constitution and laws of the United States, or of the state of New Jersey; *and provided further*, that none of said by-laws shall be altered or repealed, except by a vote of two-thirds at the annual meeting of said company.

Proviso.

Proviso.

Quorum. 8. *And be it enacted*, That twenty members of the company shall be necessary to constitute a quorum at any meeting thereof.

May make arrests, etc., in adjoining counties. 9. *And be it enacted*, That nothing in this act shall prevent said detectives mentioned in the fifth section thereof from pursuing and making arrest in adjoining counties.

Act when to take effect.

10. *And be it enacted*, That this act shall be deemed to be a public act, and go into effect as soon as it shall be accepted by a majority of the company, at a meeting thereof, to be convened in the manner hereinbefore directed, in which call shall be stated the object of the meeting.

Approved March 25, 1875.

CHAPTER CCXVIII.

An Act to incorporate the Warren County Gas Light Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles Sitgreaves, Valentine Mutchler, Andrew Newman, Charles Able, William B. Rankin, John M. Wyckoff, Samuel B. Mutchler, John H. Ryerson, Robert Dempster, Joseph B. Cornish, Joseph Anderson, S. A. Comstock, J. H. Sweeny, George Bearder, and all and every person or persons who shall become subscribers, according to the mode hereinafter prescribed, and their successors, are hereby created a body

Corporate name and powers.

corporate by the name of The Warren County Gas Light Company, and by the said name the said corporation shall have power and authority to manufacture, make and sell illuminating gas of any material for the purpose of lighting the streets, buildings, manufactories and other places in the county of Warren, and of supplying and selling the same in the county of Warren, and to enter into and execute contracts, agreements and covenants in relation to the objects of this corporation, and of enforcing the same, and be capable of purchasing, taking and holding any estate, real or personal, to give effect to the specified purpose of this corporation for the accommodation of their business and concerns, of which it may be necessary for the said corporation to acquire and hold for the purpose of receiving debts

which have become due to them in the regular business of said corporation; *provided*, that said real estate shall not exceed what may be necessary for the purposes mentioned, and no private lands shall be in any way injured or defaced without permission first obtained from the owner or owners thereof. Proviso.

2. *And be it enacted*, That 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, public roads and grounds in the county aforesaid, and to do all things necessary to light the streets, buildings, manufactories, and other places as aforesaid, with gas; *provided*, the public travel shall at no time be unnecessarily disturbed by the laying of such pipes or the erection of said posts, and the streets, side and cross walks, public grounds, lands, avenues and roads shall be left in as good and perfect condition as before the laying of said pipes or the erection of such posts. Power to lay down gas pipes and erect lamp posts. Proviso.

3. *And be it enacted*, That Joseph B. Cornish, William B. Rankin, Valentine Mutchler, John M. Wyckoff and John H. Ryerson, or a majority of them, are hereby appointed commissioners for receiving subscriptions for the sum of twenty-five thousand dollars, with the right to increase, to constitute the capital stock of said corporation in shares of one hundred dollars each, and the said commissioners, or a majority of them, shall open books for this purpose, at such times in such place or places in the county of Warren as they shall designate by a public advertisement to be previously inserted, for at least two weeks in a public newspaper printed in said county, and shall continue the same open until the said capital stock shall be subscribed, or at their discretion close the same after they shall be open two days, and again open the same at some other time or times, place or places, giving public notice thereof as aforesaid, and the sum of ten per cent. upon each share so subscribed shall be paid in cash or certified check by each subscriber at the time of subscription to said commissioners, or their duly appointed agent, and each subscriber shall be entitled to receive a certificate for such stock from said cemmissioners, and the amount so received by said commissioners shall be paid over to the directors of said company to be appointed as hereinafter provided, and all the power of said commis- Names of commissioners to open books and receive subscriptions to capital stock.

sioners shall cease and determine on the appointment of such board of directors, and the said board of directors when so appointed shall have power, and they are hereby authorized from time to time under the foregoing regulations to open books for the further subscription of stock until the whole stock subscribed amounts to the sum of twenty-five thousand dollars, and are also authorized to call upon subscribers for the further payment of instalments in such sums and at such times and under such forfeiture as they may deem expedient until the whole amount of such shares so subscribed shall have been fully paid; *provided*, that no such instalment shall exceed twenty per centum upon each share, and that instalments shall be required within twenty days of the opening the subscription books.

Proviso.

Affairs of company to be managed by board of directors.

4. *And be it enacted*, That the management of the concerns of said company shall be vested in seven directors to be elected from the stockholders annually, five of whom shall be citizens of Warren county, and said directors shall choose by a plurality of votes a president from among themselves, and as soon as conveniently may be after the sum of twenty-five thousand dollars shall have been subscribed, the before-named commissioners, or a majority of them, shall convene the said stockholders by public notice, and notice in writing to their post office address to be given as aforesaid, and at such time and place in the county of Warren as they shall designate in such notice to choose the first board of directors, who shall hold their office for one year from the said day of election, and until others are elected, and said board of directors shall by their by-laws appoint a day for holding the annual meeting of stockholders for the election of directors, and the said president and board of directors shall hold their office from the day of election on which they were appointed, till the next annual election, and until others are elected, and public notice shall be given of the time and place of holding such election for ten days in a daily newspaper published in the county of Warren; and any vacancy in the board of directors may be supplied by appointments to be made by the board of directors until the next election, and all elections shall be by ballot of the stockholders or their proxies, allowing one vote for each share which they shall have held in his, her, or their names, at least fourteen days before the time of voting.

Vacancies in office how filled.

5. *And be it enacted*, That if at any time an election is not held on the day appointed by the by-laws, this corporation shall not be dissolved for that cause, but an election shall be held in such manner as directed by the by-laws at any time within the year, and the former directors shall hold their office until their successors shall be appointed. Failure to elect directors corporation not to be dissolved.

6. *And be it enacted*, That seven directors shall be a quorum, or a majority of them shall be competent to transact all the business of said corporation. Quorum.

7. *And be it enacted*, That the stock of the corporation shall be transferable according to the by-laws and regulations of the corporation, and shall be considered personal property, and the stock and transfer books shall be open at all reasonable times for the inspection of the stockholders. Stock how transferred.

8. *And be it enacted*, That said company shall have the power to borrow money and to mortgage their said lands, works, appurtenances, franchises and privileges, and to make and execute other assurances to secure the payment of any sum or sums of money so borrowed and the interest thereon. Power to borrow money and mortgage lands, etc.

9. *And be it enacted*, That if any person or persons shall wilfully do or cause to be done any acts whatsoever, thereby to injure any conduit, pipe, machine or other structure whatsoever, or anything appertaining to the works of said corporation, or whereby the same may be stopped, obstructed or injured, the person or persons so offending shall be considered guilty of a misdemeanor, and being thereof convicted, shall be punished by a fine not exceeding five hundred dollars or imprisonment at hard labor not exceeding one year, or both; *provided*, such criminal prosecution shall not impair the right of action for damages by civil suit hereby authorized to be brought for any such damages as aforesaid, by and in the name of said corporation, in any court of this state having cognizance of the same. Penalty for injuring works, etc. Proviso.

10. *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 open for the inspection of the stockholders at all reasonable times. Books of account to be kept.

11. *And be it enacted*, That said company shall possess the general powers and be subject to the restrictions and liabilities contained in the act entitled "An Act concerning corporations," approved fourteenth day of February, one General powers.

thousand eight hundred and forty-six, so far as the same is applicable, and shall continue in force for fifty years.

12. *And be it enacted*, That this act is declared to be a public act and shall have effect immediately.

Approved March 25, 1875.

CHAPTER CCXIX.

An Act to incorporate the Maxwell Savings Bank.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Robert M. Martin, Robert Drummond, Gordon Drummond, James H. Martin, George Cosgrove, Dewit C. Fay, Benjamin Hathaway, William L. McDonald, Harry M. Pierce and Hendrickson Morris be and are hereby constituted a body corporate and politic, by the name of "The Maxwell Savings Bank," to be located in the village of Maxwell, in the county of Monmouth, and state of New Jersey; and by that name shall be capable of purchasing, taking, holding and enjoying, to them and their successors, any real estate in fee simple or otherwise, and any goods, chattels or personal estate which shall be necessary for the purposes herein mentioned, and of selling, leasing, or otherwise disposing of the said real and personal estate, of any part thereof, at their will and pleasure; *provided always*, that the clear annual value of such real and personal estate, exclusive of the profit that may arise from any investment in which the deposits may be made, shall not exceed one hundred thousand dollars.

Corporate name and powers.

Proviso.

Depositors may appoint persons to receive money in case of death.

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

3. *And be it enacted*, That the said institution shall be conducted by thirteen managers by ballot, from among the number of the above incorporators, nine of whom shall be a quorum to transact business, and at least three shall be residents of the village of Maxwell, and the seat of any manager who shall have neglected to attend for four consecutive meetings may be vacated by the board; the managers shall meet annually on the second 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 for one year, or until others are chosen, and all officers so chosen shall be under oath for the faithful performance of the duties of their offices respectfully, and shall give security if required for the faithful execution of the duty of their office, in such sum or sums and such securities as may be directed by the board of managers. Affairs to be conducted by board of managers.

4. *And be it enacted*, That the board of managers shall, from time to time, have power to make, ordain and establish, such by-laws and regulations as they shall judge proper for the election of their officers, for prescribing their respective duties, for regulating the time and places of meetings of officers and managers, and for 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 laws of the United States of America, and said by-laws and regulations shall be put up in some public place in the room where the business of said institution shall be conducted, and shall not be altered so as to affect injuriously any one who may have been a depositor previous to such alteration. May make by-laws, etc. Proviso.

5. *And be it enacted*, That the said institution may receive as deposits all sums of money which may be offered for the purpose of being invested, in such amounts and at such times and on such terms as the by-laws shall prescribe, which shall be invested accordingly, and shall be repaid to the depositors at such times and 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 com- May receive money on deposit and invest the same.

mitted to them by any person or persons whatever, by will or otherwise, or transferred to them by the order of any court.

Rate of interest

6. *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.

Minors may receive moneys deposited by them.

7. *And be it enacted*, That all certificates of evidence of deposits made under the hand of the proper officers of the institution; shall be as binding, as if the same were made under the common seal; 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 thousand dollars, in cases where no guardian shall have been appointed for such depositors, and that the receipt and acquittance of said minor shall be as valid as if the same were executed by a guardian of such minor duly appointed; *provided*, such deposit shall have been made personally by such minor, and not by any other person for his or her benefit; married women may deposit money in their own names, and receive their interest 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 any money deposited by single women, be subject in case of marriage, to the use or control nor liable for the debts of the future husband.

Proviso.

May allow interest.

8. *And be it enacted*, That the institution shall not be required to allow interest on less than one dollar, nor to allow interest on the fractional part of one dollar, nor shall the institution be required to allow interest on the fractional parts of months.

Deposits, etc., to be entered.

9. *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.

Power of managers to fill vacancies.

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

Place of business.

11. *And be it enacted*, That the office or place of business of said institution shall be in the village of Maxwell,

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.

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

Approved March 25, 1875.

CHAPTER CCXX.

A Supplement to an act entitled "An act to authorize The West Side Avenue Methodist Episcopal Church of Jersey City, to mortgage certain church property," approved April fourth, one thousand eight hundred and seventy-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one be amended by adding the words "or corporation" after the words "person or persons," where they occur in said section, and by adding to the end of said section, the words "and bind the lands and premises conveyed by said indenture of mortgage or mortgages discharged in said trusts." Section one amended.

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

Approved March 25, 1875.

CHAPTER CCXXI.

An Act to incorporate the "Berlin and Haddonfield Turnpike Company."

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Ephraim Tomlinson, Alexander Cooper, John Lucas, William C. Shinn and Benjamin F. Archer, and such other persons as may be hereafter associated with them, shall be and are hereby constituted a body politic and corporate in law, by the name of

Corporate name

"The Berlin and Haddonfield Turnpike Company."

Capital stock.

2. *And be it enacted*, That the capital stock of the said corporation shall be ten thousand dollars, with authority to increase the same to fifty thousand dollars, which stock shall be divided into shares of twenty-five dollars each, and shall be deemed personal estate, and transferable in such manner as the by-laws of said corporation shall direct.

Subscriptions to capital stock how paid.

3. *And be it enacted*, That at the time of subscribing for said stock, two dollars shall be paid upon each share subscribed for, to the commissioners, or any two of them, which money shall be paid over to the treasurer of the company, as soon as one shall be appointed, and the residue of the subscriptions shall be paid in instalments, 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 to pay stock to be forfeited.

failure of the payment thereof as so directed, the said president and directors, shall have power to forfeit the shares of each and every person so failing to pay the said instalments, or any of them, to and for the use of said company;

Proviso.

provided, that if the number of shares subscribed for, shall exceed the number of shares authorized by this act, that the said commissioners shall apportion the said stock among such subscribers in proportion to the amount or number of

Proviso.

shares by them subscribed for as aforesaid; *provided also*, that the stockholders shall, upon request, have the right to

pay the stock subscribed, except the first instalment, by work or labor upon said road, under such regulations, at such times and upon such notice by either party, as the directors may determine; *provided also*, that no stock-holder shall pay for his instalments by labor for more than eight shares. Proviso.

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

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 five directors, a majority of whom shall be citizens of this state, to manage the affairs of said company for one year, of which election the said commissioners or a majority of them shall be judges; and at the expiration of that term, and annually thereafter, upon like notice to be given by the directors for the time being, the said stockholders shall elect by ballot the same number of directors, a majority of whom shall be citizens of this state as aforesaid; and at every such election, and in all other cases in which the stockholders shall be entitled to vote, a vote may be given for each share 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 the said company, who shall be a citizen of this state, 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 may direct, and shall be the presiding officer at all meetings of said directors, and shall have the casting vote Election of president

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, and 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 peform all the duties herein prescribed.

Vacancies in office how filled.

7. *And be it enacted*, That the said directors or a majority, may supply any vacancy in the interval between the annual elections, by death or resignation, removal or refusal to act of any president or director, and may appoint a treasurer, who shall be a citizen of this state, and all officers, agents, superintendents or 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; and 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 and laws of this state or of the United States.

Power to regulate tolls.

Proviso.

Annual statement.

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

Special meetings, etc.

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.

Failure to elect officers to hold over.

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 upon 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.

Power to make and construct a turnpike road.

11. *And be it enacted*, That it shall be lawful for said company to construct and make a turnpike road along and upon the public road or any part thereof, now running from the village of Berlin, in the township of Waterford, to Haddonfield, in the township of Haddon, in the county of Camden, it being the old mail and stage coach road, and to straighten the same wherever they may deem it necessary; and all damages which any land owners may sustain by reason of the making or constructing of said turnpike road, to be determined as nearly as may be in the manner hereinafter provided for ascertaining and determining the damages which any land owner shall sustain, by taking of any land, stone, gravel or other material, for making, constructing and maintaining said turnpike road; and the public road as designated in this section, shall be and the same is hereby vacated, to take effect immediately after the completion of the turnpike road authorized to be built as aforesaid.

Width of road.

12. *And be it enacted*, That the width of the said turnpike road shall not be less than thirty-two feet; and sixteen feet of the same shall be sufficiently bedded and faced with stone, gravel or other material, to make a solid, firm and even road; the said sixteen feet shall be so graded that in its progress no part of it shall rise above an angle of six degrees with the plane of the horizon, and the said company shall construct, keep in repair, maintain and make, good and sufficient bridges along the line of said road, not less than eighteen feet in width; and whenever said road shall be raised so much at the margin or side as to render carriages passing thereon liable to overset, the said company shall cause good and sufficient railing to be erected and maintained at the sides, so as to prevent horses and carriages from running off.

Bridges to be constructed and kept in repair.

May enter upon lands and to make drains, etc.

13. *And be it enacted*, That it shall be lawful for said company, their officers, superintendents, engineers and workmen, with carts, wagons and other carriages, and with beasts of burthen and draught, and all necessary materials, tools and implements, to enter upon all lands contiguous or near to the route of the said road, doing as little damage thereto as possible, repairing any breach they may make in the enclosure thereof, and to make all ditches and underdrains across and through such lands necessary for properly draining said road, and that when 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 said company for the construction of said road shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if there be any, and of the owner or owners if known, and their residence if the same can be ascertained, to one of the justices of the supreme court of this state, or to one of the judges of the court of common pleas of the county of Camden, who shall cause said company to give notice thereof to the person 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 such lands and materials, and to assess the damages upon such notice to be given to the persons interested, as shall be directed by the justice or judge making such appointment, to be expressed therein not less than twenty days; and it shall be the duty of 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

Proceedings when company and owner cannot agree as to land or materials required.

Commissioners to take oath, etc., and make report.

proceed to view and examine the said lands and materials, and to make a just and equitable estimate or appraisement of the value of the same, and assessment of damages to be paid by said company for such lands and materials and damages aforesaid, and to make a report thereof under the hands and seals of 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 appointments and oaths or affirmations aforesaid in the clerk's office of the county of Camden to remain on record therein, and shall be recorded by said clerk; which report, or a copy thereof, certified by the clerk of said county shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said land or materials after the payment of the value and damages so assessed, and of the right of the said owner or owners to recover the amount of the said valuation, with interest and costs, in an action in any court of competent jurisdiction, in a suit to be instituted against the company if they shall neglect or refuse to pay the same for thirty days after demand made of their treasurer, and shall constitute a lien upon the property of the company in the nature of a mortgage; and the said justice or judge shall tax and allow such costs, fees and expenses to the justice, commissioners, clerk and other persons performing any of the duties prescribed in this section, as he shall think equitable and right, which in all cases shall be paid by the company.

Owners may recover amount of valuation, etc.

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 across said road, and to demand and receive toll for traveling each mile and all fractions over a half mile of said road, not exceeding the following rates, to wit:

May erect gates and demand toll.

Rates of toll.

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

and it shall and may be lawful for the toll gatherers to stop 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, until they shall have paid the toll as above specified; *provided*, that nothing in this act shall be construed so as to entitle said company to demand or receive toll from any one on the Sabbath day, or for horses, carriages, sleighs or sleds, carrying any persons to or from any funeral, or any person passing from any part of his farm to any other part of the same on the common business thereof.

Proviso.

Shall erect mile stones before receiving toll.

15. *And be it enacted*, That before said company shall receive toll for traveling said road, they shall cause mile posts to be erected and maintained, one for each and every mile on said road, and on each and every post or stone shall be legibly and fairly marked the distance the said stone or post is from Berlin to Haddonfield aforesaid, and shall cause to be fixed, and always to be kept up at the gates aforesaid, in a conspicuous place, a printed list 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 defacing mile stones, injury to property and passing gates without paying toll.

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

Penalty for delaying traveler.

17. *And be it enacted*, That if any toll gatherer shall unnecessarily delay any traveler passing at any of the gates,

or shall receive more toll than is by this act established, the company shall, for every such offence, forfeit and pay the sum of ten dollars, with costs of suit, to be prosecuted by, and recovered for the sole use of the person so unreasonably detained or hindered.

Penalty for obstructing road.

18. *And be it enacted*, That all the drivers of the carriages, sleighs or sleds of every kind and description, whether of burthen or pleasure, or persons on horseback, using 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 or bridges are not kept in repair.

19. *And it be enacted*, That if said company shall not keep said roads, bridges and railings in repair, it shall be the duty of any judge of the court of common pleas, of the county of Camden, who may be disinterested, upon complaint being made to him in writing, stating the bridge, or part of the road, that is out of repair, specifying the particular defect, and after four days' notice in writing, given to the president, or any of the directors of said company, specifying parts complained of, and after hearing the parties, if the company have not repaired said bridge, road or railing as specified, to appoint under his hand and seal, three judicious freeholders not interested in said road, being residents of said county and non-residents of the township through which the said road is located, who having been duly qualified and sworn to act impartially in the case shall proceed to view and examine the parts complained of, and report to said judge in writing, signed by them or any two of them, whether the said road is in such state as the law requires it to be kept; and if the report be unfavorable to said road, then said judge shall immediately, under his hand and seal, in writing, order the keeper of the gate or part complained of to keep the said gate open until otherwise ordered, and if said keeper, after service of a copy of said order upon him, shall, notwihtstanding the order of said judge to open said gates or turnpikes, exact toll of travelers,

the said company shall forfeit and pay twenty dollars for each offense, to be sued for by any person who shall prosecute for the same in an action of debt, with costs of suit, and the said judge shall be allowed for his services one dollar, and the persons appointed to view the road one dollar each, to be paid by the company, and upon due proof before said judge that said company repaired or mended said road, bridge or railing in the particular complained of, he shall, by an order in writing 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 to be allowed and paid as before directed; but if upon 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 fee shall be allowed as before prescribed, and shall be paid by the person or persons making the complaint.

When to erect gates and to collect toll.

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

Act how construed.

21. *And be it enacted*, That this act shall be taken and construed to be a public act, and that the said corporation shall possess the general powers, and be subject to the restrictions and liabilities contained in the general laws of this state concerning corporations.

Time for commencement and completion of road.

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

Commissioners to open books and receive subscriptions.

23. *And be it enacted*, That the above commissioners, or a majority of them, are hereby appointed to open subscriptions to the capital stock, at such times and places as they, or a majority of them may direct; giving notice thereof at least twenty days prior to the opening of said books, by publishing the same in a newspaper in the county of Camden.

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

Approved March 25, 1875.

CHAPTER CCXXII.

An Act to incorporate the Highlands and Sea Bright 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 Highlands and Sea Bright Turnpike Company shall be opened by Edward M. Hartshorne, Thomas T. Kinney, Louis J. Phillips, Lemuel Smith and Timothy M. Maxon, 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. Names of persons to receive subscriptions to the 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 a sum not exceeding fifteen thousand dollars, and shall be divided into shares of twenty five dollars each, and that when eighty 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 "Highlands and Sea Bright 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. Corporate name

3. *And be it enacted*, That at the time of subscribing for said stock, two dollars in cash shall be paid upon each share subscribed for to the commissioners, or any of them, which money shall be paid over to the treasurer of the company as soon as one shall be appointed, and the residue of the subscription shall be paid in instalments, at such times and 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 presi- Payment of subscriptions to capital stock.

dent and directors shall have power to forfeit the shares of each and every person so failing to pay the said instalments, or any of them, to and for the use of said company;

Proviso. *provided*, that the stockholders shall upon request have the right to pay the stock subscribed for, except the first instalment, by work upon said road, under such regulations, at such time, and upon such notice as the directors may determine.

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

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

Election of president. 6. *And be it enacted*, That within twenty days after the annual election as aforesaid, the said directors shall elect from among their number a president of their said company, who shall be a 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 peform all duties herein prescribed.

General 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, resignation, removal or refusal to act of any president or director, and may appoint a treasurer, who shall be a citizen of this state, and a resident in the county of Monmouth, and all officers, agents, superintendents and other servants that may be required to transact the business of the company, with such compensation as they may determine upon, and may exact from them such security for the due performance of their 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*, that the same are not repugnant to the constitution or laws of this state or of the United States.

Proviso.

Annual statement to be made

8. *And be it enacted*, That at the annual meeting of the stockholders it shall be the duty of the president and directors of the preceding year, to exhibit to the stockholders, a 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 two 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 to be dissolved by reason of failure to hold election.

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 and make turnpike road.

11. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road from the Highlands Station, on the Long Branch and Sea Shore Railroad, in the county of Monmouth, to Sea Bright Station, on the said railroad, in the same county, beginning at a stake standing one hundred feet south of the easterly abutment of the Navesink Bridge at the Highlands, and ending at the easterly abutment of the bridge across the Shrewsbury river at Sea Bright; *provided*, That before the said company shall construct the said turnpike road 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 may 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 may sustain thereby, and the commissioners hereinafter named, if appointed, shall have power to assess damages for the right of way only.

Proviso.

Proviso.

Width of road and how constructed.

12. *And be it enacted*, That the said turnpike road shall be constructed at least twenty-five feet in breadth along the middle, as near as may be, of the said highway, and shall

be sufficiently arched and drained to make and keep the same dry, and at least sixteen feet thereof shall be 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.

Bridges to be constructed and kept in repair.

13. *And be it enacted*, That it shall be lawful for said company, their officers, superintendent, 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 county of Monmouth, who shall cause said company to give notice thereof to the parties interested, if known and in this state, or if unknown and out of this state, to make publication thereof as he shall direct for any term not less than 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,

May enter upon lands and to make drains through or across the same.

Proceedings when company and owners cannot agree as to land or materials required

Appointment of commissioners.

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 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, 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 on the property of the company in the nature of a mortgage, and payment of which said assessment shall be made to the owner or owners, or persons entitled to receive the same, or to the clerk of the court of common pleas of Monmouth county, whenever the judge appointing the commissioners shall so order; 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

Commissioners to make estimate assessment of damages and report the same.

Owners may recover amount, etc.

he shall think equitable and right, which shall in all cases be paid by the said company.

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

For every carriage, sleigh or sled, drawn by beast, two and one-half cents per mile; Rates of toll.

For every additional beast, two and one-half cents per mile;

For every horse and rider, or led horse or mule, one and one-half cents per mile;

For every dozen of calves, sheep or hogs, twelve cents per mile;

For every dozen of horses, mules or cattle, twelve cents per mile;

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

15. *And be it enacted*, That before the said company shall receive toll for traveling said road, they shall cause mile stones or posts to be erected and maintained, one for each and every mile on the said road, and on each stone or post shall be fairly and legibly marked the distance the said stone is from the Highland Station, 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." Shall erect mile stones before receiving toll.

Penalty for defacing mile stones or injury to property.

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 grounds adjacent thereto, and again enter on the said road with intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gates, to be recovered by said company for the use thereof in an action of debt, with costs of suit.

Penalty for delaying travelers

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

Penalty for obstructing road.

18. *And be it enacted*, That all the drivers of the carriages, sleighs or sleds of every kind and description, whether of burthen or pleasure, or persons on horseback, using the said road, shall keep their horses, carriages, sleighs or sleds, on the right hand of said road in the passing direction, leaving the other side of the road free and 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 or bridges are not kept in repair.

19. *And be it enacted*, That if the said company shall not keep the said road and bridges in repair, and complaint thereof shall be made to any judge of the court of common

pleas of the county of Monmouth, who may be disinterested, the said judge shall immediately appoint by writing under his hand and seal, three disinterested freeholders of said county, which three persons or a majority of them, on notice being given to the keeper of the nearest gate or turnpike, nearest to the bridge or the part of the road out of repair, shall meet at such time and place as the said judge may appoint, and having taken an oath or affirmation to act impartially, shall proceed to view and examine the said road so complained of, and to report to the said judge in writing, under their hands and seals, or under the hands and seals of any two of them, whether it be in such 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 the same open until otherwise ordered, and if the said keeper shall, notwithstanding the order of the said judge to open the said gate or turnpike, exact toll of travelers, the said company shall for each offence forfeit and pay twenty dollars, to be sued for by any person who will prosecute for the same in an action of debt with costs of suit; and the 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 road, and report as aforesaid their opinion to the said judge who shall, if authorized by the report of the said persons, or any two of them, by license under his hand and seal, directed to the toll gatherer, permit the gates or 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.

When to erect gates and demand toll.

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 said company to erect a toll gate across the said road, and demand and receive toll for travelling thereon, agreeably to the foregoing rates.

General powers

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

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

Approved March 25, 1875.

CHAPTER CCXXIII.

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

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Brisbin, William A. Halsey, Alfred H. Gibbs, Alexander Eagles, Jr., William F. Coulter, William C. Farmer, W. A. Brintzinghoffer, Jr., William C. Myer, Samuel A. Smith, Frederick Townley and such other persons as now are or may be hereafter connected with them, are hereby constituted a body corporate, by the

Corporate name

name of the "Triton Boat Club, of Newark," Essex county, for the purpose of engaging in and promoting the healthful and manly exercise of rowing.

May hold, purchase, lease and convey real and personal estate.

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, in value not to exceed the sum of ten thousand dollars, so far as the same may be needed, for the purpose of carrying out the objects for which the said association is incorporated.

Power to make by-laws, etc.

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

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

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

Approved March 25, 1875.

CHAPTER CCXXIV.

A Supplement to an act entitled "An Act to Incorporate the Jersey City Board of Grain Weighers and Measurers," approved April fourth, one thousand eight hundred and seventy-one.

Authorized to increase capital stock and number of directors

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 Jersey City Board of Grain Weighers and Measurers," approved April fourth, one thousand eight hundred and seventy-one, be and the same is hereby so amended as to authorize the increase of the capital stock to a sum and in an amount not exceeding one million dollars, and the number of directors not to exceed nine persons, who shall be citizens of the United States.

Repealer.

2. *And be it enacted*, That so much of the said act as conflicts with the above amendment is hereby repealed.

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

Approved March 25, 1875.

CHAPTER CCXXV.

An Act to incorporate the Atlantic City Water Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Walter D. Bell, A. J. Antello, Lewis Reed, Jr., Jacob Keim, William Massey, John Lucas, Henry H. Diston, Enoch A. Doughty, Thomas H. Dudley, and their associates, and all other persons who shall become subscribers to the capital stock hereby created, and their successors, shall be and they hereby are incorporated into and made a body corporate and politic, in fact and in law by the name of "The Atlantic City Water Company."

Corporate name

Capital stock.

2. *And be it enacted*, That the capital stock of the said company shall be one hundred thousand dollars, with liberty in the board of directors of said company, by the consent of a majority in value of the stockholders thereof first had and obtained, at any time or times to increase the same to any sum not exceeding two hundred thousand dollars; and that the said capital stock shall be divided into shares of one hundred dollars each; and shall be deemed personal property; and shall be transferable in such manner as the by-laws of said company shall direct; and shall be paid by the stockholders, in such installments, at such times and places, and to such person or persons, as the board of directors may appoint, giving at least thirty days' notice of the time, place and amount of any installment required to be paid; and any stockholder shall incur a forfeiture of his or her shares of stock, and all previous payments thereon, to the use of said company for a neglect or refusal to pay any installment thereon when required to be paid as aforesaid.

Instalments how paid.

Commissioners to open books and receive subscriptions to capital stock.

3. *And be it enacted*, That the above mentioned corporators, or a majority of them, are hereby appointed commissioners to receive subscriptions to the capital stock of said company, and for that purpose they, or a majority of them, are hereby authorized to open a book or books of subscrip-

tion to said capital stock at such times and places as they, or a majority of them, may think proper, in the county of Camden or Atlantic, in this state, giving such notice thereof by publication in a newspaper or newspapers printed and published in either of said counties as they, or a majority of them, shall think proper, and that at such time or times and place or places they, or a majority of them, shall attend and receive subscriptions to said capital stock, and shall receive, at the time, five dollars on each share subscribed for.

Election of directors.

4. *And be it enacted*, That whenever there shall have been five hundred shares of said stock subscribed for, and twenty-five hundred dollars paid thereon, as aforesaid, the said commissioners, or a majority of them, shall call a meeting of the stockholders of, or subscribers to said stock, at some time and place in either of said counties, for the purpose of electing the first board of directors and organizing said company, of which election the said commissioners, or a majority of them, shall be the judges, and shall give at least two weeks public notice thereof, designating the time and place, in two of the newspapers printed and published in said counties; and at said meeting the stockholders shall proceed to elect by ballot seven directors, who shall hold their offices for one year, and until others shall be elected in their stead; and each stockholder, at such election and at all future elections, shall have one vote for each share of stock held by him, and may vote either personally or by proxy.

Election of president, etc.

5. *And be it enacted*, That at the close of said election the commissioners holding the same, or a majority of them, shall certify the result thereof to the persons chosen, who shall thereupon become the directors of said company, and shall then, or as soon as conveniently may be thereafter, convene and organize by electing from their number a president of said company for the ensuing year, and by appointing a secretary and treasurer and such other officers as they may think proper; and upon such organization, or at any subsequent time when required, the said commissioners shall deliver and pay over to said board of directors, or to their order, the subscription book or books, and all moneys received by them thereon, less the proper expenses of said commissioners in the performance of their duties aforesaid.

Affairs to be managed by board of directors.

6. *And be it enacted*, That the affairs of said company shall be managed by a board of seven directors—those

chosen as aforesaid being the first—a majority of whom shall be a quorum for the transaction of business, but a less number shall have power to adjourn; and should a vacancy at any time occur in the board of directors, by death or otherwise, the board may, at any subsequent meeting, fill such vacancy until the then next annual election of directors; and no person shall be a director but a stockholder.

Vacancies how filled.

Annual election.

7. *And be it enacted*, That there shall be an annual election of directors, at such time and place, and upon such notice as shall be ordained by the by-laws; and the board of directors shall appoint the judge or judges of such elections; but if it should happen that an election of directors should not be had at the time and place so ordained the said company shall not from that cause be dissolved, but an election of directors may be held at such other subsequent time and place as the board of directors shall or may appoint; and the directors for the time being shall continue in office until new ones shall be elected in their stead; and every board of directors, as soon as conveniently may be after their election, shall elect from their number a president of said company, to serve until the next annual election of directors, and another shall be elected in his stead; the president of the company shall preside at all meetings of the board, except, when absent, any other director may be chosen president, *pro tempore;* and all stated meetings of the board shall be 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.

Failure to elect directors. Corporation not to be dissolved.

Objects of company to supply city, etc., with water.

8. *And be it enacted*, That the object of the said company shall be to furnish to the inhabitants, residents and visitors of Atlantic City, in the county of Atlantic, in this state, a sufficient and full supply of pure, fresh water, at all times, for drinking and culinary purposes, and for the extinguishment of fires, the cleansing and watering of the streets and highways of said city, and for other uses in said city, from any of the rivers, creeks, springs, and other sources of fresh water in the said county of Atlantic; and for that purpose it shall be lawful for the said company, by its officers, engineers, agents and other servants, at all times, to enter upon any lands or waters in said county, and to survey, explore, search for, examine, measure, and test all such waters and sources of water, doing no unnecessary

May enter upon lands and waters and to make surveys, etc.

damage to the owners of such lands, waters, and sources of water; and it shall be lawful for said company to purchase, procure, and hold any lands in said county, and any estate, corporeal or incorporeal, in such lands necessary or proper to effect the aforesaid object of said company; and also for that object to purchase, procure, divert, take and use any of the streams, springs, and other sources of water in said county, and the waters thereof; and to divert and drain the said streams, springs, and other sources of water, and the waters thereof, in, across, and over the lands which intervene their natural locations, to any artificial reservoirs or basins which said company may think proper to construct; and also, by any artificial means that may be necessary or proper to elevate, divert, carry, flow, or drain the water from such reservoirs or basins, by pumps, engines, canals, ditches, pipes, or other acqueducts through, over, or across any intervening lands or streams, to and into said Atlantic City; and it shall be lawful for said company having procured, obtained, conveyed or introduced a supply of water to or for said city, or made suitable and sufficient arrangements for that purpose, to lay pipes for conducting the water in, along and beneath the surface of the public streets, lanes and highways of said city, free of all charge, by, or on the part of said city, and to place such hydrants and fire plugs as may be necessary or proper for furnishing water to said city for the extinguishment of fires, and cleansing and watering the streets of said city, upon such terms and considerations as may be agreed upon between said company and said city; and said company shall have power without compensation to said city, from time to time, as required, to tap the main pipes and place and run all branch pipes therefrom, to the houses and other places along said streets requiring the use of said water; always, however, restoring the streets, lanes, and highways broken up for that purpose to the condition, as nearly as may be, in which they were before being so broken up.

Power to purchase lands and to divert, take, and use streams springs, etc.

May lay pipes in streets, etc., and to erect fire plugs.

9. *And be it enacted*, That whenever said company cannot agree with the owner or owners of any lands, or estate in lands, or for the diversion, taking, and using any of the streams, springs or sources of water required by said company to carry its object into effect; or, when by the legal incapacity or absence of such owner or owners no such

Proceedings in case company and owners cannot agree as to lands taken or water required.

agreement can be made, a particular description of the lands, or estate in lands, or of the waters required to be diverted, taken and used for such object, shall be given in writing under the oath or affirmation of some engineer or 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 of their residences, if the same can be ascertained, to one of the justices of the supreme court of this state; and upon delivering such description and affidavit to such justice, said company shall make application to him to assign a particular time and place for the appointment of commissioners as hereinafter stated, who, thereupon, shall assign such time and place, and cause said company to give notice to the said persons interested, of the said application, and the time and place assigned by said justice for the appointment of said commissioners, if the said persons be known and in this state, or, if unknown, or out of this state, to make such publication thereof as said justice shall direct, for a term not less than ten days, at which time and place, upon satisfactory evidence to him of the proper service or publication of such notice, he shall appoint, under his hand and seal, three disinterested, impartial, and judicious freeholders, resident in said county of Atlantic, to examine and appraise the said lands, or estate in lands, or waters, required to be taken, diverted, and used, and to assess the damages by reason thereof, upon such notice to be given to the said persons interested and said commissioners, as shall be directed by the justice making such appointment to be expressed therein, and not less than ten days, and it shall be the duty of said commissioners, (having first taken and subscribed an oath or affirmation, before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and to make a true report, according to the best of their skill and understanding,) to meet at the time and place appointed, and proceed to view and examine the said lands, or estate in said lands, or the said waters required to be diverted, taken and used, and to make a just and equitable appraisement of the value of the same, and an assessment of damages to be paid by said company for such lands or estate in such lands, or for the diverting, taking and using of such waters, as aforesaid; which report shall be made in

Commissioners to make appraisement of lands, etc., taken, and make report.

writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, with the aforesaid description of said lands or estate in said lands, or said waters required to be diverted, taken and used as aforesaid, and the appointment and oaths or affirmations aforesaid, in the clerk's office of said county of Atlantic, to remain of record therein; and thereupon, and on payment of the amount awarded as aforesaid to the said persons interested, or on tender of such payment to them, if known and resident in this state, or if unknown, or not resident in this state, on payment of said amount for them, to the clerk of said county under the direction of the court of common pleas of said county, the said company is hereby empowered to enter upon and take possession of the said lands or estate in said lands, or to divert, take and use said waters, for the purposes aforesaid; and the said report, or a copy thereof, certified by the clerk of said county, and proof of payment, or tender of payment of the amount awarded as aforesaid, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said lands, or estate in lands, or said waters as aforesaid; or of said owner or owners to recover the amount of said valuation with interest and costs, in an action of debt or other proper form of action in any court of competent jurisdiction, in a suit to be instituted against said company if it shall have omitted to pay or tender payment of the same as aforesaid, and shall neglect or refuse to pay the same for twenty days after demand made of its treasurer; and such amount until paid or tender of payment as aforesaid, shall from time to time constitute a lien upon the property of said 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 he shall think equitable and right, which shall be paid by said company.

Owners may recover amount of damages by action.

10. *And be it enacted*, That the said company may rent, sell and dispose of the water, to be procured, obtained or conveyed, by its pipes and other apparatus, to and for said Atlantic City, at such prices, and under such regulations,

May rent, sell, and dispose of water.

and upon such terms and conditions as it may, by its laws, from time to time, regulate and adopt.

Dividends, how made.

11. *And be it enacted*, That dividends of so much of the profits of said company, as shall appear advisable to its board of directors to be declared, 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 an election of directors, it shall be the duty of the president and directors of the preceding year to exhibit to the stockholders a full and complete statement of the affairs of the company during the past year, and shall produce the books, accounts and papers of the company if required by any stockholder or stockholders of said company.

Annual statement to be made.

May borrow money and secure the same by bonds or mortgage.

12. *And be it enacted*, That said company, at any time or times, shall have power to borrow money not exceeding one hundred and fifty thousand dollars, and to secure the same by bond or bonds or other evidences of debt, bearing interest not exceeding seven per centum per annum, payable half-yearly, and by a mortgage or mortgages upon its property, franchises and privileges, in such form and with such covenants as it, said company, may deem expedient, and that it shall be lawful for "The Camden and Atlantic Railroad Company," by the consent of a majority in value of its stockholders, given at any public meeting of said stockholders called for the purpose of considering the same, to guarantee the payment of the said bond or bonds or other evidences of debt and the interest thereon.

Camden and Atlantic Railroad Company may guarantee the payment of bonds, etc.

Penalty for injuring works.

13. *And be it enacted*, That if any person shall wilfully and maliciously injure any of the works or property of said company, he or they shall forfeit and pay therefor to said company double the amount of damages, to be recovered in an action of tresspass or other proper form of action in any court of competent jurisdiction.

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

Approved March 25, 1875.

CHAPTER CCXXVI.

An Act to incorporate the New Jersey and New England Telegraph Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel Hopkins, Wm. H. Heiss, Joseph B. Cornish, John A. Wright, William Hutchison, Richard N. Herring, John M. Wyckoff, and such other persons as may hereafter become associated with them in the New Jersey and New England Telegraph Company, their successors and assigns, shall be and are hereby made and constituted a body politic and corporate, for the purpose of making, using, and maintaining telegraph lines and communications through the counties of Hudson, Bergen, Essex, Union, Middlesex, Mercer, Monmouth, Ocean, Burlington and Camden, by the name, style and title of "The New Jersey and New England Telegraph Company," and by that name, style and title shall have perpetual succession, and all the privileges, franchises, and immunities incident to a corporation, may sue and be sued, plead and be impleaded in all courts of justice, may purchase, receive, have, hold and enjoy to them, their successors and assigns all such lands, tenements, and hereditaments, goods and chattels, and estates, real, personal and mixed, of what kind and quality soever as may be necessary for the purpose of the said corporation, and the same from time to time may sell, convey, mortgage, encumber, charge, grant, lease, alien, and dispose; to make dividends of such portions of their profits as they may deem proper, and also to make and have a common seal, and the same to alter and renew at pleasure, and also to ordain, establish, and put in execution such by-laws or ordinances, rules and regulations as may be necessary or convenient for the government of the corporation hereby created, not being contrary to the constitution and laws of the United States, or of the state of New Jersey, and generally may do all and singular the matters and things which to them shall lawfully

Corporators.

Corporate name and powers.

appertain to do for the well being of the said corporation, and the management and ordering of the affairs and business of the same; *provided*, that nothing herein contained shall be so considered and construed as to give to the said corporation any banking privileges or franchises, or any privileges or franchises but such as may be necessary or belong to the making, using or maintaining the said telegraph lines and the connections it may form for the advancement of its interests.

Proviso.

Capital stock.

2. *And be it enacted*, That the capital stock of the corporation shall be fifty thousand dollars, divided into shares of twenty-five dollars each, certificates of which shall be signed by the president and countersigned by the secretary, and sealed with the common seal; which stock shall be transferable in person or by attorney, executors, administrators, guardians, trustees, or officers, under such regulations as may be provided by the by-laws; *provided*, that if the business of the corporation shall require any additional wire or wires, that the stockholders shall at any regular or special meeting convene for that purpose, of which three weeks' notice shall have been given in one or more of the public papers of the county or counties through which the line passes or is intended to pass, have the right to increase the capital stock, if found necessary, to any amount not exceeding two hundred and fifty thousand dollars.

Proviso.

Power to use side lines, etc.

3. *And be it enacted*, That the said corporation shall have power to purchase, make, use and maintain any connecting or side lines; *provided*, that no connecting or side lines not purchased or made by the said company shall be used by them, unless the consent of the owners shall first be obtained in writing; and the said corporation shall have power to lease its own lines and telegraphic property to other parties or corporations, or lease from other parties or corporations their lines and other telegraphic property.

Proviso.

Election of president and directors.

4. *And be it enacted*,, That the persons named in this act, or any four of them, shall call a meeting within six months from the passage of this act, of the corporate body hereby created, giving three weeks' notice of the time and place of holding the same in at least two newspapers of this state, for the purpose of choosing a president and six directors, which six directors, with the president, shall constitute the board of directors for the management of the affairs of

the corporation; and said board shall elect a secretary and treasurer, either or both of whom may be chosen from their own number; said board shall hold their office for the term of one year, and until their successors are elected, and shall exercise all the powers pertaining to the making, maintaining, use and management of the said telegraph lines, and the affairs, interests, and business of the said corporation; that the annual meeting of the said corporation shall be held on the first Monday in March in each and every year, unless the stockholders, at an annual meeting, shall otherwise direct; that the place and time of holding the first election shall be fixed in the call for the same, and thereafter it shall be determined by the stockholders at their annual meeting; special meetings may be called by a majority of the directors whenever in their opinion the interests of the company require it, or requested by one-third of the stockholders.

Annual meeting.

5. *And it be enacted*, That at each and every election for officers, each share shall entitle the holder thereof to one vote, to be given by ballot, and stockholders may be represented by proxy.

Who entitled to vote.

6. *And be it enacted*, That the said company shall be and are hereby authorized to erect, construct, and maintain their lines of telegraph, over or under any of the public roads, streets and highways, and through, across or under any of the waters within the limits of this state; *provided*, the same shall not be so constructed as to interfere with the safety or convenience of persons traveling on or over the said roads or highways, or injuriously interrupt the navigation of said waters; nor shall this act be so construed as to authorize the construction of any bridge across any of the waters of this state; *provided*, *also*, that the incorporated cities and towns of this state shall designate the streets to be used, and the mode in which the same shall be used, and such use shall be subject to such regulations and restrictions as may be imposed by the corporate authorities of said cities or towns.

Authorized to erect, construct and maintain lines of telegraph.

Proviso.

Proviso.

7. *And be it enacted*, That if any person or persons shall wilfully injure, destroy or obstruct the use of any telegraph constructed, maintained or worked by virtue of this act, by the said company, or any of their necessary works, the persons or person so offending shall be deemed guilty of a misdemeanor, and being thereof convicted, shall

Penalty for injuring or obstructing works

be punished by fine not exceeding one hundred dollars, or imprisonment at hard labor not exceeding one year, or both; *provided*, such criminal prosecution shall not in any wise injure the right of action for damages by civil suit being authorized to be brought for any such injury as aforesaid, by and in the name of the said company, in any court of this state having cognizance of the same.

Proviso.

Company to transmit messages relating to public business of this state.

8. *And be it enacted*, That it shall be the duty of the said company, at all times, without charge, on request of any public officer of this state, to transmit (confidentially, if required) over their lines of telegraph, messages relating to the public business of this state, and also at all times to assist the public officers of the state by the transmission of intelligence.

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

Approved March 25, 1875.

CHAPTER CCXXVII.

An Act to incorporate the Winkler's Brass Band, of the City of Trenton, New Jersey.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Albert Winkler, Gottwald Winkler, William Winkler, Emil Winkler, William Sweet, Rudolph Rhulman, William Tiel, Matthew Hill, Edward McClurg, Samuel Gambol, David James, Joseph Rhulgarber, Enos Jenkins, Peter Rheinfeldt, and Joseph Wise, and their successors, be, and they are hereby constituted and declared to be a body corporate in fact and in law, by the name of the "Winkler's Brass Band, of the City of Trenton, in the State of New Jersey."

Corporate name

Capital stock.

2. *And be it enacted*, That the capital stock of said company shall be five thousand dollars, and shall be devoted to the procurement of such uniforms, instruments, and the de-

fraying of such expenses as shall be incident to the more efficient organization of said company.

Election of president and other officers.

3. *And be it enacted*, That said company shall have power to elect once in each year a president out of their own body, and such other officers as they shall deem necessary for conducting their affairs, according to the constitution and by-laws adopted or to be adopted by them, in conformity with the laws of this State and the United States, and that said president shall keep in his custody the common seal of said company, and surrender the same to his successor at the expiration of his term of office, and that said company in its corporate name may institute suits for the recovery of all fines, dues, debts, and arrearages due the said company, and may purchase, hold, and transfer any real or personal estate which they may deem necessary for the purposes contemplated by this act.

Powers of corporation.

Annual election.

4. *And be it enacted*, That the above named corporators shall act until their successors are duly elected and qualified, and that the election for officers of the said company shall be annually, on the first Monday of July, in each and every year, and shall be by ballot, and in case said incorporators shall fail to elect their officers on the day specified herein, it shall and may be lawful for them to elect the same on any day during said year.

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

Approved March 25, 1875.

CHAPTER CCXXXVIII.

A Further Supplement to an act, entitled "An Act to incorporate the Raritan Cemetery Company of Keyport," approved April second, one thousand eight hundred and sixty-seven.

Preamble.

WHEREAS, Doubts have arisen as to the power of the aforesaid corporation to make assessments upon the lots in said cemetery, and to enforce the collection thereof against the owner or owners of such lots; and whereas, the greater part of the lots in said cemetery had been sold by private individuals at and before the date of the aforesaid act of incorporation, and no provision had been or could be made to provide a fund to improve and keep in repair the part thus sold and occupied; and whereas, the money paid to the trustees of said cemetery from the proceeds of the sale of the remaining lots, as provided in the fifth (5) section of the aforesaid act of incorporation and the interest accrued thereon, does not amount to the sum of one thousand dollars; and whereas, the trustees of said cemetery have expended a considerable sum of money in improving and keeping in repair the fences, avenues, walks and other fixtures of the said cemetery, and in meeting other expenses which have accrued, and have caused to be made an assessment upon each and every lot in said cemetery, to provide a fund for the payment of the sum of money so expended as aforesaid; therefore,

May enforce collection of assessments by suits at law.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the said corporation to enforce the collection of the aforesaid assessment, by a suit at law against the owner or owners of such lot or lots, in the way and manner provided in the first section of a supplement to the said act of incorporation, approved March fifth, eighteen hundred and seventy-four.

2. *And be it enacted*, That it shall and may be lawful for the trustees of said cemetery, at any time hereafter and before the money paid to them from the proceeds of the sale of the remaining lots, as provided in the fifth section of the aforesaid act of incorporation, including the interest accrued thereon, shall amount to the sum of one thousand dollars, to make an assessment or assessments upon each and every lot in said cemetery, for the purpose of improving and keeping in repair the fences, avenues, walks and other fixtures of the said cemetery, and for meeting such other expenses as may accrue, and that it shall and may be lawful for the said corporation to enforce the collection of such assessment or assessments by suit at law against the owner or owners of such lot or lots, in the way and manner provided in the first section of the said supplement, approved March fifth, one thousand eight hundred and seventy-four.

Power of trustees to make assessments upon lots for improving grounds, etc.

Assessments how collected.

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

Approved March 25, 1875.

CHAPTER CCXXXIX.

An Act granting certain powers to the Central Stock Yard and Transit Company for the preservation of their property, maintaining order upon their premises, and punishing offenders.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the Central Stock Yard and Transit Company to make and establish by-laws, rules and regulations for the following purposes:

May establish by-laws, rules, etc.

1. To prohibit and prevent any canal boat, steamboat, vessel, or other water craft from trespassing upon the waters flowing over the lands under water, owned or leased by said

To prevent any boat from trespassing upon waters owned by company.

company, and from trespassing on the waters in any slip adjoining any wharf or pier owned, leased or used by said company.

To prohibit boats from fastening to wharfs and piers.

2. To prohibit and prevent any canal boat, steamboat, vessel or other water craft, from fastening or attaching itself to any wharf or pier belonging to, leased or used by said company, or remaining alongside said wharf or pier.

To prevent smoking on grounds, etc.

3. To prohibit and prevent any person from using or smoking any cigar, cigarette, pipe or other thing, upon any portion of the premises owned, leased or used by said company.

To prevent the bringing of combustible articles, etc.

4. To prohibit and prevent any person from bringing upon the premises, owned, leased or used by said company, any article or thing of a combustible or explosive nature, or that might endanger the property of said company, or expose it to the risk of fire.

To prevent gambling, etc.

5. To prohibit and prevent every species of gambling, breach of the peace, or violation of the laws of the state, or the ordinances of any city, town or township in which their property is or may be situate.

To regulate use of premises, etc.

6. To regulate as they may deem proper the use of their premises by those who may come thereon for business or other purposes, and to exclude therefrom such persons as they may deem necessary to preserve good order, peace and security to their property.

By-laws, etc., to be posted.

2. *And be it enacted*, That all the by-laws and regulations made and established by said company, under section one of this act, shall be posted in one or more conspicuous places on said premises, together with a copy of this act.

May appoint persons to act as constables.

3. *And be it enacted*, That the said company may appoint from time to time, one or more fit, proper and discreet person or persons, who shall take and subscribe before a justice of the peace, of the county of Hudson, an oath or affirmation, which said oath or affimation shall be filed in the office of the clerk of the county of Hudson, and shall be, as nearly as may be, of like form and effect as is now required by law for constables to take and subscribe; and the date of filing shall be endorsed by said clerk, who shall be paid the usual fee for filing papers of that description; and the

Powers and authority of persons appointed.

person or persons so appointed, sworn or affirmed, shall possess, so long as the said company may choose to retain him or them, the same powers and authority, on the premi-

ses of said company, and on the lands, waters and premises adjacent thereto, which constables now possess in criminal cases in this state; and they shall have the power and authority, without process, to arrest all persons who shall be there found violating any of the laws of this state, the ordinances of any city, town, or township in which the property of said company is situate, the by-laws, rules and regulations of said company, established under section one of this act, or who shall conduct themselves in a disorderly or immoral manner, or disturb or wrongfully interfere with the business of said company, or any person on said premises; and the said persons so arrested shall be taken as soon as conveniently may be before a police justice of Jersey City, or a justice of the peace of the said county of Hudson, there to be dealt with according to law, or said person or persons shall be ejected from said premises.

May make arrests.

4. *And be it enacted*, That the person or persons appointed under section three of this act, may be appointed by the Board of Police Commissioners of Jersey City, and their successors in office, as policemen, with the same powers and authority as the policemen of Jersey City; and that the city shall not pay such officer any compensation whatever.

Persons appointed invested with powers of policemen.

5. *And be it enacted*, That any person violating, or refusing to obey any of the by-laws, rules or regulations of said company, made and established under section one of this act, may be ejected from the premises of said company, and if, after being so ejected, he shall come again on said premises without the written permission of an officer of said company, he shall be guilty of a wilful trespass, and upon conviction shall be adjudged guilty of a misdemeanor, and be punished by a fine not exceeding two hundred and fifty dollars or imprisonment not exceeding three months, or both of them in the discretion of the court.

Persons violating rules to be ejected from premises, and penalty for entering again without permission.

6. *And be it enacted*, That if any person violates or refuses to obey any of the by-laws, rules and regulations established by said company under section one of this act, and for such violation is directed to leave the premises of said company by any of the officers appointed under section three of this act, and refuses to leave after such direction, he shall be deemed a wilful trespasser upon the premises of said company, and upon conviction shall be adjudged guilty of a misdemeanor and be punished as provided in section five of this act.

Penalty for violation of rules etc., of company.

Penalty for injuring wharves, piers, etc.

7. *And be it enacted*, That if any person or person shall wilfully run any boat or vessel of any kind against the piers, wharves or piling of said company, or wilfully cause or permit to be done any act or acts whatsoever, whereby the wharves, piers, piling or other property of said company shall be injured, the person or persons so offending shall be deemed guilty of a misdemeanor, and upon conviction shall be punished as provided in section five of this act; *provided*, that such criminal prosecution shall not in any wise impair the right of action for damages by a civil suit hereby authorized to be brought for any such injury as aforesaid, by and in the name of the said corporation, in any court of competent jurisdiction; and if any damage is done to the property of said company, or the wharves, piers, piling or premises leased to said company, by any canal boat or other vessel or boat, said suit may be commenced against the owner of said canal boat or other vessel or boat, without using the name of said owner, and said canal boat or other vessel or boat may be attached as provided in an act entitled "An act for the relief of creditors against absconding and absent debtors."

Proviso.

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

Approved March 25, 1875.

CHAPTER CCXL.

An Act to incorporate the Weehawken Ferry and Guttenberg Passenger Railway Company.

Corpor tors.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Dwyer, Otto Koehler, Frederick W. Herrmann, George Sneath, Jacob Klein, Adolph Meckert, William H. Steinbrenner, Frederick Walker, Jacob Jenny, Edward Lennon, John Meeks, Sr., Alexander Shaler, Owen Hill and such other persons as

may hereafter be associated with them, their successors and assigns, be and they are hereby created a body corporate, in fact and name, by and under the name of "The Weehawken Ferry and Guttenberg Passenger Railway Company," and shall be capable of purchasing, holding and conveying any real estate, tenements, goods and chattels whatsoever, necessary or expedient for the objects of this corporation, and as may be required for their purposes. Corporate name

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

3. *And be it enacted*, That the stock, capital, property, concerns and affairs of the said company shall be managed and conducted by a board of not less than seven nor more than thirteen directors, a majority of whom shall be residents of this state, all of whom shall be stockholders, and one of whom shall be president; who shall hold their offices for one year, or until others are elected in their place; and that said directors shall be chosen by said stockholders annually, at such time and place, and in such manner, and upon such notice as shall be directed by the by-laws of said corporation; and in case such election of directors shall not be held at the appointed time, the corporation shall not for that cause be deemed dissolved; but such election may be held at any other time upon the usual notice, and the officers and directors for the time being shall be continued in office until others are elected in their stead. Affairs of company to be managed by board of directors. Annual election of directors.

4. *And be it enacted*, That a majority of the said board shall be a quorum for the transaction of business, and that if any time it shall happen that any vacancy or vacancies occur from any cause whatever among the directors named in this act, or those hereafter to be elected, such vacancy or vacancies shall be filled by such stockholders as the directors for the time being, or a majority of them, shall appoint; and the said directors may appoint such officers and other agents and employees, and assign to them such duties and pay them and to their president such salaries as they may see fit. Quorum and vacancies how filled.

First directors.

5. *And be it enacted*, That the incorporators hereinbefore named shall be the first directors, and shall respectively hold their offices for one year from the organization of said company or until others shall be legally chosen from the stockholders in their places; and every share of stock shall entitle the holder thereof to one vote, either in person or proxy, at any authorized meeting of such stockholders.

Directors to open books and receive subscriptions to capital stock.

6. *And be it enacted*, That the above named directors, or a majority of them, shall cause books of subscription to the capital stock to be opened, at such time as they, or a majority of them, shall deem proper, and each subscriber to the capital stock shall pay at the time of such subscription into the treasury of said corporation an installment of twenty per centum on the stock by him subscribed; and the said directors shall have power to call in the capital stock of said company in such installments and at such times as they may direct; and in case of the non-payment of such installments, or any of them, to forfeit the share or shares upon which default shall have been made; and to make and prescribe such by-laws and regulations as to them may seem needful and proper touching the management of the stock, property and business of the said coaporation.

May make by-laws, etc,

Power to construct, maintain and operate a railroad.

7. *And be it enacted*, That the said corporation shall have power and authority to construct, maintain, and operate a railroad from a point at or near Weekawken Ferry, on the Hudson river, in the township of Union, county of Hudson, over and upon such lands, roads, streets and highways in the said township, and in the township of North Bergen, in the said county, as may be deemed expedient by the said company and authorized by the township committee of the township through which said railroad may be laid, the same not to exceed fifty feet in width.

May enter upon lands for to survey and lay out road.

8. *And be it enacted*, That it shall be lawful for said company, its agents, engineers, or others in their employ, to enter at all times upon all lands for the purpose of exploring, surveying and laying out the route of such railroad, and of locating the same, and to locate all necessary works, buildings, appurtenances and appendages thereof, doing no unnecessary injury to private or other property; and when the route of such railroad and the location or locations of the works, buildings, appurtenances and appendages thereof shall have been determined upon, and a survey of such

route, location or locations deposited in the office of the secretary of state, then it shall be lawful for said company by its officers, agents, engineers, superintendents and workmen 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, and to do all other things which may be suitable and necessary for the completion, management and repairs of said railroad; *provided always*, that the payment or tender of payment of all damages for the occupancy of lands through, over, and upon which the said railroad and its works, buildings, appurtenances and appendages may be laid out or located, be made before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out such railroad and its works, buildings, appurtenances and appendages, and for locating the same, unless the consent of the owner or owners of such lands be first had and obtained. Proviso.

Proceedings when company and owners cannot agree as to lands required.

9. *And be it enacted*, That if the owner or owners of the lands so required cannot agree with the said company for the use or purchase thereof, or when by reason of legal incapacity or absence of such owner or owners no such agreement can be made, application may be made to a judge of the court of common pleas of the county of Hudson, who shall direct notice to be given by said company to said owner or owners, either personally or by publication as he may direct, of the time and place for the appointment of commissioners, at which time, upon due proof of service of such notice, he shall, under his hand and seal, appoint three disinterested freeholders commissioners to examine and appraise such lands, and to assess the damage, the time and place of such examination to be expressed in said appointment; and such commissioners shall thereupon meet at such appointed time and place, and being first duly sworn faithfully to examine and report their actions and proceedings, proceed to value said lands, and assess the damages to be paid therefor by the said company, and within ten days thereafter, they or any two of them, shall make a report in writing and file the same, together with their appointment, with the clerk of the county of Hudson, who shall record the same, and a certified copy of such record shall at all times be considered plenary evidence of the right of said

company to have, hold, use and enjoy the lands, after payment of the value and damages aforesaid, and of the right of such owner or owners to recover the amount of such valuation with interest and costs, in an action in any court of competent jurisdiction, if said company shall refuse to pay the same for twenty days after demand of their treasurer; *provided*, that if either party shall feel aggrieved by the appraisement and award of the said commissioners, similar proceedings may be had in the nature of an appeal, as are provided for in the seventh section of the act entitled "An Act to incorporate the North Hudson County Ferry Company," approved March seventeenth, one thousand eight hundred and seventy.

Proviso.

May cross any railroad at grade.

10. *And be it enacted*, That the said company shall have the right to cross at grade any railroad in the township of Union and North Bergen, and the tracks of any railroad built by virtue of this act shall be of the same width as those of the street railroads now in use in the county of Hudson, and said tracks shall be laid in all streets in conformity with the grades thereof, as the same now are or may hereafter be established by proper authority, and in all cases the rails of said company shall be so laid as to prevent an unnecessary obstruction to the ordinary travel by wagons and other vehicles over and across the streets, through or over which the said roads shall be laid, and the said company shall at all times keep the tracks in good repair, so as to create no unnecessary impediment to public travel.

Tracks in streets how laid.

May construct, maintain and operate elevators, etc.

11. *And be it enacted*, That the said company for the purpose of facilitating the ascending or descending of their cars up and down the Palisades or Weehawken hills is hereby authorized and empowered to construct, maintain and operate one or more elevators, by means of inclined planes, or otherwise, and to use steam or other motive power in working the same, and to do all other things necessary or convenient for the safe and expeditious construction and use of the same, and for the purpose of taking any land necessary for the said elevators or inclined planes, the said company shall pursue the method prescribed in this act for taking land for its route or routes.

May borrow money to build equip and operate road, and to issue bonds, etc.

12. *And be it enacted*, That the said company shall have power to borrow such sums of money from time to time as shall be necessary to build, equip, operate and repair said

road or roads, and to secure the payment thereof by the issue of bonds secured by mortgage on said railroad or railroads, to be built by said company, and the lands, franchises and appurtenances of said company at a rate of interest not to exceed seven per centum per annum.

Penalty for injuring work or obstructing road.

13. *And be it enacted*, That if any person or persons shall wilfully or maliciously impair, injure, destroy, or obstruct the railroad or any of the works or property of the said company, such person or persons shall forfeit and pay therefor to said company three times the amount of damage sustained by means of such injury, the same to be recovered by them in any court of competent jurisdiction.

May make rules etc., as to rates of fare, etc.

14. *And be it enacted*, That said company shall make such rules and regulations as to the price for carriage of passengers, freight and merchandise on said road as the president and board of directors shall elect, but the price for passengers shall not exceed the sum of five cents for each passenger per mile or less, and after that rate for all distance over a mile.

When to commence running cars.

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

Time of commencement etc.

16. *And be it enacted*, That the said road shall be commenced within two years from the fourth day of July next, and finished within five years from that date.

Dividends.

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

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

Approved March 29, 1875.

CHAPTER CCXLI.

An Act to incorporate the Unabhangiger Turn Verein (Independent Turn Society), of Newark, New Jersey.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Michael Helmstaedter, Adolph Hember, George Luderson, Otto Conrad, P. William Roder, Charles Schmidt, Andrew Deobald, Charles Lutter, Louis Nees, Noha Guter, Frederick Dain, John Baugert, and such other persons as are now or hereafter

Corporate name

shall become members of the "Unabhangiger Turn Verein of Newark," are hereby constituted a body politic and corporate by the name aforesaid.

Objects.

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

Powers.

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

Officers to be elected annually.

4. *And be it enacted*, That the officers of the said corporation shall consist of a president, vice president, one corresponding, one recording, one financial secretary, treasurer, first and second turn master, librarian, quartermaster, drum-major, and the chairman of the mental turn school, said officers to be elected annually, and at such time and place as the by-laws of the said corporation may prescribe.

May purchase and hold real and personal estate.

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

General powers.

6. *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.

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

Approved March 29, 1875.

CHAPTER CCXLIV.

An Act to incorporate the "Independent Printing Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Albert C. Noble, William H. Noble, and Henry A. Van Fredenburgh, and their associates, successors, and assigns, be and they are hereby created a body politic and corporate by the name of the "Independent Printing Company," and by that name shall have power to acquire by gift, grant, devise, purchase or lease, and hold real and personal property, not exceeding in value twenty thousand dollars, and to convey, mortgage, and lease the same, and by their said name shall have power to sue and be sued, plead, and be impleaded, in all courts and places; to make and use a common seal, and alter the same at pleasure, and to make by-laws not inconsistent with the constitution and laws of the United States, and this state, for the management of the property, the regulation of the affairs, and the transfer of the stock of the said corporation. Corporators. Corporate name and powers.

2. *And be it enacted*, That the general object of said corporation is declared to be the publishing of one or more newspapers, and the conducting of a general printing and publishing business in the county of Sussex. Objects.

3. *And be it enacted*, That the capital stock of said corporation shall be ten thousand dollars, and may be increased from time to time by the board of directors, to any sum, not exceeding in all, twenty thousand dollars; that said stock shall be divided into shares of ten dollars each, which shall Capital stock

be subscribed for in such manner, in such installments, and upon such notice as the board of directors by their by-laws may direct and appoint, and in case of failure by any stockholder to pay his or her instalment or instalments, at the time and place appointed by said by-laws for the payment thereof, such stockholder shall, at the option of the board of directors, incur a forfeiture of his or her share or shares, and all previous payments thereon, for the benefit and use of said corporation.

Shares how transferred.

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

Certificates of stock.

May purchase hire, or lease property, etc.

5. *And be it enacted*, That it shall be lawful for said corporation, if they shall see fit to purchase, hire or lease, all or any part of the property, assets, rights, and effects of any paper, printing company, or publishing association, and to give stock in part or full payment thereof.

Management vested in board of directors.

Annual election of directors.

6. *And be it enacted*, That the management and disposition of the affairs and property of said company, shall be vested in a board of directors, one of whom shall be president; that the number of said board shall not be less than three, or more than five; that the persons named in the first section of this act shall be the directors of said corporation until the first day of April, one thousand eight hundred and seventy-five, and thereafter until others are elected in their stead; that on the first Thursday of April next, and annually thereafter, the directors shall be chosen at such place, and on such notice, and at such time as the by-laws of said company shall determine; that the directors so chosen shall hold their office for one year, and thereafter until others are chosen in their stead; that all elections shall be by ballot, and if at any time for any cause it shall happen that no election shall be had 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 by this act; and any vacancy in the board of directors may be filled for the unexpired term, by a majority of the same.

7. *And be it enacted*, That the board of directors may appoint such officers, editors and agents as they may deem necessary, and may, by their by-laws, fix their duties and the compensation thereof. Board may appoint officers.

8. *And be it enacted*, That said corporation may be dissolved at a general meeting of the stockholders, specially called for that purpose, thirty days' notice having been given by publishing the call thereof at least once in each week during said period in a newspaper published in Sussex county; *provided*, that at least three-fourths in value of all the stockholders shall concur therein, and upon such dissolution the directors, for the time being, or such persons as the said stockholders shall, by a majority vote, appoint, shall be trustees for settling all the affairs of the corporation, collecting and disposing of its property and assets, paying its debts and dividing any surplus among the stockholders in proportion to their respective interests in the capital stock. How dissolved. Proviso.

9. *And be it enacted*, That the said company are hereby authorized to issue bonds not to exceed one-half the cost of their property, bearing interest not exceeding seven per centum per annum, as they may deem expedient in furtherance of the objects of said corporation, which bonds may be secured by mortgage of the whole or part of the property of the said corporation and may be converted into the stock of the said company on such terms as may be agreed upon. May issue bonds and secure same by mortgage.

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

Approved March 29, 1875.

CHAPTER CCXLV.

An Act to incorporate the Elizabethport Publishing Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Elihu H. Ropes, George N. Potter, Thomas Windsor, P. H. Gilhooly, William R. C. Coleman, Jabez B. Cooley, and Charles E. Pountney, and their associates, successors, and assigns, be and they are hereby declared to be a body politic and corporate, by the name of "The Elizabethport Publishing Company," subject to the general laws of the state of New Jersey, not inconsistent with the provisions of this act, for the purpose of carrying on a general printing and publishing business, if they shall so elect, and for the purpose of printing, publishing, distributing, and selling a daily or weekly, or other newspaper or magazine, in the city of Elizabeth, and county of Union, and state of New Jersey, and for the doing of every act and thing necessary to said business in any wise belonging or appertaining.

Corporate name and powers.

May purchase and hold real estate.

2. *And be it enacted*, That said corporation may purchase and hold such real estate as may be required for the purpose of said corporation, and may dispose of the same.

Capital stock.

3. *And be it enacted*, That the capital stock of said company shall be five thousand dollars, divided into shares of ten dollars each, with liberty to increase the same to any sum not exceeding twenty thousand dollars, which shares shall be deemed personal property, and shall be transferable only on the books of the company, in such manner as the directors by their by-laws may direct; each share to entitle the holder to one vote either in person or by proxy, such stock to be subscribed, called for, and paid in at such times, and in such installments, and upon such notice as the directors may appoint.

Board of directors to manage affairs.

4. *And be it enacted*, That the property and affairs of said company shall be managed by a board of directors, of

not less than three nor more than seven in number, of shareholders in said company, to be chosen annually, at such time and place in the city of Elizabeth, county of Union, as the directors by the by-laws or otherwise may from time to time direct and appoint, and that Elihu H. Ropes, George N. Potter, William R. C. Coleman, P. H. Gilhooly, Thomas Windsor, Jabez B. Cooley, and Charles E. Poutney shall be the first board of directors, who shall as soon as convenient after the passage of this act assemble and organize said company and continue in office until others are elected in their stead. First board of directors.

5. *And be it enacted*, That as soon as three thousand dollars of said capital stock shall have been subscribed, the said company shall be authorized to proceed to carry out the objects of this corporation, the directors shall choose out of their own number a president, and elect or appoint such other officers and agents as they may deem expedient, and fix their compensation, they shall have power to adopt by-laws, rules and regulations for the management of said company, to fill vacancies in their own board until the next annual election, and until others are chosen in their stead, to declare stock forfeited for non-payment of any installment, and to sell and issue stock in lieu thereof for the benefit of said company. When authorized to commence business. Powers of board of directors.

6. *And be it enacted*, That the directors of said company shall make an annual report to the stockholders at their annual meeting of the condition and affairs of said company, of the assets and debts of the company, and no dividend shall be declared except from the actual and net profits of the company. Annual report to be made to stockholders.

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

Approved March 30, 1875.

CHAPTER CCLVI.

An Act to regulate the collection of taxes of the Mechanics' Building and Loan Association of Florence, New Jersey, in the county of Burlington.

Power to add to members dues, proportionate shares of amount of tax assessed, etc.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the directors or secretary of the Mechanics' Building and Loan Association of Florence to add to each and every member's dues his proportionate share of the amount of tax that shall be assessed to said association on account of bonds, mortgages, and other securities held by said association against said members.

Power to collect tax assessed

2. *And be it enacted*, That said association shall have power to collect said tax as all other dues are collected by said association, as provided for in the by-laws of said association.

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

Approved March 30, 1875.

CHAPTER CCLVII.

An Act to change the name of George W. Coxson to George W. Barr.

WHEREAS, George W. Coxson, of the county of Hudson, is desirous of having his name changed to George W. Barr, 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 George W.

Coxson, of the county of Hudson, be and the same is hereby changed to George W. Barr, 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 George W. Coxson.

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

Approved March 31, 1875.

CHAPTER CCLVIII.

An Act to change the name of Mary J. Michaels.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of Mary Jane Michaels, of the city of Camden, and state of New Jersey, be and the same is hereby changed to Mary Jane Fox. Name changed.

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

Approved March 31, 1875.

CHAPTER CCLIX.

An Act to change the name of Joanna F. Phillips, Mary M. Phillips and Henry D. Phillips.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the names of Joanna F. Phillips, Mary M. Phillips and Henry D. Phillips, be and the same are hereby changed to Joanna F. Barricklo, Mary F. Barricklo, and Henry D. Barricklo. Names changed.

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

Approved March 31, 1875.

CHAPTER CCLX.

A Supplement to the act entitled "An Act to incorporate the Manufacturers' Land and Improvement Company," approved March twenty-seventh, eighteen hundred and seventy-four.

Where meetings of Board of directors may be held.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That meetings of the board of directors of the Manufacturers' Land and Improvement Company may be held either in the state of New Jersey or in the city of Philadelphia, in the state of Pennsylvania, at such time and places as they may determine upon from time to time, and all transactions of business by the board of directors at their meetings held in the city of Philadelphia, in the state of Pennsylvania, shall be as legal as if held in the state of New Jersey.

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

Approved March 31, 1875.

CHAPTER CCLXI.

A Supplement to an act entitled "An Act to incorporate the 'Gloucester Water Works Company,'" approved March twenty-sixth, one thousand eight hundred and seventy-two.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the third section of the act to which this act is a supplement be and the same is hereby repealed.

2. *And be it enacted*, That whenever ten thousand dollars of the capital stock shall have been subscribed, the said commissioners, or a majority of them, shall as soon as they deem expedient, give notice in such manner as they may determine of a meeting of the stockholders, at such time and place in the county of Camden as said commissioners may designate to choose a board of five directors, who shall hold their office for one year, and until others are duly elected in their stead, and at such meeting of stockholders convened as aforesaid, said stockholders shall prescribe the time and place for holding the annual election, which time and place shall not be changed except at an annual election of the said company, and the directors chosen at such meeting or at the annual election of said company, shall as soon as may be after their election, choose from their number a president of the said company, who shall hold his office for one year, and until his successor shall be duly appointed; and in case of death, resignation or incapacity of the president, or any director, the vacancy thereby created in the board of directors may be filled by the directors for the current year.

Election of board of directors.

Vacancies how filled.

3. *And be it enacted*, That the board of directors of the said company shall have power to make and adopt a common seal for said company, to appoint a treasurer, and secretary and such other officers, agents and servants and employees of said company as they may deem necessary, and to prescribe the form of and to issue or authorize to be issued, such promissory notes, bills of exchange, and business paper of said company as they may determine; to borrow such sums of money from time to time as they may deem advisable for the purposes of said company, and to pledge the credit and property of the company for the payment thereof, or to issue the promissory notes or bonds of the said company therefor to secure the payment of said promissory notes or bonds, either by mortgage on the real or personal property of the said company in whole or in part, or in such other way as the said directors may see fit; and may make such by-laws, rules and regulations for the issuing and transfer of stock, and for the government of the said company, its officers, clerks, agents, and employees as said directors may determine, and to direct the control and management of the business and affairs of the said company

Power to issue promissory notes, deed bonds and secure same by mortgage, etc.

May make by-laws, etc.

in such manner consistently with the provisions of this act as they may think proper.

May enter into and execute any contracts or agreement and may sell and convey works, etc.

4. *And be it enacted*, That the said company is hereby authorized and empowered to enter into and execute any contract or agreement necessary for or to carry out the objects of the said company, and may grant, sell, transfer and convey the said water works and all the right, title, interest, privilege and franchises of the said company at any time upon a vote of a majority of all the shares of the stock of the said company so to do, to any person or persons, company or corporation, and in making such sale the purchaser or purchasers, whether it be a person or persons, company or corporation, shall become vested with all the rights, privileges, powers, and franchises as are vested in and with The Gloucester Water Works Company, in the same manner and to the same extent as is vested in the said company by this act, and the act to which this is a supplement.

May sell and dispose of water etc.

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

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

Approved March 31, 1875.

CHAPTER CCLXII.

A Supplement to the charter of the Bridgeton and Port Norris Railroad.

Persons neglecting to procure tickets may be charged an excess.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the company operating the Bridgeton and Port Norris Railroad, to charge any person or persons neglecting to procure their tickets before entering the cars, when there are ticket agents at the stations, an excess of five cents on the regular fare.

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

Approved March 31, 1875.

CHAPTER CCLXIII.

An Act to change the name of the East Newark Wesley Chapel.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of the East Newark Wesley Chapel be, and the same is hereby changed to the "Wesley Methodist Espiscopal Church." Name changed.

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

Approved March 31, 1875.

CHAPTER CCXCV.

A Further Supplement to the act entitled "An Act to incorporate Repaupo Meadow Company."

WHEREAS, By an act of incorporation to enable the owners and possessors of the meadow and marsh adjoining Repaupo creek in the county of Gloucester, to erect and maintain banks, dams and water works sufficient to prevent the tide from overflowing the same, passed November twenty-eighth, one thousand eight hundred and thirty-one, the owners and possessors by that act feel aggrieved by the inequality of the manner of voting; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases of an election of officers or for other purposes (excepting for commis- Mode of voting.

sioners) the mode of voting shall be in person or by proxy, in writing duly executed, or by guardian for his or her ward or wards, in the following ratio: every person owning or possessing meadow in said company shall be entitled to one vote for every one hundred dollars, or any fraction over fifty dollars, as shall appear by present assessment or any assessment hereafter to be made, and every owner or possessor of meadow not to the amount of one hundred dollars, shall be entitled to one vote for the same.

Act not to take effect until a new valuation is made.

2. *And be it enacted*, That this act shall not take effect until after a new valuation of the meadow of the said company, and the new valuation shall not be made unless authorized by a majority of votes at a special meeting of the company, to be held within sixty days after the passage of this act, and the new valuation to be made by three commissioners appointed as prescribed in section ten of the act to which this is a supplement.

New valuation to be made by commissioners.

Repealer.

3. *And be it enacted*, That all acts and parts of acts in consistent with this act are hereby repealed.

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

Approved April 1, 1875.

CHAPTER CCXCVI.

A Supplement to the act entitled "An Act to incorporate the Newark, Harrison and Kearney Horse Railroad Company," approved April the fourth, eighteen hundred and seventy-one.

Time of completion of road extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the eighteenth section of the act to which this is a supplement, be so amended that the time specified for the completion and operation of said railroad be extended to one year from the fourth day of July, eighteen hundred and seventy-five.

2. *And be it enacted*, That the said corporation shall be subject to like and similar charges, taxes, assessments and expenses for the grading and paving of any street or avenue through which it runs, as other horse railroad companies are subject to in the city of Newark. Corporation subject to taxes, assessments, etc., for grading and paving of streets, etc.

3. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this supplement, be and the same are hereby repealed. Repealer.

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

Approved April 1, 1875.

CHAPTER CCXCVII.

An Act to change the name of John Adam Kachele.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of John Adam Kachele, of the city of Jersey City, in the county of Hudson, be and the same is hereby changed to Adam John Kachlee, and by the last mentioned name he shall be known in all courts, places and proceedings, and he shall possess and enjoy all the rights, powers and privileges which he would have possessed and enjoyed had he retained his original name. 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.

Approved April 1, 1875.

New Jersey State Library

CHAPTER CCXCVIII.

An Act to revive an act, entitled "A Further Supplement to an act, entitled 'An Act to incorporate the Newark and South Orange Horse Car Railroad Company,'" approved April sixth, one thousand eight hundred and sixty-five, which further supplement was approved March eighteenth, one thousand eight hundred and seventy-four.

Preamble. WHEREAS, At the last session of the legislature an act was passed, entitled "A Further Supplement to an act to incorporate the Newark and South Orange Railroad Company," approved April sixth, one thousand eight hundred and sixty-five; and whereas, the same has become inoperative and void, because the parties interested therein have failed to pay the assessment required by law, which failure has arisen from inadvertence and mistake; now therefore,

Act revived. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said act is hereby revived and declared to be in full force; *provided*, Proviso. the parties interested therein shall pay or cause to be paid on or before the first day of May next, all assessments due thereon, according to the terms of the act of the state of New Jersey, entitled "An Act to increase the revenue of the state of New Jersey," approved March sixteenth, one thousand eight hundred and fifty-eight, and the supplement thereto, approved March eighteenth, one thousand eight hundred and fifty-nine, and also ten dollars additional fee for this supplement.

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

Approved April 1, 1875.

CHAPTER CCXCIX.

An Act to amend, extend, and increase the corporate powers and privileges of The New Jersey Homestead Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That The New Jersey Homestead Company, a corporation duly organized under and by virtue of "An act to authorize and encourage the improvement of property in this state, approved April ninth, eighteen hundred and sixty-seven," shall have power to increase the number of the directors thereof from five, the number fixed by said act, to any convenient number not, however, exceeding fifteen, a majority of whom may reside in this state or elsewhere, as may best promote the interest and advance the prosperity of said organization. Power to increase number of directors.

2. *And be it enacted*, That in addition to the right to build houses and improve real estate, as provided in the aforesaid act and the certificate of incorporation, it shall be lawful for the said New Jersey Homestead Company to buy, sell, lease, hire, and cultivate lands, quarries, and water powers, manufacture lumber, lime, lath, and all other articles and materials required in the erection, building and furnishing of houses and other buildings, and for this purpose may build dams, mills, kilns, and other structures for the manufacture, storage, transportation, and sale thereof; the said company shall also have power to issue bonds, bearing interest at a rate not to exceed seven per centum per annum, and sell and dispose of the same at market value, and to secure the payment of such bonds said company shall convey, or pledge, by way of mortgage, trust deeds, or otherwise, such portions of the property of said company as the directors may deem necessary for such purpose; *provided*, the amount of such bonds shall not exceed the amount of the full paid capital stock of said company. May buy, sell, lease, hire and cultivate lands, quarries, etc. May issue bonds. Proviso.

Failure to elect directors corporation not to be dissolved or impair title of property.

3. *And be it enacted*, That in case it shall at any time happen that the meetings for the election of directors shall not be held on the day prescibed by the laws of this state or by-laws of said company, or in case of a neglect or omission to comply with any other formal or non-essential provision thereof, such failure, neglect, or omission shall not affect the validity of said corporation, nor impair the title to any property held or conveyed by said corporation; but such election may be held as soon thereafter as the same shall have been ordered by the directors.

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

Approved April 1, 1875.

CHAPTER CCC.

A Supplement to an act entitled, "An act to incorporate the New Jersey Conference Camp Meeting Association," approved—

Preamble.

WHEREAS, the directors of the New Jersey Conference Camp Meeting Association, at a meeting held on the seventeenth day of August, eighteen hundred and seventy-four, resolved to borrow for and upon the credit of said corporation, the sum of ten thousand dollars and to issue the bonds of said corporation therefor, and to secure the payment of said bonds by issuing to the holders thereof the stock of said corporation, with the privilege of voting on said stock at all meetings of said corporation; *and whereas*, at the regular annual meeting of the stockholders of said corporation, the aforesaid action of said directors was approved; now therefore, to prevent all doubt as to the right of the holders of said stock to vote on the same—

Holders of stock may vote at all meetings.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be law-

ful for the holders of any and all stock of said corporation issued as aforesaid, to vote thereon at any and all meetings of the stockholders of said corporation, in the same way and manner as if said stock had been issued and sold to them absolutely; and further that all elections of officers of said corporation, at which said stock or any part thereof was voted upon, be and the same are hereby declared to be valid and effectual in law, and that this act shall take effect immediately. Elections declared valid.

Approved April 1, 1875.

CHAPTER CCCI.

An Act to incorporate the Long Beach Club of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Edward P. Miller, Governeur Morris, George S. Greene, junior, James E. Baremore, James M. Miller, Minot Mitchell and Frederick W. Leonard, and such other persons as are now or may hereafter become associated with them, are hereby constituted a body corporate by the name of the "Long Beach Club of New Jersey," for the protection, increase and capture of fish and game. Corporators. Corporate name

2. *And be it enacted*,, That the capital stock of said corporation shall be ten thousand dollars, with the privilege of increasing the same from time to time as said corporation deem requisite, to an amount not exceeding fifty thousand dollars; said stock shall be divided into shares of one hundred dollars each, and such shares shall be represented by proper certificates or scrip, and shall be deemed personal property, transferable by assignment or otherwise, as may be provided for in the by-laws of said club, but the holder and owner thereof shall be subject to such conditions and restrictions as shall or may be prescribed by such by-laws or regulations; *provided always*, that each transfer or assignment of any of said shares, whether voluntary or otherwise, Capital stock. Proviso.

can be made only to a person who shall have been previously elected a member of said club, and shall at the time of such transfer or assignment be a member thereof; *and provided further*, that said club may purchase, take, hold and reissue any of such shares.

Proviso.

Stockholders not liable for the debts of corporation.

3. *And be it enacted*, That there shall be no personal responsibility for the debts or other liabilities of the said corporation on the part of any stockholder or officer thereof, but the whole and every part of the property of such corporation shall be liable for its debts in the same manner and to the like intent as the property of private persons is now liable for their debts under the laws of the state of New Jersey.

Powers of corporation.

4. *And be it enacted*, That the said corporation shall have power to make and adopt a constitution, by-laws, rules and regulations for the admission, and government of its members, as well as for their suspension and expulsion, and regulating the transfer, sale or disposition of the shares, rights and interests in said club, and for the future of the same, and further for the election of its officers and defining their duties, and for the safe-keeping, management and disposition of its property and funds; it may also, from time to time, alter or repeal such constitution, by-laws, rules and regulations.

Empowered to purchase, hold, convey and lease real and personal property.

5. *And be it enacted*, That the said club is hereby authorized and empowered to purchase, hold, convey, mortgage and lease real and personal property, to secure the payment of any bond or bonds which the said club may make or issue.

Unlawful for persons to hunt, shoot, or fish upon lands owned, hired or leased by corporation.

6. *And be it enacted*, That no person or persons except members of said club shall enter in or upon, to hunt, shoot or fish upon the lands or waters owned, hired or leased by said corporation, or over or upon which the said corporation shall have acquired the exclusive right to shoot, fish or hunt or any part thereof, unless authorized to do so by said corporation; and any person who shall without such permission of the said corporation, enter in or upon any portion of the lands or waters which it owns or leases, or over which it has the exclusive right to shoot, fish or hunt; *provided*, such land is enclosed by a fence not less than three feet in height; *and provided, also*, the said corporation shall keep and maintain signs and placards near or upon such fence, and at a distance of not more than one-half mile apart, warning tres-

Proviso.

Proviso.

passers against entering, hunting, fishing or shooting in said premises of the said corporation, and any person who shall be found guilty of violating the provisions of this section, shall be deemed guilty of a misdemeanor, and shall be fined not less than ten dollars, nor more than twenty-five dollars for each offence, in the discretion of the judge, court or magistrate before whom he shall be tried, and of all moneys so collected, one-half thereof shall be paid to the person complaining of said violators, and the other half to the county where such conviction shall be had.

Power to appoint persons to act as deputy sheriffs or constables, and powers of same.

7. *And be it enacted*, That the said corporation shall have the power to elect from among its employees any number not exceeding five, who shall be provided by it with an appropriate and conspicuous badge, and who shall have all the right and authority of a deputy sheriff, or constable, within the limits of the property owned or leased by the said corporation, or in which the said corporation hires or leases the right or privilege to hunt, fish or shoot, and shall also have the same power within the limits of the county wherein its property or any part thereof shall be situated, in all matters touching the rights of the said corporation, and trespassers upon its real property and property which may be leased or hired as aforesaid, and interference with its game laws, and other rules and regulations; and it shall be the duty of the sheriff of the county or counties wherein the said corporation shall own or hire any lands, or wherein they shall obtain an exclusive right to fish, hunt or shoot as aforesaid, to deputize such persons, not exceeding the number aforesaid, as deputy sheriffs, their appointment to continue as long as they shall be employed by said corporation, and no longer; such persons so appointed deputy sheriffs shall be entitled to no fee or reward, except such as shall be paid to them by said corporation, and that which may be recovered by them for violations of the sixth section of this act.

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

Approved April 1, 1875.

CHAPTER CCCII.

An Act to incorporate "The Bisbing Lime Patent Company."

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John S. Richardson, David O. Garrison, Thomas J. Smith, John C. Dunn and Joseph R. Lippincott, and such other persons as may hereafter be associated with them, be and they hereby are created a body politic and corporate in fact and in law by the name of "The Bisbing Lime Patent Company," for the purpose of protecting unslaked lime, and for the purpose of manufacturing, vending and selling apparatus therefor under and by virtue of letters patent of the United States of America, issued to Henry Bisbing of the city of Bridgeton, in the county of Cumberland and state of New Jersey, bearing date the fifth day of September, A. D., eighteen hundred and seventy-one, and numbered one hundred and eighteen thousand six hundred and eighty, and now owned by the said John S. Richardson, by virtue of the deed thereof, made to him by the said Henry Bisbing dated the ninth day of December, A. D. eighteen hundred and seventy-two, wherein and whereby the said Henry Bisbing granted, sold and set over to the said John S. Richardson all the right, title and interest which he, the said Henry Bisbing, then had in said invention, with certain exceptions in said deed named, and also for the purpose of granting, selling and leasing rights under such patent to others, and such other rights as are necessarily incident thereto.

Corporate name and powers.

Capital stock.

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

Meeting for election of directors.

3. *And be it enacted*, That the persons above named, or a majority of them, may call a meeting of the subscribers

to the stock of said company at any time or place in the city of Bridgeton aforesaid that they may appoint, by advertising notice of said meeting for two weeks, consecutively, in any two of the newspapers published in said city, for the purpose of organizing said company by the election of directors thereof.

Number of directors.

4. *And be it enacted*, That the number of directors of said corporation shall not be less than five nor more than seven, all of whom shall be stockholders and residents of this state, 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 in said city of Bridgeton, where the principal place of business of such corporation shall be, as the by-laws of said corpotion shall direct, an election shall be held for directors thereof, at which election every stockholder shall be entitled to one vote for every share of stock he may own, and in case it shall happen at any time that an election shall not be held on the day on which it ought to have been made, the said corporation shall not for this reason be deemed to be dissolved, but it shall and may be lawful to hold such election on such other days as said corporation may direct.

Annual election of directors

Failure to elect, not to be dissolved.

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

Approved April 1, 1875.

CHAPTER CCCIX.

An Act to incorporate Lawrence Grange, No. 40, of Patrons of Husbandry, of the state of New Jersey.

Corporators.

1. Be it enacted *by the Senate and General Assembly of the State of New Jersey*, That William B. Welling, William C. Brearley, Samuel Girton, George W. Johnston, George Zerwick, Lewis Reeder, Benjamin Satterthwaite, and James M. Hendrickson, and their associates and successors,

be and they are hereby constituted and declared a body corporate and politic in fact and in law, by the name of Lawrence Grange, No. 40, of Patrons of Husbandry, of the state of New Jersey, with power to have a common seal, and to use and change the same at pleasure, and with full power and authority to purchase and to hold such real and personal estate as it shall deem necessary for the purposes of said corporation, and the same or any part thereof to sell, mortgage, lease, or otherwise dispose of at pleasure.

Corporate name and powers.

Capital stock.

2. *And be it enacted*, That the capital stock of the said corporation shall not exceed the sum of twenty thousand dollars, which may be divided into shares of such amounts, and transferable in such manner, and upon such conditions as such corporation by its by-laws shall prescribe.

Power to make and adopt by-laws, etc.

3. *And be it enacted*, That said corporation shall have power to make and adopt by-laws and regulations for the election of officers, and to prescribe their duties, and for the general management of its affairs, and from time to time may alter and repeal the same.

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

Approved April 5, 1875.

CHAPTER CCCX.

An Act to incorporate the Hopewell Printing Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph W. Anderson, Joseph H. VanCleef, Rynear S. Merrill, and all who may become holders of shares or any part thereof in said company, shall become and be a corporation by the name, style and title of "The Hopewell Printing Company," with power, in addition to the general powers set forth in an act entitled "An act concerning corporations, approved February fourteenth, A. D. eighteen hundred and forty-six," and the

Corporate name and powers.

several supplements thereto, to do a general publishing and printing business, including the power to do all acts and things incident to such a publishing and printing business, as well as to exercise all other powers hereby granted.

Capital stock.

2. *And it be enacted*, That the capital stock of said company shall consist of thirty (30) shares, which shares shall be deemed personal property, and transferable on the books of the company in such manner as the by-laws of the company shall prescribe; each share of said stock shall be entitled to one vote in person or by proxy, and fractions of a share to a fractional vote equal to such fractional share, at all elections and meetings of the shareholders of the company; the directors of the company shall have power to exchange the whole or any part of said shares for property or money, at such rates and upon such terms as they shall deem expedient, and for the best interests of the company; and when any of said shares shall have been exchanged for money or property, the directors shall have power to declare the same to be full paid, and holders of all or any shares of said company so declared to be full paid, shall not be liable to the company for any assessments or instalments upon such shares.

Powers of directors.

Annual meeting

3. *And be it enacted*, That there shall be an annual meeting of the shareholders for the election of directors, and to transact such other business of the shareholders as shall come before the meeting, to be held at such time and place as the by-laws of the company shall prescribe; the affairs of the company shall be managed by a board of management which shall consist of five directors, who shall be shareholders in the company, and who shall hold their places until their successors are elected or appointed in their stead; but Joseph W. Anderson, Joseph H. VanCleef, and Rynear S. Merrill, shall be the first directors of the company, and they or a majority of them shall have power to fill the existing vacancies in the board of management; but all subsequent vacancies shall be filled in such manner as the by-laws shall prescribe; three directors shall constitute a quorum of the board of management, sufficient to transact all the business of the company.

Affairs to be managed by board of directors.

First directors.

May change name and assume new name

4. *And be it enacted*, That said company may, if it be deemed expedient, change its name and assume a new name, and when a copy of a resolution of the board of manage-

ment changing its name and assuming a new name, certified by the seal of the company impressed thereon, attested by the signatures of the president, secretary and the holders of a majority of the shares of the stock of the company, shall have been tendered to the secretary of state of this state, to be filed and recorded in his office, thereupon and thereafter said company shall be known and known only by the name assumed in such certified resolution; *provided*, that nothing contained in this section shall be construed to reduce any liability of the company.

Certificate to be filed.

Proviso.

Repealer.

5. *And be it enacted*, That all acts or parts of acts inconsistent with this act, so far as they effect this act, are hereby repealed.

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

Approved April 6, 1875.

CHAPTER CCCXI.

A Further Supplement to the act approved March twentieth, one thousand eight hundred and sixty-seven, entitled "An Act to incorporate the New Jersey Sugar Refining Company."

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, and any other corporation, or any individual or individuals, to agree together for the supply of water to said first mentioned company, at such rate and on such terms as may be mutually agreed upon, and that it shall be lawful for said first mentioned company to lay down all necessary pipes for conducting such waters from any place in the county of Hudson to their refineries, without the let, hindrance or disturbance of any person or authority; *provided*, that said pipes shall be laid in any public streets or

Company may agree with any person or corporation for supply of water.

May lay down pipes, etc.

Proviso.

highways, or with the consent of the owners in any place not a public highway; *and provided, further*, that such pipes shall be laid and from time to time repaired under the direction and superintendence of the officer having the care, charge, or superintendence of any street in which they shall be laid, and that said company shall at all times, in the exercise of said rights, be subject to the regulations of the local authorities, so as they shall be reasonable, and do not deprive of the right hereby granted; *and provided further*, that nothing herein shall authorize any agreement for the supply of water which shall take the place of the supply of water obtained by said company from the public water works of the city of Jersey City, or which shall be applied to the uses to which said supply from said water works is applied. Proviso. Proviso.

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

Approved April 6, 1875.

CHAPTER CCCXXXV.

A Supplement to an act entitled "An Act to incorporate the Germania Savings Bank, of Jersey City," approved the twenty-ninth day of March, in the year eighteen hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of trustees of the corporation created by the act to which this act is a supplement, may make any order for, or give authority to make any investment of moneys, and to sell and transfer any stock or securities belonging to the said corporation, by the affirmative vote of at least seven members of said board, at any regular or special meeting thereof; and that any standing committee of said board of trustees, elected or appointed Board of trustees may invest moneys, and to sell and transfer stock and other securities.

by the votes of at least seven concurring trustees, at a regular meeting of the said board of trustees, may also make any such investments of money, and order and authorize the sale and transfer of any stock or securities belonging to the said corporation, when and in such manner and with such restrictions as shall be provided for by the by-laws of the said corporation.

May receive on deposit a sum not exceeding a certain amount.

2. *And be it enacted*, That the said corporation may receive on deposit from any person or corporation, any sum not exceeding ten thousand dollars.

Depositor may revoke appointment.

3. *And be it enacted*, That in case any depositor with the said corporation shall appoint any person, to whom his or her deposit or deposits shall be paid, in accordance with the provisions of the ninth section of the act to which this act is a supplement, such depositor may revoke any such appointment in the same manner such appointment is required to be made; and in default of any such revocation, the money deposited by such depositor, and the accrued interest thereon, shall be paid in accordance with such appointment, which payment shall be a full discharge to the said corporation for the money paid by it.

Failure to revoke appointment, money deposited how paid.

Books of corporation not to be opened for inspection.

4. *And be it enacted*, That the books of said corporation shall not be open to the inspection or the examination of any depositor or depositors, except only upon and in pursuance of an order made by the chancellor, for some good reason or cause, to be determined by the chancellor, such order only to be made upon notice to the corporation of the time and place when and where it can be heard in opposition to the making of said order.

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

Approved April 7, 1875.

CHAPTER CCCXXXVI.

An Act to incorporate the "Hope, Knowlton, and Blairstown Horse Protection Society."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Bartlett Larue, Samuel S. Bogart, George Hiles, John H. Blair, David Cooke, Stewart B. Hildebrant, Isaac Lida, Martin F. Read, Calvin Raub, Williamson H. Liverton, and others, their associates, successors, and assigns, shall be and they are hereby created a body politic and corporate in law and in fact, by the name of the "Hope, Knowlton, and Blairstown Horse Protection Society," and by that name they and their successors shall have perpetual succession, and shall have power to sue and be sued, and to defend and be defended in all courts and places whatsoever, and they and their successors may have a common seal, and may change and alter the same at pleasure, and also that they and their successors by the name of the "Hope, Knowlton, and Blairstown Horse Protection Society," shall be in law capable of purchasing, possessing, and enjoying, to them and to their successors, lands sufficient to enable them to erect a suitable building thereon, in which to hold their place of meeting, and transact the business of the said corporation, and grant, demise, sell, and dispose of the same at their pleasure, and also to hold such goods and chattels, rights, credits, and effects of what nature and kind soever, necessary for the purposes of this corporation, and to sell, and dispose of the same at their pleasure, and also may make, establish, and enforce all such by-laws and regulations as to them shall seem proper and necessary for the purpose of carrying out and enjoying the purposes of this corporation.

Corporators.

Corporate name

Empowered to purchase and possess lands to erect suitable buildings, etc.

May sell and dispose lands, etc.

2. *And be it enacted*, That the object of this corporation shall be to indemnify, and pay its members for the losses and damages they may sustain by reason of having their horses, mules, wagons, sleighs, harness, and sulkeys stolen or taken from them by theft.

Objects.

Office.

3. *And be it enacted*, That the office of said company shall be located at such place in either of the townships of Hope, Knowlton, or Blairstown, in the county of Warren, in this state, as the board of directors of said corporation shall direct.

Affairs to be managed by board of directors.

4. *And be it enacted*, That the property and affairs of said corporation shall be managed and conducted by nine directors, to be chosen by ballot by and from among the members, to hold their office for one year, and until others

First election.

are chosen to fill their places, and the election for directors shall be held on the first Saturday in January, in every year, at the office of the company or such other place as a majority of the directors for the time being shall appoint, of which election the secretary shall give public notice in two newspapers printed in the county of Warren, for at least two weeks immediately preceding such election, and if any director or directors elected at such election, shall die or refuse to serve, or neglect to act in the said office for the space of three months after such election, then and in every such case the remaining directors shall have power to fill such vacancy or vacancies until the time of the next annual election; and in case it shall happen that an election of directors shall not be held on the day when pursuant to this act it ought to have been held, the said corporation for that

Failure to elect directors not to be dissolved.

cause shall not be dissolved, but it shall and may be lawful on any other day to hold an election for directors, and until an election for directors shall be held according to the provisions of this section, the following persons shall be

First directors.

directors, namely: Bartlett Larue, Samuel S. Bogart, George Hiles, John H. Blair, David Cooke, Stewart B. Hildebrant, Isaac Lida, Martin F. Read, Calvin Raub, and Williamson H. Liverton.

Election of President.

5. *And be it enacted*, That at the first meeting of the directors, held after the passage of this act, and at every annual meeting of the directors in each year thereafter, they shall choose from among themselves one person for president, who shall continue in office until the next annual meeting, and until another shall be appointed in his place.

Power to appoint officers.

6. *And be it enacted*, That it shall and may be lawful for the said board of directors to choose and appoint a secretary and treasurer for said corporation, and such other officers as, in their judgment, they shall think it proper and

necessary and for the interest of the said corporation to appoint, and to require the treasurer to give bond in such sum of money as the said board of directors shall designate for the faithful performance of his duty as such treasurer.

Who considered members.

7. *And be it enacted*, That all persons who have paid up all dues and assessments required of them by the by-laws and constitution of what has been heretofore known as the "Hope, Knowlton and Blairstown Protection Society," for the detection of horse thieves, shall be considered members of this corporation.

Persons may become members by payment of initiation fee.

8. *And be it enacted*, That any person may become a member of this corporation by paying such sum as the board of directors may, by their by-laws, adopt as an initiation fee, and by complying with all the rules and regulations established by the said board of directors.

Corporation to pay owner the value of property stolen.

9. *And be it enacted*, That in case any member of the said corporation shall lose any of the property named in the second section of this act, by theft, it shall be the duty of the said corporation to pay such person for the value of the property stolen, and if the board of directors and the owner of the said property cannot agree upon the value of the said property the said board of directors shall select a proper person, and the said owner shall select a proper person, to make an appraisement of the said property, which said appraisers shall be sworn to make a true appraisement of the said property, and the appraisement of such appraisers shall be final and conclusive between the parties; *provided*, that no horse shall be appraised at a higher sum than three hundred dollars.

Proviso.

Power to make assessments upon members to meet losses and expenses.

10. *And be it enacted*, That in case there should not be sufficient money derived from initiation fees to pay the losses incurred by theft of the property named in the second section of this act, and the necessary expenses of the said corporation, it shall be lawful for the board of directors to make an assessment upon the members, from time to time, to raise money sufficient to meet such losses and expenses, and to enforce the collection of such assessment from all delinquent members by suit at law, or otherwise.

May invest money on hand.

11. *And be it enacted*, That in case the said corporation shall at any time have on hand more money than is required for the payment of their losses and necessary expenses, it shall be lawful to loan out said money on such security and

for such time as the said board of directors shall direct, and to enforce the collection thereof, in case of non-payment, in any court of law or equity.

May provide by laws for payment of rewards etc.

12. *And be it enacted*, That it shall be lawful for the said board of directors to provide, by their by-laws, for the appointment of all such committees for the detection and pursuit of thieves, and for the payment of rewards to persons capturing thieves and finding and returning the property stolen, as they may deem proper.

Property when stolen and returned, actual damage to be paid owner.

13. *And be it enacted*, That when the property stolen shall be found and returned to the owner it shall be the duty of the said corporation to pay said owner for the actual damage done to the property while it was out of his possession.

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

Approved April 7, 1875.

CHAPTER CCCLI.

A Further Supplement to the act entitled "An Act to incorporate the Passaic Water Company," approved February thirteenth, one thousand eight hundred and forty-nine.

Corporation authorized to purchase and acquire all the rights, etc., of Franklin Lake Company, or to consolidate stock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Passaic Water Company are hereby authorized and empowered to purchase and acquire all the property whatsoever, real and personal, stock, franchises, powers, rights, and privileges of the Franklin Lake Company, incorporated by an act entitled "An Act to incorporate the Franklin Lake Company," approved April ninth, one thousand eight hundred and sixty-eight, and any supplement thereto, or to consolidate the stock of said Franklin Lake Company with that of the said Passaic Water

Company, and upon such purchase and acquisition as aforesaid, or consolidation as aforesaid, the said Passaic Water Company shall be vested with all the property, stock franchises, powers, rights, and privileges which said Franklin Lake Company have or may be in any way entitled to at the time, by such purchase and acquisition, and therefrom and thereafter, they shall be used, exercised, and enjoyed by the Passaic Water Company, in the same manner as the other property, stock, franchises, powers, rights, and privileges of the said Passaic Water Company are or may be used, exercised, and enjoyed.

May issue bonds in payment of the property, rights, powers, etc.

2. *And be it enacted*, That upon the purchase and acquisition of the property, stock, franchises, powers, rights, and privileges of the Franklin Lake Company aforesaid, the said Passaic Water Company are authorized and empowered to issue bonds payable to the bearer, bearing interest at seven per centum per annum in payment therefor, and to secure the said bonds by a purchase money mortgage, upon the said property, stock, franchises, powers, rights, and privileges whatsoever purchased, and to further secure the said bonds by making the said mortgage also cover all the property whatsoever, real and personal, stock, franchises, powers, rights, and privileges of the Passaic Water Company, subject to any previous mortgages upon the same; and, in case of a sale and conveyance under a foreclosure of the said mortgage, it is hereby *further enacted*, that the purchaser upon such sale and conveyance shall be vested with all the property, stock, franchises, powers, rights, and privileges which the said Franklin Lake Company, or the Passaic Water Company had or might have been in any way entitled to before or at the time of making the said mortgage, and from and after such sale and conveyance, the said property, stock, franchises, powers, rights, and privileges shall be used, exercised, and enjoyed, by the said purchaser in the same manner, and as fully to all intents and purposes as the said property, stock, franchises, powers, rights, and privileges were or might have been had, used, exercised, and enjoyed by the said Franklin Lake Company, or by the said Passaic Water Company, or either of them.

Corporation invested with all rights, etc.

Repealer.

3. *And be it enacted*, That section eleven of the act aforesaid to incorporate the Franklin Lake Company be and the same is hereby repealed, and that said company is hereby authorized to make the sale or consolidation aforesaid.

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

Approved April 8, 1875.

CHAPTER CCCLII.

A Supplement to an act entitled "An Act to incorporate the Hackensack Water Company," approved March twelfth, eighteen hundred and sixty-nine.

May increase capital stock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That said company may, by and with the consent of the holders of a majority of its stock, increase its capital stock to the sum of five hundred thousand dollars.

Authorized to survey and lay out sites for reservoirs, aqueducts, etc.

2. *And be it enacted*, That the president and directors of said company are hereby authorized and invested with all the rights and powers necessary and expedient to survey and lay out the site or sites of reservoirs, drains, ditches, conduits, aqueducts, pipes, fountains, water wheels, force pumps and all other devices and work which they may deem necessary for supplying all that part of the county of Bergen which lies east of the Hackensack river with water for domestic and such other uses as may conduce to the health and comfort of the citizens, and it shall be lawful for said president and directors, or their employees, to enter at all times upon all lands in said county, east of said river, and survey, and locate all reservoirs, drains, ditches, aqueducts, pipes, fountains, water wheels, force pumps and buildings, and all other necessary works and appendages thereto, doing no unnecessary damage to private or other property, and to take possession of, have, hold, use, occupy, excavate, erect reservoirs, water wheels, buildings, pumps and all other machinery upon said land, and do all other things suitable and necessary for completing and keeping in repair the works hereby contemplated, subject to such compensation as is hereinafter provided for.

May enter upon lands and make surveys and locate works etc.

Proceedings in case company and owner or owners cannot agree as to land required, etc.

3. *And be it enacted*, That when the said company or its agents cannot agree with the owner or owners, or other persons interested in any land which said corporation may desire to use and occupy for the purposes aforesaid, as to the compensation to be paid to any such owner or owners or other person interested, or in case such owner or person be absent from this state or under legal disability, it shall be the duty of any judge of the court of common pleas of said county, disinterested in the premises, upon application by said corporation, and upon two weeks' previous notice published in a newspaper at Hackensack, or served upon such owner or person if resident in said county, to appoint three disinterested commissioners to assess the amount of damages to be paid by the said company, which commissioners, before entering upon their duties, shall be sworn faithfully to execute the duties of said appointment, and said commissioners shall forthwith proceed to appoint a time and place to meet, like notice of which meeting shall be given, at which time and place they shall meet and proceed to view the premises, and said corporation shall make and exhibit to said commissioners at said meeting a statement and description, in writing, or by drawings or maps or both, of the lands by them sought to be taken, and of the use, occupation of, and excavations upon any lands by them sought to be made, said commissioners shall thereupon ascertain and assess the damages aforesaid, and make report in writing to said company, which report shall be filed in the clerk's office of said county; *provided*, that this act shall not authorize the taking of any lands under water, water, water-courses, springs or ponds, without the consent in writing of the owner or owners thereof.

Proviso.

Upon payment of damages lands vested in corporation.

4. *And be it enacted*, That before taking possession or entering thereon to excavate or occupy, said company shall pay or tender to such owner or person interested, or to the clerk of said county, the amount of damages so awarded, and the award of said commissioners and the payment or tender, as aforesaid, of said damages, shall vest in said corporation the lands, rights and privileges by them sought, described and set forth in said statement and description, in all respects the same as if the same had been conveyed to said corporation by said owner or owners, or persons interested, under their hand and seals.

Parties dissatisfied with award of commissioners may appeal.

5. *And be it enacted*, That if either party is dissatisfied with the award of the commissioners they shall have the right to appeal as provided in section eighth of the act to which this is a supplement, and that sections ninth, tenth and eleventh of the act to which this is a supplement are hereby extended and made applicable to the purposes contemplated by this supplement, as fully as if the same were herein set forth at length.

Power to borrow money and secure the same by mortgage.

6. *And be it enacted*, That said corporation shall have power to borrow such sum or sums of money, from time to time, as shall be necessary to purchase lands or to build, construct, maintain and procure such reservoirs, standpipes, houses, machinery, engines, pumps, pipes, hydrants, conduits and other things necessary for the use of said company, and to secure the payment thereof by bonds or notes of said company, or by mortgage on the property, lands, privileges, franchises and appurtenances of or belonging to said corporation.

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

Approved April 8, 1875.

CHAPTER CCCLXXIII.

An Act confirming and making valid the act entitled "An Act to incorporate the Union Mercantile Association of Swedesboro', Gloucester county, New Jersey, approved March twentieth, one thousand eight hundred and seventy-three."

Preamble.

WHEREAS, By the proclamation of the governor of this state, made on the first day of December, one thousand eight hundred and seventy-three, under the provisions of an act of the legislature of this state entitled "An act providing for, declaring, and making known that certain laws

and joint resolutions have become inoperative and void, passed the third day of March, one thousand eight hundred and seventy three;" among other things the act entitled "An act to incorporate The Union Mercantile Association of Swedesboro', Gloucester county, New Jersey, approved March twentieth, one thousand eight hundred and seventy three," was declared to have become inoperative and void by reason of the non-payment of a tax to the state upon the said act; *and whereas*, the non-payment of the tax due to the state upon the said act was through inadvertence; *and whereas*, it is desirable that the said act should be revived, therefore,

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 Union Mercantile Association of Swedesboro', Gloucester county, New Jersey, approved March twentieth, one thousand eight hundred and seventy-three," be and the same is hereby declared to be of full binding force and effect, to all intents and purposes, the same as if the state tax upon said act had been paid within the time prescribed by law, and all the rights, powers, and franchises in the said act conferred upon said corporation are hereby continued and declared to be vested in and exercisable by said corporation as fully as in said act is set forth; *provided*, that the state assessment upon the said original act and on this act, be paid on or before the first day of July next after the passage of this act. Act revived. Proviso.

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

Approved April 8, 1875.

CHAPTER CCCCXVIII.

An Act to incorporate the Union Ferry Company, of Hudson county.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Louis Linneworth, Charles F. Ruh, Edward Knack, Daniel Bermes, Lincoln A. Merriam, David H. Tuttle, Daniel Lake, Isaac Freese, jr., Michael Simmons, jr., Alfred M. Fuller, Henry Draper, Courtland Palmer, Charles McIntosh, Charles Rau, Peter Schupp, Andrew Reimenshneider, Charles Wittreich, Louis C. Hauenstein, William Peter, Charles Knack, John A. Schommodan, Louis Becker, Charles Schlemback, Warne Smyth, Charles Tag, Mifflin Paul, William Cox, Frederick Frambach, Henry Kuehl, Henry Luther, Herman Preusing, Andrew Anderson, Peter Halpin, Alfred E. Gregory, John Schupp, John Weigand, Michael Weigand, William J. Danielson, Andrew Beck, Abram W. Duryea, Frederick Mueser, Fritz A. Meyer, Henry J. Rottmann, Charles Galbraith, Otto Kohler, John Dwyer, James G. Morgan, Adolph Meckert, and such other persons as may hereafter be associated with them, shall be and they are hereby ordained, constituted and declared to be a body corporate and politic in fact and in law, by the name of "The Union Ferry Company, of Hudson county," for the purpose of establishing, maintaining, conducting and managing a ferry or ferries, from some suitable point on the shore of the Hudson river, north of Fifteenth street, in the city of Hoboken, in the county of Hudson, and the city of New York, for the use of the public, with power to ask and receive such reasonable rates of toll as by the by-laws of said company may be established, such tolls not to exceed the rates now taken at the Hoboken ferry, and with the privileges and immunities hereinafter described and granted; and said company shall run a boat at least every hour during the day and evening, and by the name of "The Union Ferry Company,

Corporate name and powers.

of Hudson county," they and their successors and assigns, shall and may have perpetual succession, shall and may sue and be sued, implead and be impleaded in all courts of justice and equity, and shall have power to make and use a common seal, and the same to change and renew at pleasure; and they and their successors shall have power and authority to lease, purchase, or receive by gift, and to hold, enjoy or lease, convey, grant, demise and sell all such lands, tenements, hereditaments, water privileges or rights, goods, chattels, and effects of every description whatever, as may be necessary or expedient for the objects of this incorporation; and that the said company shall have power to adopt, establish and carry into execution, such laws and regulations as shall by its managers be judged necessary or convenient for the government and management of the said company, and the same to change, alter, repeal and re-enact; *provided* the same be not contrary to the constitution and laws of the United States, or of the state of New Jersey. Proviso.

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

3. *And be it enacted*, That John Dwyer, Otto Kohler, Isaac Freese, jr., Alfred M. Fuller, Henry Draper, Courtland Palmer and Charles McIntosh, 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, place or places, as they or a majority of them may think proper, giving at least thirty days' notice of the same in two newspapers published in the county of Hudson, and one in the city of New York; and that at the time of subscribing ten per centum shall be paid upon each share subscribed for, to the commissioners or some one of them, and when one hundred thousand dollars of said stock are subscribed for, and the first instalment paid thereon, the said commissioners, or a majority of them, shall thereupon give notice in the manner aforesaid of a meeting of the stockholders to choose nine directors, a majority of whom so chosen shall be residents of this state, and such election shall be made at the time and place appointed in said notice, by Commissioners to open books and receive subscriptions to capital stock. First election of directors.

such stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the above named commissioners or a majority of them shall be inspectors of the first election of directors of said company, 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 moneys paid to them for subscriptions to the said capital stock after defraying the expenses of subscription and incidental expenses; and that annually thereafter, upon like notice being given by the directors for the time being, the stockholders shall in the same manner elect the same number of directors; and the time and place of holding the first meeting of directors shall be fixed by the said persons who act as inspectors as aforesaid; and the first directors and, yearly, the directors chosen at any election for that purpose, shall as soon as may be after election, choose out of their own number a president, and shall appoint a secretary and other officers, or a majority of said directors shall be requisite for such appointments; and in case of the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen by the board of directors or a majority of them, and in case of the absence of the president the said board of directors or a majority of them may appoint a president pro tempore, who shall have such powers and functions as the by-laws of the said company shall provide.

Annual election

Vacancies how filled.

Failure to elect directors. Corporation not to be dissolved.

4. *And be it enacted*, That in case it shall happen that an election of directors shall not be held at the time when, according to this act, it should have been held, said company 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.

Quorum and instalments how paid.

5. *And be it enacted*, That a majority of the directors of said company 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-five per centum on each share at any one time, by giving thirty days' previous notice thereof as aforesaid, but no two installments shall be required to be

paid within eight 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 to and for the use of said company.

Authorized to locate and construct docks, piers, wharves and bulkheads, etc.

6. *And be it enacted*, That the president and directors of said company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to locate and construct docks, piers, wharves, bulkheads, and such other improvements as may be necessary in constructing and establishing such ferry, and for no other purpose whatever, at such point or location on the shore of the Hudson river, north of Fifteenth street in the city of Hoboken aforesaid, as they may deem expedient; such improvement to be constructed on or in front of any lands leased by said company, or to be acquired by said company as hereinafter provided; to erect ferry houses and other buildings, and to keep and maintain the same on the lands now covered by water in front of the lands to be acquired by the said company as hereinafter provided; *provided*, the said piers, docks, wharves and bulkheads, shall not obstruct the navigation of the Hudson river, or in any way impair the rights of the state to such lands under water; and for the purpose of enabling said company to determine where said docks, piers, wharves and bulkheads can be located and constructed to the best advantage for the purpose aforesaid, it shall be lawful for the said company by its agents, engineers, officers or other persons in their employment to enter upon all lands lying along the Hudson river north of Fifteenth street, in the city of Hoboken aforesaid, whether the same be covered by water or not, for the purpose of exploring, surveying and locating said piers, docks and wharves or other improvements, doing no unnecessary damage to private property, and when the location of said piers, wharves, docks and bulkheads shall be determined, and a survey of the same deposited in the office of the clerk of Hudson county, it shall be lawful for the said company by any of its officers, agents, superintendents, engineers, contractors or other persons in their employ, to enter upon, take possession of, have, hold, use and occupy any such lands not exceeding three hundred feet in width, and to build docks, piers, wharves and bulkheads, and all other necessary works and structures for the purpose aforesaid, which may be neces- Proviso.

sary to carry into effect the purposes contemplated by this act; *provided*, that where such lands are not purchased by or given to said company, payment or tender of payment of all damages for the occupancy of said lands to be determined as hereinafter provided, shall be made before the said company shall enter upon or occupy said lands except for the purpose of surveying the same, as hereinbefore mentioned.

Proviso.

Proceedings in case company cannot agree with owner or owners as to lands or water rights required.

7. *And be it enacted*, That if the the said company, or its officers or agents, cannot agree with the owner or owners of such required lands or water rights, for the use or purchase thereof, or if by reason of the incapacity or the absence of such owner or owners, no such agreement can be made, as particular a description as the case will admit of the land or water, or other rights so required for the use of the said company, shall be given in writing under the oath or affirmation of some engineer or proper agent of said company, and also the name or names of the occupants or owners, if known, to one of the justices of the supreme court, who shall require the said company to give notice of said application to the persons interested, if known, and in this state, to make publication as he shall direct for any term not less than ten days, in two newspapers published in Hudson county, and the said justice shall appoint a time and place for the appointment of three disinterested commissioners, residents of the state of New Jersey, to view said lands; and at the time and place appointed, upon satisfactory evidence of the service or publication of said notice, the said justice shall appoint three disinterested commissioners to appraise the value of said lands and water rights, and the damages which may be sustained by the owner, by the taking of the same by said company; and the said commissioners, having first taken an oath or affirmation in writing before a justice of the supreme court, faithfully and impartially to execute the duties of said appointment, shall, after giving ten days' notice to both parties, where said parties reside in this state, view the premises and hear the parties and their evidence, if so desired, and thereupon make such appraisement of the value of said lands or water rights and of the damages sustained by the owner, as to them shall appear just and proper, and shall transmit such appraisement and award in writing, under their hands and seals, to

the justice who appointed them, to be by him returned and filed in the office of the clerk of said county of Hudson, together with all the papers before him, there to be kept as a public record, and the said commissioners shall immediately notify both parties that they have made their report relating thereto; and if either party shall feel aggrieved by the said appraisement and award of the said commissioners, the party so aggrieved may appeal to the circuit court of the said county of Hudson, at the next term after said appraisement and award shall be returned and filed as aforesaid, by a proceeding in the form of a petition to said court, and the party appealing shall give to the opposite party five days' notice in writing of said appeal, and the filing of such petition in said circuit court shall vest in said court full power to hear and adjudge the same; and if required by either party, said court shall award a venire for a jury, who shall view the premises and hear and determine said appeal, subject to the right of writs of error to the supreme court and court of errors and appeals; the said jury shall assess the value of the land or water rights taken by said company, and all damages sustained or that may be sustained by the owner; and if said jury shall find a greater sum than was awarded by the commissioners, judgment shall be given therefor against the company, with costs, and execution may be issued thereon, but if the said jury shall be demanded by the owner or owners, and shall find the said sum or a less sum than the commissioners awarded, the costs shall be paid by the owner or owners, and shall be deducted out of the sum so found by the jury or considered a payment thereon, or an execution may issue therefor by order of the court, and on payment or tender of payment of the sum so awarded by the commissioners or found by the said jury, or that may be finally determined on an appeal with costs, where costs are adjudged; said company, their successors and assigns, shall have the right to hold, use, occupy, possess and enjoy, the water rights and lands described in the report of said commissioners, for the uses and purposes authorized by this act; *provided*, that the said company may take possession of said lands and water rights, and use the same for the purposes contemplated by this act, at any time after the appraisement and award of said commissioners, and notwithstanding any appeal therefrom, having first ten-

Proceedings in case either party appeal from award of commissioners.

Proviso

dered to the owner or owners the amount of said award, or, in case of refusal to receive the same, or in case of any disability on the part of the owner, or in his absence from the state, having paid the same into the circuit court of said county, for the use of such owner or owners; *provided also*, that if the owner or owners of the lands so taken has not complied with the provisions of the act entitled "Supplement to 'An Act to ascertain the rights of the state and of riparian owners in the lands lying under the waters of the bay of New York and elsewhere in this state,' approved April eleventh, eighteen hundred and sixty-four," and bearing date March thirty-first, eighteen hundred and sixty-nine, the amount provided by said act to be paid to the state, shall be deducted from the award of the commissioners or jury, and upon the payment or deposit, as hereinbefore provided, of the remainder of said award after deducting from said award said sum provided by statute to be paid the state, the title to the said lands or water rights shall inure to, and be vested in said company in like manner as if the whole award had been paid, tendered or deposited; and that any riparian right of the state in and to the shore or tide-way out into the river to the exterior line fixed by law, included in, described and intended to be conveyed by deed to the corporators or either of them, shall be, and the title to the same is hereby made over and confirmed to such grantees or grantee, provided they or he pay into the state treasury, when improved, fifty dollars per lineal foot front, to secure the confirmation of said title to four hundred feet hereby set apart to the public use for a ferry to be established within five years, and to be operated according to the provisions of this law.

Proviso.

Authorized to borrow money and to secure same by bonds and mortgages.

8. *And be it enacted*, That the said company be, and they are hereby authorized to borrow such money not exceeding one-half the amount of the capital stock of said company as may be necessary for the construction of said docks, wharves, piers and bulkheads, for the purpose aforesaid, and for furnishing the necessary boats, engines, machinery and for constructing buildings and other improvements for the use and objects of said corporation, and to secure the repayment thereof with interest, not exceeding seven per centum per annum, by executing bonds and mortgages, or otherwise, on the said water rights, personal prop-

erty, franchises and appurtenances of, or belonging to the said company; and it shall not be lawful for the said company to plead any statute or statutes of this state against usury, or in any suit in law or equity instituted to enforce the payment of any bond or mortgage executed under this section.

Unlawful for captain or owner of boats to touch or land at docks, wharves, etc.

9. *And be it enacted*, That it shall not be lawful at any time hereafter for any owner, captain or other person having control of any steamboat or other boat or vessel, to touch or to land at said docks, wharves, piers or bulkherds of said company, constructed for the purposes aforesaid, or to receive or to land or discharge any passengers or freight at any of said docks, wharves, piers or bulkheads, or such other improvements as may be made thereon by said company, unless in cases where any boat or other vessel shall be in distress, without consent first had and obtained from said company.

Act when to become void.

10. *And be it enacted*, That if the said ferry shall not be established and in public use at the expiration of five years from the passage of this act, then and in that case this act shall be void; *provided*, that any time said company shall be delayed by judicial proceedings shall form no part of said time.

Proviso.

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

Approved April 9, 1875.

CHAPTER CCCCXIX.

An Act to incorporate the Montgomery Fire Insurance Company of Jersey City.

Corporators.

1. Be it enacted *by the Senate and General Assembly of the State of New Jersey*, That Alfred A. Lutkins, Miles Tierney, John Craven, Edward Cullen, Charles Murray, Henry Traphagen, James Stevens, Patrick Reilly, James

Keany, Patrick Kelly, George Beck, David Eitling, Patrick H. Laverty, Jacob Wagner, David C. Joyce, Patrick J. Condon, Edward P. Haslam, John Hogan, Patrick McNulty, Michael Shannon, Henry Gaede, Emil Steiger, Henry Limbeck, Murtha McConville, Frank Leham and all such persons as shall become stockholders to the capital stock hereinafter mentioned, their successors and assigns shall be and are hereby constituted and made a body corporate and politic by the name and style of "The Montgomery Fire Insurance Company of Jersey City," and the office of the said company shall be located at Jersey City in the county of Hudson in this state; and by that name shall be known in law, and have power to sue and be sued, to defend and and be defended in all courts, whether in law or in equity, and by that name may also have, purchase, possess and enjoy to them and their successors, lands, tenements and hereditaments, goods, chattels and effects of what nature or kind so ever necessary for the purpose of this corporation, and grant, demise, alien and dispose of the same at pleasure for the benefit of the said corporation; and may also have a common seal, and alter and renew the same at pleasure; and also create and establish such by-laws and regulations as shall seem necessary and expedient for the government of said corporation, and put the same into execution; *provided*, the same be not contrary to the laws of this state or of the United States.

Corporate name and powers.

Capital stock.

2. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, which shall be divided into shares of ten dollars each; and there shall be paid into the treasury of said corporation by each subscriber of the capital stock at the time of subscribing, an installment of twenty-five per centum on the capital stock by him subscribed for, the remainder to be paid in such installments, at such times and upon such notice as the board of directors of said corporation may determine; and the company shall not commence the business of insurance hereby authorized, until one hundred thousand dollars of the capital stock herein authorized is actually paid into the treasury thereof in cash.

When to commence business.

Affairs by whom managed.

3. *And be it enacted*, That the business, property and affairs of said company shall be managed and conducted by not exceeding thirty directors elected for two years, a ma-

jority of whom shall be citizens of this state; *provided*, that at the first election the said directors shall be divided into two equal classes, the term of the first class to expire on the first day of July, eighteen hundred and seventy-seven, or as soon thereafter as others may be elected in their place, and the term of the second class to expire on the first day of July, eighteen hundred and seventy-eight, or as soon thereafter as others may be elected in their place, so that one-half may be chosen every year. Proviso.

4. *And be it enacted*, That there shall be an annual election of directors on the last Monday in the month of June in every year, to fill the vacancies of those whose term shall have expired, to be held at the office of the company, or such other place as a majority of the directors may designate, of which said election a public notice shall be given by the secretary, in two newspapers published in the city of Jersey City, at least two weeks previous to the time of holding the same; that such election shall be held under the direction of three stockholders appointed by the directors, shall be by ballot, by plurality of votes of the stockholders; and each share of stock shall entitle its owner to one vote at each election, to be given either in person or by proxy; and if any of the directors shall die or refuse to act for the space of three months successively, then in every such case the remaining directors shall have power to fill such vancancy or vacancies for the unexpired term thereof; that in case it should happen an election for directors should not be held on the day when pursuant to this act it ought to have been held, the said corporation shall not for that cause be dissolved, bnt it shall and may be lawful to hold such election on any other day appointed by the board of directors and that the office of records of the company shall be kept in the city of Jersey City, in the county of Hudson in this state. Annual election of directors. Failure to elect directors corporation not to be dissolved.

5. *And be it enacted*, That Alfred A. Lutkins, Miles Tierney, John Craven, Henry Traphagen, James Keany and Jacob Wagner shall be commissioners to receive subscriptions to the capital stock of said company, and when the said stock shall be subscribed for and paid in as mentioned in the second section of this act, the commissioners shall call a meeting of the stockholders, by an advertisement published at least two weeks previously in two newspapers pub- Commissioners to receive subscriptions to capital stock.

lished in the city of Jersey City, stating the time and place at which such meeting of the stockholders shall be held, who shall by ballot elect the first directors of said company; said commissioners shall appoint three stockholders inspectors of said election, and should there be any deaths or resignations among the commissioners above appointed then the remainder shall elect others to supply the vacancy or vacancies so occasioned.

Election of president.

6. *And be it enacted*, That it shall be the duty of the directors on organizing the company, and annually thereafter, to choose one of their number to be president, to serve for the ensuing year, or until another shall be chosen, and in case of the death, resignation, or inability to serve of the president such vacancy may be filled by the board of directors, for the remainder of the term; and in case of the absence of the president, the board of directors shall have power to appoint a president pro-tempore, who shall exercise all such powers and duties as the president might exercise.

Board of directors may appoint other officers.

7. *And be it enacted*, That the board of directors for the time being shall have power to appoint during their pleasure a secretary and such other officers as they shall deem necessary for carrying on the business of the company, and allow them respectively such compensation for their services as may in their judgement be deemed reasonable.

Company may insure certain class of property.

8. *And be it enacted*, That said company shall have power; first, to make insurance upon vessels, freights, goods, wares and merchandise, and to make all and every insurance connected with marine risks and the risks of transportation and inland navigation; second, to make insurance upon dwelling houses, stores and all kinds of buildings, and upon household furniture, merchandise, and other property against loss or damage by fire, upon such rates and conditions as shall be contained in the policy of insurance; third, to cause themselves to be insured when deemed expedient.

Contracts may be made with or without seal.

9. *And be it enacted*, That all policies, or contracts founded thereon, which shall be made or entered into by said company, may be made under or without the seal thereof, and shall be subscribed by the president or by such other officer as may be designated by the company for that purpose, and attested by the secretary, and being so subscribed and attested, shall be obligatory upon the company according to the tenor, intent and meaning of this act, and of such policies or contracts.

10. *And be it enacted*, That it shall and may be lawful for said company to purchase and hold such and so much real estate as shall be necessary for their accommodation in the transaction of their business, and also to take and hold any real estate or securities, bona fide mortgaged or pledged to said company to secure the payment of any debt which may be contracted with them; and also to proceed on mortgage or other securities for the recovery of the moneys thereby secured, either at law or in equity, and to purchase on sales made under such proceedings, or otherwise to take and receive any real estate in payment or towards satisfaction of any debt previously contracted with or due to said company, and the said real estate to mortgage, sell or exchange, or otherwise dispose of; and said company may invest their capital stock and accumulating premiums from time to time in public stocks, bonds and mortgages as the directors may approve; *provided*, nothing in this act contained shall authorize said company to use its funds for banking purposes.

May purchase and hold real estate necessary for transacting business, etc.

Proviso.

11. *And be it enacted*, That the capital stock of said corporation shall be transferable according to the rules and regulations prescribed by the directors, and in case a subscriber or stockholder of any share or shares of said stock shall fail or refuse to pay any installments on his or her stock, when called in by the directors, and required to be paid pursuant to the provisions of this act, it shall and may be lawful for the directors of said company, and they are hereby authorized to declare forfeited the shares of each and every person so failing, to pay such installments or any of them to and for the use of the company, or at their option to sue for and recover the installment or installments so remaining unpaid of the person or persons in whose name such stock shall stand on the books of the company at the time of calling in such installments respectively.

Capital stock how transferred

Stock may be forfeited for non-payment of installments.

12. *And be it enacted*, That it shall be lawful for the directors to make dividends of so much of the profits of the company as shall appear advisable among the stockholders, which dividends shall be paid to the parties entitled thereto, or their legal representatives.

Dividends how made, etc.

13. *And be it enacted*, That this act shall continue in force during the pleasure of the corporators, but the legislature may at any time modify, alter or repeal the same.

Approved April 9, 1875.

CHAPTER CCCCXX.

An Act to incorporate the National Real Estate, Loan and Deposit Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Alanson P. St. John, Franklin J. Mallory, Henry Traphagen, Isaac B. Culver, and Alexander H. Wallis, and their successors, and such others as shall hereafter become stockholders in said corporation, shall be and they and their successors are hereby made and declared to be a body corporate and politic, in

Corporate name

fact and in law, by the name of the "National Real Estate, Loan and Deposit Company," and as such shall continue for the term of twenty years for the purposes hereinafter mentioned.

Capital stock.

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

Commissioners to open books and receive subscriptions to capital stock.

3. *And be it enacted*, That the persons named in the first section of this act, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said company, at such time or times and place or places, and to be apportioned and paid in at such times, in such manner, and in such installments as they or a majority of them may think proper; and in case of failure by any stockholder, after having received thirty days' notice, to pay his or her installment or installments at the time and place mentioned and appointed for the payment thereof, such stockholders, if it shall be so declared by the directors, shall incur a forfeiture of his or her shares and all previous payments to the use of said company.

First board of directors.

4. *And be it enacted*, That the persons named in the first section of this act, shall be and hereby are appointed

the first board of directors, to serve until the fourth Saturday in May next, and until others shall be elected in their stead; and that the board of directors shall consist of such number as may, from time to time, be prescribed by the by-laws of the company.

Annual election

5. *And be it enacted*, That there shall be an election of directors on the fourth Saturday of May next, and on the fourth Saturday of May of each year thereafter, at such hour of said day, and such place, and upon such notice as shall be ordained by the by-laws, or otherwise appointed by the directors of said company; and that at such election every share of stock shall entitle the holder thereof to one vote, which may be given in person or by proxy; and the board of directors may appoint the judges of such elections; but if it should happen that an election of directors should not be held at the time so appointed for the holding thereof, or at the time appointed for the holding of any subsequent annual election the said company shall not, for that cause, be deemed to be dissolved, and such election shall be held at such other time and place as the directors for the time being shall or may appoint, and the directors for the time being shall continue in office until new ones 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, a treasurer, and a secretary of said company, to serve until the then next annual election, and until others shall be appointed in their stead; that the said president shall preside at all meetings of the board, and in case of his absence, any other of the directors present may be chosen president pro tempore, who shall have such power as the by-laws of the corporation shall prescribe.

Failure to elect directors corporation not to be dissolved.

Powers of board of directors.

6. *And be it enacted*, That the board of directors, or a majority of them, shall, except as hereinafter provided otherwise, exercise all the powers, and conduct and transact all the business of the company, and shall have power to make, prescribe, and alter such by-laws, rules and regulations concerning the business, stock, property, estate and effects of said corporation, and all other by-laws of the company, as to them shall appear needful and proper, and not contrary to the laws or constitution of this state, or of the United States; and shall have power to appoint such officers, clerks, and servants as to them shall seem necessary, and to establish

and fix such salaries thereto as to them shall seem proper, and to take such bonds from such of the officers, to secure the faithful performance of duty, as they shall think proper.

One-half of paid up capital stock how to be invested.

7. *And be it enacted*, That one-half of the paid-up capital stock of the company shall, during the whole existence of the company, be invested in bonds of the state of New Jersey, or in case they cannot conveniently be had in bonds of the state of New York, or of the United States, or such other safe and readily convertible bonds, as the trustees of the company hereinafter mentioned, may from time to time direct or approve of.

May invest part of capital stock in bonds and mortgages.

8. *And be it enacted*, That the remaining half of the capital, with the exception of such sum or sums of money as may be found necessary or expedient for purchasing a site and for erecting and furnishing thereon a building for the use of the company, and all other sums of money, realized on the bonds to be issued by said company, or otherwise received by the company in the course of its business, which shall not be required for the payment of expenses, losses or profits, or of the bonds of the company hereinafter mentioned, may and shall be loaned from time to time, exclusively on bond and mortgage on real estate situated in New Jersey only; and the said company is hereby authorized to make the loans aforesaid, and to charge for the use of any sum or sums of money so loaned, such rate of interest, not exceeding seven per centum per annum, as may from time to time, be agreed upon between the borrower and said company; and the said company is hereby further authorized to

May purchase bonds and mortgages and real estate, etc.

purchase bonds and mortgages on real estate in this state only, at such price or discount as may be agreed upon between the seller and this company; and said company is further authorized and empowered to purchase and hold real estate sold under foreclosure or any other lawful sale held by virtue of any mortgage or mortgages owned by them, and thereafter to sell and convey the same; *provided however*, that the property so acquired by them shall be offered for sale at public auction, at least once every three months, and shall be sold by the company whenever the price offered for it equals the claim of the company, including all interests, costs and other expenses.

Proviso.

9. *And be it enacted*, That the said "The National

Real Estate, Loan and Deposit Company," by and with the consent and approval of the trustees hereinafter mentioned, be and the same are hereby authorized to issue their bonds, bearing an interest not exceeding seven per centum per annum, and to sell and dispose of the same to any person or corporation, at any rate not less than ninety per centum of their value, without the same being invalidated thereby, or any person or corporation being liable to any penalty therefor; and to secure the payment of such bonds the said company shall have power to convey or pledge, by way of mortgage, trust or otherwise, the whole or any part of its mortgages and property, both real and personal, and such conveyance, pledge, or any foreclosure sale, or other lawful sale by virtue thereof, shall fully and completely transfer to and vest in the grantee or purchaser all the property of said company so conveyed or pledged; *provided, however*, that in no case shall the amount of bonds issued by the company exceed the amount of the mortgages held and pledged by them in the ways aforesaid, irrespective of all other property of the company.

May issue bonds and secure the same by mortgage, etc.

Proviso.

AND WHEREAS, One of the main objects of the incorporation of this company and of investing it with the powers herein contained, is to induce foreign capitalists to purchase the bonds given by this company, to the end that the proceeds of such bonds may be invested in this state on bond and mortgage by and to this company, and it is of the first importance to provide for the security of those who shall loan money to this company; therefore,

Preamble.

10. *And be it enacted*, That the corporators of this company shall appoint three discreet and disinterested persons to be trustees, whose duties shall be such as are hereinafter set forth; that such trustees shall hold office during good behavior, or until they shall resign or cease to perform their duties; and such trustees shall, as soon as may be convenient after their appointment, take an oath before some justice of the supreme court of this state, to faithfully discharge their duties as such trustees, and each trustee shall, at the time and place of taking such oath, name, in writing, under his hand, three discreet and disinterested persons, and said persons so named shall, in the order in which they are named in said writing, succeed to the office of said trustee so naming them, and so often as such person so named shall,

May appoint trustees.

Trustees to take oath.

Vacancies how filled.

before succeeding, die, or from any reason become unable or unwilling to act as trustee, the trustee aforesaid may, from time to time, in the presence of any justice of the supreme court of this state, name, in writing, another person or persons in the place, instead of the one so dying or becoming unwilling or unable to act; each trustee who shall succeed shall have all the powers and perform all the duties of the first set of trustees; that it shall be the duty of said

Trustees to accept mortgages made by company to secure bonds issued.

trustees, or a majority of them, to accept all mortgages made by the company to secure the bonds issued by the company, and to hold in their custody all securities which may be assigned to them by such mortgages to secure such bonds issued by the company, and on non-payment of principal or interest secured by said bonds issued by the company, to proceed to enforce the payment of the same at law or in equity; such securities as are assigned to said trustees to secure the bonds issued by the company, shall not be cancelled,

Securities assigned to trustees how cancelled, etc.

surrendered or released except upon the request, in writing, of said trustees; but it shall be their duty to permit said company to receive the money paid in on such cancellation, surrender or release, and immediately, at the time of making such request, to procure to be assigned to them from said company, securities of equal value to those which they shall request to be cancelled, surrendered or released; which last mentioned securities, so procured as aforesaid, shall secure in manner aforesaid, the payment of the same bonds issued by the company, which were secured by the securities so as aforesaid, cancelled, surrendered or released; that the request of said trustees to cancel, surrender or release such securities shall extinguish all claim of said trustees to such securities, in the same manner as if they had assigned the same to the parties bound thereby, or in case they are surrendered to the company in the same manner as if they had reassigned the same to the said company; and said trustees shall inform themselves as to the condition of the affairs of said company, so as to enable them intelligently to consent and approve of the issue of the bonds of said company; that such trustees shall receive such reasonable compensation for their service as the board of directors of said company shall, with the consent of said trustees, fix and allow.

Clerks of counties not to record assignments or cancel mortgages except upon request of trustees

11. *And be it enacted*, That the clerks of the several counties of the state, shall not put on record any assignment of any mortgage held by said trustees, or cancel any mort-

gage or mortgages assigned to said trustees, or record any release of mortgaged premises described in a mortgage held by said trustees, or put on record any satisfaction piece, except upon a written request of such trustees, acknowledged or approved in the same manner as conveyances of land may be acknowledged or proven, for which purposes the officers of the company are hereby required to send to the clerks of the different counties of the state, a statement under oath, giving the names of the trustees, accompanied by the signatures of said trustees and an impression of their common seal, if they have any, as they may.

Commissioners of the sinking fund appointed board of examination.

12. *And be it enacted*, That the commissioners of the sinking fund of the state are hereby appointed a board of examination for said company, and are required and directed to examine into all the affairs of the company, at least once in every year, and report the condition of such affairs to the governor of the state; for which services the company shall pay to said commissioners, not to exceed the sum of two hundred and fifty dollars a year.

May take and receive moneys on deposit.

13. *And be it enacted*, That said company may take and receive moneys on deposit, on such terms and conditions as the said company may from time to time prescribe; *provided, however*, that no portion of such deposits shall be otherwise invested than on bond and mortgage on real estate in this state, unincumbered, and worth at least double the amount loaned thereon; or in bonds of this state, or of any county or incorporated city of this state, or in bonds of the state, county, or city of New York, or in bonds of the United States, unless said company be requested and authorized in writing, by any depositor or depositors, to invest his or their funds or any portion of the same, otherwise and in other securities than those hereinbefore stated; in which case said company shall be, and the same hereby is authorized to make such other investment or investments or reinvestments for account of said depositor or depositors, according to the authority so given in writing by him or them; and said company may, with the consent in writing of such depositor or depositors, hold for safe keeping the securities received on such investments or reinvestments, and collect the interest on the same and the principal when due, and pay over or credit to, or reinvest for account of such depositor or depositors, all moneys so received by said

Proviso.

company, as said company may from time to time be directed or authorized in writing, by such depositor or depositors; and said company may charge and receive such compensation for services rendered to such depositor or depositors, as may be agreed upon between them.

When to commence business.

14. *And be it enacted*, That said company may commence business whenever one hundred thousand dollars of its capital stock is subscribed and paid up in full in cash.

Repealer.

15. *And be it enacted*, That all acts, and parts of acts inconsistent with the provisions of, and so far as they relate to the exercise of the powers granted by this act, be and the same are hereby repealed.

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

Approved April 9, 1875.

CHAPTER CCCCXXI.

An Act to incorporate the New Jersey and Eastern Transportation Company.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Miles Ross, William Mershon, John H. Ruckman, Elias Ross, William H. Davis, Henry C. Cochran, George B. Markle and their associates, and all persons who shall become subscribers to the capital stock hereinafter mentioned, their successors and assigns, shall be and they are hereby ordained, constituted and made a body corporate and politic in fact and in law, by the

Corporate name and powers.

name of "The New Jersey and Eastern Transportation Company," with full power to sue and be sued in all courts of law and equity, and to make and use a common seal; and they 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 for the carrying on of a general freighting and transportation business, and for the carrying, transporting and taking care of goods, wares, merchandise, live stock, coals, ore and goods of every description; and the said vessels of whatever kind owned or constructed or purchased, shall be held by said corporation as personal property, and they may be used in the conduct of their business between any ports or landings in the state of New Jersey, and any other ports or landings in the said state, or in any of the ports or states eastward or southward of the state of New Jersey, in the United States, or in the islands or rivers or arms of the sea flowing or connecting with any part of the coast of the United States, and for the purpose of their business whenever it may be deemed necessary, and as in their opinion the business of the company may require, 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, hold, acquire and convey such real estate, docks, wharves and piers as may enable them conveniently to carry on their business, and also to transport passengers and their baggage; *provided*, that nothing contained in this act shall be taken or construed to authorize the establishment or operation of a ferry for the transportation of passengers or freight on or across either the Hudson or Delaware rivers. Proviso.

2. *And be it enacted*, That the capital stock of said corporation shall be five hundred thousand dollars, with liberty to increase the same to one million five hundred thousand dollars, and shall be divided into shares of one hundred dollars each, which shall be considered personal property, and transferable as the by-laws may direct. Capital stock.

3. *And be it enacted*, That the vessels and other property, now belonging to the corporators hereinbefore named, shall constitute a portion of the capital stock of said company; and that after a fair valuation by said corporators of said vessel property shall have been made by the stockholders as hereinafter prescribed, the owners of said vessels shall receive certificates of stock from said corporation in proportion to the value of said property. Vessels, etc., belonging to corporators, constituted a portion of capital stock.

4. *And be it enacted*, That the said corporation may begin operations when one hundred thousand dollars of stock shall have been subscribed and twenty-five thousand dollars When to commence business.

Proviso. paid in; *provided*, that the vessels owned and accepted by said corporators shall be taken, held and considered as a part of the paid-up capital stock of said corporation.

Commissioners to receive subscriptions to capital stock.

5. *And be it enacted*, That the corporators above-named shall be commissioners to receive subscriptions for the capital stock of this corporation, at such time and place in the city of New Brunswick, in the county of Middlesex, in this state, as they shall appoint, by giving two weeks' notice thereof in two of the newspapers published in the county of Middlesex; 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.

6. *And be it enacted*, That as soon as the requirements of the fourth section of this act shall have been complied with, the corporators named herein shall call a meeting of the stockholders by giving one week's notice thereof in two of the newspapers published in the county of Middlesex, and said stockholders shall elect by ballot at such meeting, or at any subsequent meeting, seven 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 are chosen in their places; each share shall entitle a stockholder to one vote, and the election shall be held by such person who shall attend either in person or by proxy; in case it should at any time happen that an election should not be made at the time 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; any four of the directors of said corporation shall form a quorum for the transaction of all the business of said corporation.

Failure to elect directors corporation not to be dissolved.

First directors.

7. *And be it enacted*, That the corporators in the first section named shall be the first directors of said company until others are chosen in their stead.

Directors may collect subscriptions by suit.

8. *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 cor-

poration 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 time of default in the payment thereof, or if payment shall not be made by any stockholder or stockholders within sixty days after notice requiring such payment shall have been served upon the person, or left at his or her usual place of abode in this state, the board of directors may declare the share or shares of stock so subscribed for by such stockholder or stockholders forfeited, and the same shall thereby be forfeited, together with all the previous payments thereon.

Stock may be forfeited for non-payment, etc.

9. *And be it enacted*, That the principal office of said corporation shall be in the city of New Brunswick, and they may have other offices in this state, or in the state of Pennsylvania, New York, or in any of what are called the New England States.

Principal office.

10. *And be it enacted*, That the directors of this corporation may appoint one of their number to be president, and such other agents and officers as they may deem proper for the management of their affairs; and make and establish all needful by-laws, rules, and regulations for the conduct of their affairs; *provided*, they do not interfere with the constitution or laws of this state, or of the United States.

Directors may appoint officers and make by-laws.

Proviso.

11. *And be it enacted*, That said corporation shall keep a book showing the names of the stockholders, their residence, the number of their shares held by each, and such other books as they may deem necessary to show their business.

Book of names of stockholders to be kept.

General powers.

12. *And be it enacted*, That said corporation shall possess the general powers, and be subject to the restrictions and liabilities contained in the "Act concerning corporations," approved February fourteenth, one thousand eight hundred and forty-six, so far as the same are applicable; and that this shall be deemed and taken as a public act, but shall be subject to the provisions of "An Act to increase the revenue of the state," approved March sixth, one thousand eight hundred and fifty eight.

Approved April 9, 1875.

CHAPTER CCCCXXII.

An Act to incorporate the Central New Jersey Yacht Club, of Elizabeth.

Corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Peter Bonnett, James E. Baremore, Francis H. Myers, Sidney Stewart, George Baremore and Edward P. Miller, and such other persons as are now or may be hereafter associated with them, be and the same are hereby constituted a body politic, in fact and in law, by the name of "The Central New Jersey Yacht Club," and by that name, they and their successors shall have perpetual succession, and be capable of suing and being sued, pleading and being impleaded, answering and be-answered unto, defending and being defended, in all courts and whatsoever places, and may have a common seal, and change and altar the same at pleasure, and that they and their successors, by the said name, shall be capable in law to hold any estate, real or personal, either by devise, purchase, donation or otherwise, to the use of them and their successors, and to lease, sell and convey, or otherwi e dispose of the same, as to them shall seem most advantageous for promoting the purposes of their incorporation.

Corporate name and powers.

Objects.

2. *And be it enacted*, That the object of this incorporation shall be the building, purchasing and sailing of yachts, the encouragement of yacht building, and the cultivation and advancement of naval architecture, construction and science.

Estate and funds how appropriated.

3. *And be it enacted*, That the estate and funds of said incorporation, after paying all proper charges and expenses, shall be exclusively devoted to the objects aforesaid, except so far as they may deem it necessary to apply their funds to the purpose of holding and purchasing of any real estate, and erecting any buildings thereon, for the benefit and accommodation of the members of said corporation, or the purchase, leasing or construction of any wharf, dock, or

May purchase real estate and lease or construct wharf, dock, etc.

pier, as may be deemed necessary to carry out the objects of this incorporation; *provided* that nothing in this act shall affect the rights of the state, to the lands lying under water; and the compensation for said lands shall be fixed by the riparian commissioners and shall be paid or secured to the state to the satisfaction of the governor on or before the first day of January next, and in default thereof then this act and all the provisions thereof shall thereupon cease and be of no force or effect. Proviso.

4. *And be it enacted*, That the capital stock of the said corporation shall be ten thousand dollars, divided into shares of twenty-five dollars each, which shares shall be transferable only on the books of said corporation. Capital stock.

5. *And be it enacted*, That the said corporation shall have power from time to to time, to make and establish such constitution, by-laws, rules and regulations as they shall judge proper, for the election of officers, for prescribing their respective functions, and the mode of dischaging the same; for the admission of members, the suspension and expulsion of the same; for the government of the officers and members thereof, for imposing and collecting admission fees, fines and contributions from the members, for regulating the time and place of meetings, which constitution and by-laws shall not be repugnant to the constitution and by-laws of the United States, or of this state, and which they may, from time to time, alter and repeal. Power to make and establish constitution, by-laws, etc.

6. *And be it enacted*, That the said corporation shall be located at Elizabeth, or some convenient point in the county of Union, and that the persons named in the first section shall be the first directors of said corporation, and shall continue in office until the first Thursday in April, one thousand eight hundred and seventy-six. Where located. First directors.

7. *And be it enacted*, That the officers of said corporation shall be chosen annually, at such time and place as their by-laws may direct, that all elections shall be by ballot, and that each member shall be entitled to one vote for each share of stock held by him; and if at any time for any cause it shall happen that no election shall be held or made at the time herein appointed, the officers for the time being, shall continue in office until an election be regularly held, according to the requirements of the by-laws in that behalf, or of this act, and that in any elec- Officers to be chosen annually. Failure to hold election officers to hold over.

tion of officers the persons having or receiving the greatest number of votes shall be officers, and shall continue in office until their successors be elected.

Act how construed.

8. *And be it enacted*, That this act shall be favorably construed in all courts and places for the purposes thereby intended, and no misnomer of the said corporation, in any deed, grant, gift, devise, bequest, contract or conveyance shall defeat or invalidate the same, if the corporation be sufficiently described to show or ascertain the intention of the parties.

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

Approved April 9, 1875.

CHAPTER CCCCXXIII.

Supplement to an act entitled "An act for the relief of the Tubular Transit Company of Staten Island," approved March nineteenth, one thousand eight hundred and seventy-four.

Preamble.

WHEREAS, through inadvertence, the state assessment on the act to which this is a supplement, was not paid within the time required by the act entitled "An act to increase the revenue of the state of New Jersey," approved March sixth, eighteen hundred and fifty-eight, and the supplement thereto, approved March eighteenth, eighteen hundred and fifty-nine, by which inadvertence and non-pay-payment of said state assessment, the said act has been declared inoperative and void; *and whereas*, it is desirable that said act should be revived, therefore—

Act declared revived.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled an "An act for the relief of the Tubular Transit Company of Staten Island," approved March nineteenth, eighteen hundred and

seventy-four, be and the same is hereby revived and shall stand in full force and effect, the same as if the said state assessment required to be paid by act entitled "An act to increase the revenue of the state of New Jersey," and the supplement thereto, had been paid within the time prescribed by law and the time for the fulfillment of the conditions of said act extended for one year; *provided*, that the state assessment on the said original act of relief and also on this supplementary act be paid before the first day of July next ensuing the passage of this supplement. Proviso.

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

Approved April 9, 1875.

CHAPTER CCCCXXIV.

A supplement to an act entitled "An act to incorporate the Trenton Horse Railroad Company," approved March ninth, eighteen hundred and fifty-nine.

BE IT ENACTED *by the Senate and General Assemby of the State of New Jersey*, That the eleventh section of said act be so amended that it shall be lawful for the said company to demand and receive, not to exceed six cents, for carrying any person from any one point to another on said road; *provided*, that said company, and they are hereby required, to run their cars the extreme length of their railroad at least two cars each hour at regular intervals, to and from the railroad depot to the terminus of the road at Propect street, during the day and evening from seven o'clock A. M. to nine o'clock P. M. (Sundays excepted), and that a failure to comply with this proviso shall work a repeal of this supplement upon the fact being proved before any magistrate in the city of Trenton. Eleventh section of act amended. Proviso.

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

Approved April 9, 1875.

CHAPTER CCCCXXV.

An Act supplementary to the act to incorporate the Essex county Printing and Publishing Company.

Amount of capital stock, etc.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the capital stock of said company may be any sum not less than ten nor more than fifty thousand dollars, and that the organization of said company, and its right to commence business shall be held complete on the bona fide subscription of its capital stock and payment of at least one-half thereof, anything in the act incorporating said company to the contrary notwithstanding.

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

Approved April 9, 1875.

CHAPTER CCCCXXXV.

An act to confirm the title to land sold by Stephen H. Ward, as attorney in fact, for Jasper N. Ball and Caroline W., his wife, to David S. Bower and others.

Preamble.

WHEREAS, Jasper N. Ball and Caroline W., his wife, then missionaries to Caesaria, in Asia Minor, did on the twenty-third day of May, Anno Domini eighteen hundred and fifty-five, execute and deliver to Stephen H. Ward certain letters of attorney, bearing date the day and year aforesaid, empowering said Stephen H. Ward to sell, grant and convey all their lands, tenements and heredita-

ments, wherever situate, to such person or persons, for such consideration and on such terms and conditions as he should see fit, and to make, seal, deliver and acknowledge all such deeds, conveyances, contracts and agreements respecting the same as he should see fit; and by virtue of said letters of attorney, said Stephen H. Ward did afterwards execute a deed of partition, dividing or intending to divive certain lands in the township of Chatham, county of Morris, of which Matthias Ward died seized, between all the devisees named in the last will and testament of said Matthias Ward, deceased, in which lands the said Caroline W. Ball had an interest as devisee; and whereas, afterwards, to wit, on the twenty-sixth day of January, Anno Domini eighteen hundred and fifty-six, by deed dated on that day, said Stephen H. Ward, as such attorney in fact, did sell and convey to David S. Bower a portion of the lands set off in said partition to said Caroline W. Ball, containing seventy-eight hundredths of an acre of land, and afterwards said Stephen H. Ward, as such attorney in fact, did convey the remaining portions of the share so set off to said Caroline W. Ball, as aforesaid, to Charles D. Laughlin and Henry P. Day; and whereas, it has been alleged that the title to said land so divided by said deed of partition, and so conveyed to satd David S. Bower and Henry P. Day and Charles D. Laughlin, is defective because of said Caroline W. Ball being a married woman at the time of the execution of said letters of attorney; and whereas, also the said Caroline W. Ball and Jasper N. Ball, her husband, are now deceased, for remedy whereof and to confirm the title of said David S. Bower and his heirs and assigns to the lands so conveyed to him, as aforesaid, and to confirm the title of said Henry P. Day and Charles D. Laughlin and their respective heirs and assigns, to the lands so conveyed to them respectively, as aforesaid, and to confirm the title of Laura Bower, wife of said David S. Bower, Philip C. Ward, Stephen H. Ward and Juliet Ward, and their heirs and assigns, to the lands so set off to them respectively, as devisees of said Matthias Ward, deceased; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said deed of parti- Deeds declared valid.

tion so made by said devisees, under the last will and testament of said Matthias Ward deceased, so far as the execution thereof by said Stephen H. Ward, as attorney in fact, for said Caroline W. Ball and Jasper N. Ball, her husband, and the said deed of conveyance so made by said Stephen H. Ward, as attorney in fact, for said Caroline W. Ball and Jasper N. Ball, her husband, to said David S. Bower and Charles D Laughlin and Henry P. Day, be and the same are hereby declared valid and effectual in law, and to convey and vest in the said Philip C. Ward, Stephen H. Ward, Juliet Ward and Laura Bower, and their respective heirs and assigns, and such person or persons as have since purchased from said devisees, or now claim to hold under them or their heirs or assigns, and to the said David S. Bower, Henry P. Day and Charles D. Laughlin, or such person or persons as now claim to hold under conveyance from them or either of them, or the assigns of them, or either of them, and to their and each of their heirs and assigns, all the estate of the said Caroline W. Ball and Jasper N. Ball, her husband, in and to the said lands respectively, at the time of said sales, and the execution of said deeds, respectively, by the said Stephen H. Ward, as attorney in fact for the said Caroline W. Ball and Jasper N. Ball, her husband, as fully as such estate would be conveyed and vested, had said Caroline W. Ball been feme sole at the time of the execution of said letters of attorney.

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

Approved April 9, 1875.

CHAPTER CCCCXXXVI.

An Act to incorporate The Dairymen's Co-operative Association.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Horace B. Lippincott, William Warrick, Edward Burroughs, Joseph C. Hollinshead, George L. Gillingham, Mark H. Buzby, William R. Wills, Caleb Baldwin, Joshua Ashbridge, William H. Crawford, James Brooks, Amos W. House, Caleb Mindle, Thomas S. Downing, Chalkley Haney, EllisM arshall, Marshall B. Hickman, Isaac S. Cochran, Joseph C. Turner, Henry Townsend, Wellington Hickman, W. B. Roberts, their associatess and successors, be and they are hereby created and declared to be a body politic and corporate in law by the name of "The Dairymen's Co-operative Association," and as such shall have perpetual succession and all the privileges and franchises belonging or incident to a corporation. Names of corporators. Corporate name

2. *And be it enacted*, That the capital stock of said company shall be two hundred thousand dollars, divided into twenty thousand shares of ten dollars each, which capital stock shall be personal property and be transferable on the books of the company. Amount of capital stock.

3. *And be it enacted*, That the above named corporators, or a majority of them, shall be commissioners to receive subscriptions to the capital stock of said company, at such time and place and upon such notice as they may direct; and at the time of subscribing for said stock, such amount on each share subscribed for shall be paid, satisfied or satisfactorily secured to said commissioners as they or a majority of them shall direct, and the residue of the subscription shall be paid, satisfied, or secured as the directors of said company when elected may determine, in such installments, at such times and places, on such notice and in such manner as said directors shall from time to time direct; and upon Commissioners to receive subscriptions to capital stock.

Failure to pay installments stock may be forfeited.

the failure of any person or persons to pay, satisfy or secure the payment of such installment or installments or any of them as aforesaid, the directors shall be empowered to forfeit the share or shares of each and every person so failing or any of them, to and for the use and benefit of said company; and any share or shares of stock forfeited as aforesaid may be held by the said company or any person or persons for its benefit, and may at any time be sold or disposed of for the benefit of the company as said directors may determine, or may be divided proportionately among the remaining stockholders, to be by them held and enjoyed or sold and transferred with all the rights and benefits incident thereto, the same in all respects as if they were original shares by them subscribed.

First election of directors.

4. *And be it enacted*, That whenever ten thousand dollars of the capital stock aforesaid shall have been subscribed, said commissioners or a majority of them shall, as soon as they deem expedient, give notice in such manner as they may determine, of a meeting of the stockholders, at such time and place in the state of New Jersey as said commissioners may designate, to choose not less than three nor more than nine directors, who shall hold their offices for one year and until others are duly elected, and at such meeting of stockholders convened as aforesaid, said stockholders shall prescribe the time and place for holding the annual elections and the number of directors of said company, which time, place and number of directors shall not be changed except at an annual election of said company; and the directors chosen at such meeting or at the annual election of said company, shall as soon as may be after their election, choose from their number a president of said company, who shall hold his office for one year and until his successor is duly appointed; and in case of the death, resignation or other incapacity of the president or any director, the vacancy thereby created in the board of directors may be filled by the remaining directors for the remainder of the then current year.

Vacancies how filled.

Who entitled to vote.

5. *And be it enacted*, That at all elections by stockholders for officers of said company, and at all meetings of stockholders, and upon all questions submitted to them, each stockholder shall cast one vote for each and every share of stock then standing upon the books of said company in his

or her name, which vote may be cast either by said stockholder in person or by proxy.

Board of directors may appoint officers, etc.

6. *And be it enacted*, That the board of directors of said company shall have power to make and adopt a common seal for said corporation, to appoint a treasurer, secretary and such other officers, agents, clerks, servants and employees of said company as they may deem necessary, and to prescribe and regulate their duties, salaries and compensation; to prescribe the form of and to issue or authorize to be issued, such promissory notes, bills of exchange, and business paper of said company, as they may determine; to borrow such sum or sums of money from time to time as they may deem advisable for the purposes of said company, and to pledge the property and credit of said company for the payment thereof, or to issue the promissory notes or bonds of said company therefor, and to secure the payment of said promissory notes or bonds either by mortgage or mortgages on the real or personal property of said company, wheresoever situate, or in such other way as said directers may see fit; to make such by-laws, rules and regulations, for the issue and transfer of the stock and for the government of said company, its officers, clerks, agents, servants and employees, as said directors may determine; and generally to direct, conduct, control and manage the business and affairs of said company, in such manner consistently with the provisions of this act as they may think proper.

May issue notes, etc., and borrow money.

Authorized to engage in the general dairy business.

7. *And be it enacted*, That said company shall be and they are hereby authorized to engage in the general dairy business and the purchase and sale of milk or cream, and in the manufacture and sale of any and every product thereof, and to purchase, sell, mortgage, hold, use, lease, occupy, possess, and enjoy, such real or personal property in this or any other state or territory, as may be necessary or needful for the proper management and conduct of said business; and to erect and build such houses, buildings, structures, workshops, engines and machinery as said company may require for the transaction of its business.

Annual statement of affairs to be submitted to stockholders.

8. *And be it enacted*, That the directors of said company shall submit to the stockholders thereof, at their annual meeting, a statement in writing of the condition and affairs of said company, and said directors shall divide the

net profit of the business of said company, or so much thereof as said directors may see fit, among the stockholders in proportion to the amount of stock held by them respectively, at such times and in such manner as said directors shall determine.

General powers

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

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

Approved April 9, 1875.

CHAPTER CCCCXXXVII.

An Act to incorporate the Fruit Growers' Trade Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John H. Brakeley, E. Wallace Crane, Nathan R. French, Andrew J. Rider, Elisha S. Merriman, John G. W. Havens and Nathaniel H. Bishop, and such persons as may be hereafter associated with them, shall be and they are hereby constituted a body politic and corporate, in fact and in law, by the name of the "Fruit Growers' Trade Company," for the purpose of carrying on a foreign and domestic trade in cranberries and other fruits, and for the transaction of such business as may be connected therewith; the principal object of the company being to inaugurate and conduct a foreign trade in cranberries; and for such purposes they may purchase, receive, hold and enjoy such real and personal property as may be necessary or useful in carrying on said business, or as may accrue to them in the course thereof; and may sell, mortgage, lease, or otherwise dispose of the same; the principal

Corporate name and powers.

office to be located at Trenton, in this state, with power to establish branches or agencies at such place or places as may seem advantageous; and, by the name above mentioned, to sue and be sued, to plead and to be impleaded, in all courts of justice; and to have and to use a common seal, and to alter and change the same at pleasure.

Amount of capital stock.

2. *And be it enacted*, That said company may raise, by subscription or otherwise, a capital stock of ten thousand dollars, with power to increase the same to one hundred thousand dollars, which shall be divided into shares of twenty-five dollars each; and that they may commence business as soon as practicable after one-half the above amount of ten thousand dollars shall have been subscribed and ten per cent. thereof paid in.

Affairs to be managed by board of directors.

3. *And be it enacted*, That the general management of this company shall be vested in a board of directors consisting of seven members, all of whom shall be stockholders, and one of whom shall be president, and a majority of whom shall constitute a quorum. At the first meeting of this company four directors shall be elected for two years, and three for one year, and ever after, at the annual meetings of the company, directors shall be elected to take the places of those whose term of office then expires; and that until an election for directors shall be held, the persons named in the first section of this act shall be directors; and in case a vacancy shall occur in the board of directors by death, resignation, or a failure of the stockholders to elect the full number authorized by this act, the remaining directors for the time being, or a majority of them, shall have power to fill such vacancy by the appointment of any stockholder.

Election of directors.

Failure to elect directors corporation not to be dissolved.

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

May make by-laws, etc.

5. *And be it enacted*, That the board of directors for the time being, or a majority of them, shall have power to make and prescribe such by-laws, rules and regulations, as to them

shall appear needful and proper for the management of the company; *provided*, that such by-laws, rules and regulations shall not be repugnant to the constitution or laws of the United States, or the state of New Jersey.

Proviso.

How dissolved.

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

Proviso.

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

Approved April 9, 1875.

CHAPTER CCCCXXXVIII.

An Act to incorporate "The New Jersey Agricultural Insurance Company."

Names of corporators.

1. Be it enacted *by the Senate and General Assembly of the State of New Jersey*, That Andrew K. Hay, Jonathan Ingham, A. W. Markley, Thomas H. Dudley, Samuel Hopkins, Robert Cook, William Moore, Henry Fredericks, John H. Lippincott, Wm .S. Taylor, James B. Dayton, Isaac W. Nicholson, William R. Lippincott, Thomas H. Whitney, and Nathan Lippincott, and their associates and successors, 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 New Jersey Agricultural Insurance Company," to be located in the city of Camden, in the state of New Jersey, and by that name they and

Corporate name

their successors shall and may have perpetual succession, and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto in all courts of justice; and they and their successors may have a common seal, and may alter and renew the same at pleasure.

Amount of capital stock

2. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, with the privilege of increasing the same to any sum not exceeding to three hundred thousand dollars, divided into shares of fifty dollars each.

Commissioners to open books and receive subscriptions to capital stock.

3. *And be it enacted*, That the corporators, or a majority of them, named in the first section of this act, shall be commissioners to open the books for subscriptions to the capital stock of said company, and they shall give ten days' previous notice in a newspaper printed and published in the city of Camden, of the time and place of the opening of said books, which books shall be kept open during the pleasure of said commissioners, or a majority of them.

Election of board of directors.

4. *And be it enacted*, That when one hundred thousand dollars of said capital stock shall have been subscribed, and paid in, the subscribers to said capital stock, upon ten days' previous notice in a newspaper published in the city of Camden, given by said commissioners, shall proceed to the election of a board of directors, composed of fifteen persons, a majority of whom shall be residents in this state, and all of whom at the time of their election, and during their continuance in office, shall be stockholders in the said company in their own right; and thereupon said company may commence operations as authorized by this act; and the stock, property, concerns and affairs of said company shall be managed by the said board of directors and their successors.

Directors to divide themselves into classes.

5. *And be it enacted*, That the directors first chosen shall divide themselves into three classes of five members each, one class of whom shall serve as directors for one year, one class for two years, and one class for three years, severally computed from the second Monday in January, one thousand eight hundred and seventy-six; on the second Monday in January in each and every year thereafter, at such hour of the day and at such place in the city of Camden as the board of directors for the time being shall appoint and designate, by ten days' previous notice in a news-

paper published in said city, five directors of said company shall be elected by ballot, and by a plurality of the votes of the stockholders, each stockholder being entitled to one vote for each share of stock standing in his or her own name on the books of the company.

Power of board of directors to make rules, by-laws, etc.

6. *And be it enacted*, That a majority of the said board of directors shall be a quorum for the transaction of business; and said board shall have power to make and prescribe such by-laws, rules and regulations, as to them shall seem proper for the management and disposition of the property, estate and affairs of the said corporation, and for all such matters as pertain to the business thereof; the said board shall elect one of their number to be president of said company, who shall hold office until the next annual meeting, and until his successor shall be chosen; the said board shall also have power to appoint a secretary, a treasurer, and such other officers, clerks and agents, as to said board it may seem advisable for carrying on the business and affairs of the said company, and shall have power to fix the compensation of any and all officers so elected or appointed; any vacancy in the office of president or directors may be filled for the unexpired term by a majority of the directors, at a meeting to be called as the by-laws may provide, and in the absence of the president, a president pro tempore may be appointed by the directors.

Stock deemed personal property and how transferred.

7. *And be it enacted*, That the stock of said company shall be deemed personal property, and as such assigned and transferred on the books of the company according to such rules as the directors may prescribe.

May make insurances.

8. *And it be enacted*, That it shall and may be lawful for the said company to make insurance on dwelling houses, stores, mills, and all kinds of buildings, and upon household furniture, and personal property of all kinds, against loss or damage by fire or by lightning, and to effect re-insurance of such risks when deemed advisable; all such insurance shall be upon such rates and conditions as shall be contained and stated in the policy of insurance; all policies of insurance or contracts founded thereon shall be subscribed by the president, or president pro tempore, or by such other officer as may be designated for that purpose by the by-laws of said company, and shall be attested by the secretary, and when so subscribed and attested, the said policies shall be binding

All policies or contracts binding upon company.

upon the said company, in the manner as if under the seal of the said company; and there shall be distinctly and legibly written or printed upon the face of every policy of insurance made by the said company, the amount of its capital actually paid in; all such policies and contracts may be made, subscribed, attested, and executed, and the business of said company may be conducted and carried on by a committee, if so directed, without the presence of the board of directors, and the same in such case shall be equally binding and obligatory upon said company.

May invest capital or funds upon bonds and mortgages, stocks and bonds, etc.

9. *And be it enacted*, That it shall be lawful for the said company to invest its capital or funds accumulated in the course of its business, or any part thereof, in the purchase of, or loans upon bonds and mortgages on unencumbered real estate, within the state of New Jersey, worth double the amount of money loaned thereon, exclusive of buildings, unless such buildings are insured, and the policy transferred to said company; and also in the stocks and bonds of this state, or the stocks and bonds of the United States, and also in the bonds of any county or incorporated city in this state authorized to be issued by the legislature, and to change and re-invest the same as occasion may from time to time require.

May purchase and hold real estate, etc.

10. *And be it enacted*, That it shall be lawful for the said company to purchase and hold such and so much real estate as shall or may be necessary for its convenient accommodation, or the transaction of its business, or such as shall have been mortgaged to it in good faith, or to secure the payment of any debts previously contracted with the said company, and to redeem the money so pledged or secured either at law or in equity, and also to purchase on sales made under a judgment at law, or decree in equity or any other legal proceedings or otherwise, and also receive and take any real estate in payment or towards the satisfaction of any debts previously contracted with and due to the said company; all such real estate as may be acquired as aforesaid, and which shall not be necessary for the accommodation of the company in the transaction of its business, shall be held and enjoyed by the said company until it can be conveniently sold or converted into money, or other personal estate.

Dividends.

11. *And be it enacted*, That it shall be lawful for the board of directors of said company to make dividends of so much of the profits of the company as shall be deemed advisable, and the said dividends shall be paid to the stockholders or to their legal representatives.

Holders of policies of insurance may share in profits of company

12. *And be it enacted*, That the holders of policies of insurance issued by said company, may at any time by the vote of the holders of two-thirds of the capital stock of said company, be admitted to share in the profits of the said company in such a manner and to such extent as may be provided by the board of directors.

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

Approved April 9, 1875.

CHAPTER CCCCXXXIX.

An act to incorporate the Jersey City Savings Bank of Jersey City.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John R. McPherson, William J. Lyon, Isaac Freese, Jr., Clarence W. Duncan, James M. Waller, Jacob R. Freese, Alexnader M. Lesley, James H. Livingston, Malcolm Snowden, and their successors, shall be and are hereby constituted a body corporate and politic, by the name of "The Jersey City Savings Bank," 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 or chattels or personal estate which shall be necessary for the purposes herein mentioned, and of selling, leasing or otherwise disposing of said real and personal estate, or any part, at their will and pleasure; *provided always*, that the clear annual value of such real and personal estate, exclusive of the profits that may arise from any investments in which

Corporate name and powers.

Proviso.

the deposits may be made, shall not exceed the sum of one hundred thousand dollars.

Affairs to be conducted by managers.

2. *And be it enacted*, That the said institution shall be conducted by five managers elected by ballot from among the number of the above named incorporators, which election shall be held in the city of Jersey City on the first day of May in the present year, at such hour and place as may be designated by advertisement, and at which election a majority of the votes cast by the incorporators present and voting shall determine the choice of managers; of the managers so elected three shall be a quorum to transact business; and the seat of any manager who shall have neglected to attend for four consecutive meetings may be vacated by the board; the managers shall meet annually on the first Monday in January and choose one of their number as president; they shall have power to appoint a secretary, treasurer and such other officers as to them shall appear necessary for conducting the business of the institution; which officers, so chosen and appointed, shall continue in office one year, or until others are appointed, and all officers so chosen shall be under oath for the faithful performance of the duties of their offices respectively, and shall give security, if required, for the faithful execution of the duties of their office in such sum or sums and such securities as may be directed by the board of managers; such of the above named incorporators as may not be chosen as managers shall be regarded as advisory members of the board of managers without pecuniary responsibility for any act done by the board, and without the power to vote at any meeting of the board.

Annual meeting of managers.

May make, ordain and establish by-laws, etc

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

Proviso.

May receive money on deposit and invest the same.

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

Managers to regulate rate of interest.

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

Proviso.

Who to receive compensation.

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

Institution not to issue notes or bills, etc.

May invest money in public stocks and bonds, etc.

7. *And be it enacted*, That the said institution may invest the money left with them on deposit, in no other way than in public stocks or bonds such as are created or issued by the United States, and by the several states, and by the several counties and cities in this state, under the laws thereof, nor upon bond and mortgage, except on unencumbered real estate, worth at least double the amount invested:

provided, said institution may make temporary loans upon personal securities, with pledges of collateral securities worth at least twenty per centum more than the amount loaned, but the amount thus loaned on personal security, shall not at any time exceed twenty per centum of the whole amount of the assets and securities of the said institution. Proviso.

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 the common seal. Certificate of deposit binding

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

10. *And be it enacted*, That the said institution shall not be required to receive on deposit a less sum than twenty-five cents, nor to allow interest on a deposit until it amounts to one dollar, nor to allow any interest on the fractional part of a dollar, nor shall the institution be required to allow interest on the fractional part of a month. Interest when not allowed.

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

12. *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 mana- Annual report to be made.

gers, or three or more of their number, of the state of its funds, and such statement shall be published in one or more of the newspapers published in the City of Jersey City.

Vacancies how filled.

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

Office or place of business.

14. *And be it enacted*, That the office or place of business of the said institution shall be in the city of Jersey City, and the books of the institution shall at 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.

Act how construed.

15. *And be it enacted*, That this act shall be and hereby is declared to be 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 instruments of contract of conveyance, shall vitiate or defeat the same; Proviso. *provided*, the institution shall be sufficiently described, so Proviso. as to ascertain the intention of the parties; *and provided, also*, that the legislature may at any time hereafter amend or modify this act.

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

Approved April 9, 1875.

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