Cat

CHARTERS OF AND ACTS

RELATING TO

JERSEY CITY,

AND

THE ORDINANCES THEREOF;

TOGETHER WITH

SOME STATISTICAL INFORMATION,

&c.

Jersey City:

SOUTHARD & POST, PRINTERS.

1844.

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EXTRACT FROM THE MINUTES OF THE COMMON COUNCIL,

JULY 15, 1842.

Resolved, That the Committee on Laws be instructed to procure such legal assistance as they may deem necessary to enable them to report to the Common Council revised copies of the laws of this corporation.

A true copy from the minutes,

H. D. HOLT, Clerk.

REFERENCE TO CHARTERS, ACTS,

&c.

	PAGE.
Charter to Town and Freeholders of Bergen,	8
Act to incorporate the Associates of the Jersey Company,	14
Act to incorporate the city of Jersey, passed January 28, 1820,	21
Act to incorporate the city of Jersey, and to repeal the former act, passed January 23, 1829,	24
A Supplement to the act to incorporate the city of Jersey, passed January 23, 1829; Supplement passed March 8, 1836,	31
Act to incorporate Jersey City, passed February 22, 1838,	33
A Supplement to the act to incorporate Jersey City, passed March 8, 1839,	49
A Supplement to the act to incorporate Jersey City, passed February 22, 1838; Supplement passed March 11, 1841,	53
Act to ratify and confirm an agreement respecting the territorial limits and jurisdiction between New-York and New-Jersey,	53
Decision of the Supreme Court of the United States in relation to the land under water in New-Jersey,	57
Decision of the Supreme Court of New-Jersey in relation to land dedicated to public use,	70
Act to prevent the importation of convicts into this state,	75
Act relative to alien passengers arriving in this state,	77
Act relative to vagrants,	78
Act to register births and deaths when required,	80
Act to regulate the selling of grain,	82
Act to regulate the standard of weights,	82

ORDINANCES.

ADDENDA.

Page 20, Chapter V., add,	-	Passed June 1, 1838.
" 22, " VIII. "	-	Passed July 28, 1843.
" 24, " XI. "	-	Passed June 29, 1838.
" 69, " XXXIX.	-	Passed August 7, 1842.
" 71, " XL. "	-	Passed January 26, 1844.
" 71, " XLI. "	-	Passed January 26, 1844.

NAMES

OF

THE PRESIDENTS OF THE BOARDS OF SELECTMEN,

AND

MAYORS OF JERSEY CITY:

Also, of the Clerks of the said Boards, from 1820 *to the present time.*

Presidents of Board of Selectmen.	*Clerks.*
1820, Joseph Lyon,	Joseph Kissam,
1821, do.	Philip R. Earle,
1822, do.	do.
1824, William Lyon,	do.
1825, Joseph Kissam,	Aa. Ogden Dayton,
1826, George Dummer,	Robert Gilchrist,
1827, do.	do.
1828, do.	do.
1829, do.	Peter McMartin,
1830, do.	do.
1831, David C. Colden,	do.
1832, do.	do.
1833, William Glaze,	Peter Bentley,
1834, John F. Ellis,	Edmund D. Barry, jr.
1835, Robert Gilchrist,	William W. Munso,
1836, William Glaze,	Henry D. Holt,
1837, do.	do.

Mayors of Jersey City.	*Clerks.*
1838, Dudley S. Gregory,	Henry D. Holt,
1839, do.	Thomas W. James,
1840, Peter McMartin,	Henry D. Holt,
1841, Dudley S. Gregory,	do.
1842, Thomas A. Alexander,	do.
1843, Peter Bentley,	do.

COMMON COUNCIL OF JERSEY CITY, 1843.

Peter Bentley, Esq., *Mayor.*

Aldermen.

Dudley S. Gregory,	Abraham Van Santvoord,
William Glaze,	Joseph W. Morgan,
Job Male,	Erastus Randall,
Henry J. Taylor,	Luke Hemenway,
James Flemming,	Francis Paulmier.

Officers of the Corporation.

Henry D. Holt, Clerk of the Common Council.
Lewis D. Hardenbergh, Attorney.
John F. Ellis, Treasurer.
William Abrahart, Superintendant of Streets.
Jabez Wakeman, City Assessor.
Thomas J. Marinus, City Collector.
Nathaniel F. Ellis, City Marshal.
Edgar F. Olcott, City Physician.
Nathaniel F. Ellis, Keeper of the City Prison.
Timothy L. Smith, Chief Engineer.

RULES OF THE COMMON COUNCIL.

Adopted May 1, 1840.

RULE 1.—At the hour appointed for meeting, the members present shall be called to order by the Mayor, or in his absence by the Clerk, who shall immediately proceed to call the roll and note the absentees.

RULE 2.—In the absence of the Mayor, one of the Aldermen shall be appointed pro tem., and Council shall proceed to business as soon as a quorum shall be present.

RULE 3.—The order of business shall be as follows:

First, Reading of the minutes of the preceding meeting.

Second, Presentation of petitions and communications.

Third, Business required by the proceedings of the last meeting, and reports of Special Committees.

Fourth, Reports of Standing Committees.

Fifth, Report from the Treasurer.

Sixth, Report from the Mayor.

Seventh, Report from any officer of Council.

Eighth, Any new business from members of Council.

RULE 4.—Every member, while speaking, shall address the Chair, standing in his place.

RULE 5.—Any member may call for the division of a question.

RULE 6.—Motions upon the subject under consideration, shall have precedence in the following order: *First,* to lay on the table—*Second,* to postpone—*Third,* to commit—*Fourth,* to amend.

RULE 7.—Any member having voted with the majority, may move for the reconsideration of any question, but no motion for reconsideration shall be taken a second time on the same question.

RULE 8.—All motions or resolutions shall be reduced to writing, if required by the Mayor or a member, and when seconded and stated from the Chair, shall be open for consideration, and no motion or resolution can be withdrawn by the mover after it shall have been amended or decided.

RULE 9.—A motion to adjourn shall always be in order, except while a member be speaking, and shall be decided without debate.

RULE 10.—Every member being present when a question is put, shall vote for or against the same, unless he be excused by a vote of the Common Council. The ayes and noes may be called for by any two members, in which case the names of the members voting shall be recorded on the minutes.

RULE 11.—All decisions of order by the Chair, shall be immediately submitted to, unless appealed from to the Common Council, and all questions of appeal shall be taken without debate.

RULE 12.—All appointments to office by the Common Council

shall be made by ballot, and a majority of the members present shall be necessary for a choice.

RULE 13.—All committees shall be appointed by the Mayor, or in his absence, by the Chairman pro tem., unless otherwise ordered by the Common Council.

Regular meetings are held on the first and third Fridays in each month.

CHARTER TO THE TOWN AND FREEHOLDERS OF BERGEN.

Dated 22d day of September, A. D. 1668.

This Deede Witnesseth of Charter granted to the Towne and Freeholders of Bergen, and to the Vilages and Plantations thereunto belonging, cituated and being in the Province of New Cesarea or New-Jersey: By Honble. Capt. Philip Carteret Esqr. Governour of the said Province, and his Counsil under the Right Honble. John Lord Berkeley Barron of Stratton, and Sr. George Carteret Knt. and Baronet, the absolute Lords Proprietors of the same, Containing the Limitts and bounds of the Juridiction of the said Towne together with the immunities and Priviledges thereunto belonging and appertaining as followeth—

Imprms. The Bounds and Limitts of the aforesaid Towne and Corporation of Bergen is to begin at the North end thereof, from a place called Mordavis Meadow, lying upon the West side of Hudson's river, from thence to run upon a N. W. lyne by a Three rail fence that is now standing to a place called Espatin, and from thence to a little Creek surrounding N. N. W. till it comes into Hackinsack river, containing in Bredth from the top of the Hill 1½ miles or 120 chains, from thence it runs along the said Hackinsack river upon S. S. W. lyne till it comes to the Point or neck of Land that is over against Statten Island and Shooter's Island in Arthur Cull Bay, containing in length about 12 miles, from thence to run Eastward along the River called Kill Van Cull that parts Staten Island and the Maine to a point or neck of Land called Constable's Point, or Constable's houck, and from thence to run up Northward

all along the Bay up into Hudson's river till it comes to Mordavis Meadow aforesaid; So that the whole tract of upland and Meadow property belonging to the Juridiction of the said Town and Corporation of Bergen is bounded at The North end by a tract of Land belonging to Captn. Nicho. Verlett and Mr. Samuel Edsall. On the East side by Hudson's river, on the South end by the Kill Van Cull, that parts Staten Island and the Maine, and on the West side by Arthur Cull Bay and Hackinsack river, as it is more plainer demonstrated by a draught thereof, made by the Surveyor General, hereunto annexed: The whole, both of upland and Meadows, and Waist land, containing according to the Survey" 11520 Acres English measure: Which said Limitts and bounds, together with all the Rivers, Ponds, Creeks, Islands, Inlets, Bays, Fishing, Hawking, Hunting, and all other appurtenances whatsoever thereunto belonging and appertaining. The half part of Golde and Silver Mynes, and the Royaltie of the Lords Proprietors only Excepted, to continue and remain within the Juridiction, Corporation or Towniship of the said Towne of Bergen, from the day of the date hereof and forever: The said Corporation submitting themselves to the Authority of the Lords Proprietors and the Government of this Province. To be holden by them, the said Corporation or Towneship, their heirs and successors, as of the Manner of East Greenwich, in free and common Socage.

2dly. That all the Freeholders of the said Corporation or Towneship are hereby jointly and severally obliged to Pay or Cause to be paid to the said Lords Proprietors, their heires and Successors, or to their Receivers General, within the said Province, on every 25th day of March, according to the English Accompt, the sum of Fifteen Pounds Sterling, of good and Lawful money of England, or the Value thereof, in good and Current pay of the Country, as a Quit rent due to them for the whole said tract of Land above mentioned, in lieu of the ½d. Pr. acre, mentioned in the Concessions, which Payment is to begin on the 25th day of March, which shall be in the Year of our Lord 1670, and so to continue forever, without any charge to the said Lords Proprietors or their Agent; and that all Pattents for land herebefore Granted, or to be Granted within the said Limitts are to be accompted upon the aforesaid Rent of Fifteen Pounds Sterling pr. annum.

3dly. That all Freeholders living and Inhabiting, within the said Juridiction, Corporation or Towneship, wether within the said Towne of Bergen, Comunipaú, Ahassimus, Minkacque, Prenbrepock, or upon any other Plantation within the said Limitts shall be deemed and accompted for Freeman of the said Corporation or Towneship, and having taken the oath of Aleagance to the King, and Fidelity to the Lords Proprietors, are to have a Free Voice in Election, and to Enjoy All the Rights, Imunities, and Priviledges hereby Granted unto the said Corporation or Towneship.

4thly. That the Freeholders aforesaid, or the Major Part of them, are upon the Governor's Summons to make Choice of two Deputies to Join with the General Assembly for the making of Laws, and Carring on the Public Affairs of the whole Province.

5thly. That the Freeholders aforesaid, or the Major part of them have Power to chuse their owne Magistrates to be assistants to the President or Judge of the Court, and for the ordering of all Publig Affaires within the said Juridiction. Provided that one of the said Magistrates is to be chosen out of the Freeholders of Minkackque or Pembrepock. They have Power likewise to nominate their Justice or Justices of the Peace and their Military Officers, Provided that the Justices of the Peace and Military Officers are to be aproved of and commissioned by the Governer.

6thly. That the Freeholders aforesaid, or the Major Part of them, have Power to chuse their own Minister for the preaching of the Word of God, and the Administering His Holy Sacraments, and being so chosen, all Persons, as well the Freeholders as the Inhabitants, are to contribute according to their estates and proportions of Land for his maintenance or Lay out such a proportion of Land for the Minister, and the keeping of a Free School for the Education of Youth as they shall think fit, which land being once laid out is not to be alienated but to Remaine and continue forever from one incombant to another, Free from Paying of any hye Rent, or any other Rate or Taxes whatsoever, notwithstanding it shall and may be lawful for any perticular person or persones to keep and Maintain any other Minister at their own Proper Cost and Charges.

7thly. That in Religious Concerns and the Way of Wershipping of God there is Liberty of Conscience Granted to all Persons in Generall, as well to the Freeholders as to others that are or shall

be admitted Inhabitants within the said Corporation or Towneship, they taking or Subscribing the Oath of Aleagance to the King, and fidelity to the Lords Proprietors and their Successors, and that no Person whatsoever shall be Injured, Molested, or Troubled for his or her difference in opinion in matters of Religion. Provided that this Liberty Granted shall not extend to Licenciousness, or the Disturbance of others and the Publick Peace.

8thly. That the Freeholders aforesaid or the Major part of them have Power to admit of their own Inhabitants, and to divide all Proportions of Land as are within their Bounds and Limitts aforesaid, that are not already appropriated and Pattented by particular persons, before the day of the date hereof, According to their Allotments and Estates, as the Justices and Magistrates shall in their Wisdoms and Discretions think fit, which Lands being so divided, every man's proportion is to be surveyed, butted and bounded by the Surveyor, and the same to be recorded by the Secretarie and Recorder General of the Province, or by Eyther of them, which proportions and Allotments being so Surveyed and Recorded after two yeares In possession, shall not be subject to any Resurvey, nor Alterations of Bounds, but shall remain according to the first survey for ever. And for the better avoiding of all Frauds and Sutes at Law, all Mortgages, Transports, Sales and Leases for above the Terme of One Yeare, and all other contracts concerning Houses or Lands are to be recorded by the Secretary as aforesaid, for the Neglecting thereof all such contracts as aforesaid are to be void, and of no Effect in Law.

9thly. That all Lands and Meadows that are appropriated and pattented by particular persons before the day of ye date of these presents shall continue and remain unto them without any alteration, unless the Proprietors thereof will give their Consent to the Contrary.

10thly. That the Freeholders and Inhabitants of the said Corporation shall have a Free Trade allowed them, and that no Tax of Custome Excise or any Imposition whatever shall be imposed on them but such as shall be levied by the Governor and Councill and General Assembly, for the defraying of the Public Charges and the Maintainance of the Government. And that all Rates and Assessments relating to the said Corporation or Towneship shall be rated

and levied by their Justices and Magistrates or whom they shall appoint.

11thly. That in case of Invasion or Insurrection by the Indians or others, they are mutually, as well the Freeholders as all other Inhabitants, to Join with all other Townes and Plantations within the said Province for the defence and safety of the Same, but no Warr to be levied without the consent of the Governor, Councill and Generall Assembly.

12thly. That all Freeholders aforesaid, or the Major part of them, have power annually on every first day of January, or at any other set tyme as they shall appoint, to chuse one or more Constables for the Public Service, which said Constable or Constables are to be sworne in their office by the Justice of Peace according to the Oath prescribed.

13thly. That all the Freeholders and others, the Inhabitants aforesaid, are to submit themselves to the Laws and Government of the Province, and to swear or subscribe to the Oath of Aleagence to the King, and Fidelity to the Lords Proprietors. And in case they or any of them have a desire to remove and Transport themselves to any other place, they have liberty so to do, and to dispose of their Lands and Estates to their best Advantages.

14thly. That the said Corporation or Towneship have Power to Errect and Ordaine a Court of Judicature within their own Juridiction, and for the Limitts thereof for the Tryall of all causes Actionable between party and party, from whence there shall be no Appeal under the Sum of Five Pounds Sterling, and also for the Tryall of all criminall and causes of Misdemeanor, and to Inflict such Fines and Punishments as the Merit of the cause shall require, as by Imprisonment, Stocking, Piloring, Ducking, Branding, Wipping not Exceeding twenty stripes, and the like, Which Court is to consist of a President, who is to be a Justice of the Peace, and If the Magistrates, or any two of them at the least, a Clarke, and such other officers as they shall appoint, which said Magistrates and Clarke are to be sworne in their offices, and the Clarke to be approved of by the Secretary General of the Province, who is to keep an Exact Record of all actions that shall be brought in and tryed in the said Court, and to give an account thereof unto him when thereunto required by the Governour and his Councill. No Freeholder is to

be arrested or detained a Prisoner for debt until Judgement be passed and Execution granted, unless it can be made to appear that the party has an Intent to defraud his Creditors by running out of the Country. That all persons, as well Freeholders as other Inhabitants, in Case of Appeal, the Appellant shall give in security to prosecute his Appeal, or stand to the Judgement of the Court. All causes according to the Laws of England shall be tried by a Jury of six or twelve men, and whomsoever shall trouble and molest his neighbor, being of the same Corporation, by arresting of him and going to Law in another Juridiction, shall be liable to a Fyne according to the discretion of the Court. The Justice or Justices of the Peace being Commissioned and sworne in their office, have power to Administer the oath of Aleagance and Fidelitie, and all other Oaths that are required by the law, and to issue out in His Majestie's name, or in whose name or names It shall or may hereafter be appointed by the Lawes, their Warrants of Summons, and arrest within the limitts and Juridiction of the said Corporation or Towneship, directing the same to the Constable, Marshall, or what other Officer or Officers the said Corporation shall in their discretion think fit to appoint for that Service, who are to put the same in Execution accordingly, and also to Issue out their Warrants for the apprehending of all Malefactors and Runawayes, and to prosecute them by way of Hugh and Cry, and to do all such thing and things by their authority according to Law and Justice as may conduce to the Peace and well Government of the said Province, Corporation and Towneship. Provided that all Fynes are to be disposed of for Charitable or public uses. It is to be noted that whereas it is said in the Eight article that all Morgages, Transports, Sales and Leases of Land are to be recorded by the Secretary, they are first to be acknowledged before the Governor or a Justice of the Peace by the Granter, or by two good Sufficient Witnesses, Attested on the backside of the aforesaid deed, which is a Warrant for the Secretary to record the same.

In Confirmation of the premises, Wee the said Governor and the Councill have hereunto set our hands the 22nd day of Septembr. 1668, and the 20th year of the Reign of our Sovn. Lord, Charles the Second of England, Scotland, France and Ireland, King, De-

fender of the Faith, &c : and the Seale was placed by consent before signing.

" PH. CARTERETT,

ROBERT VANGUELLEN, NI. VARLETT, SAMUEL EDSALL, ROBERT BOND, WILLIAM PARDON, JAMES BOLLEN, Secretary and of the Council.

STATE OF NEW-JERSEY :

AN ACT TO INCORPORATE "THE ASSOCIATES OF THE JERSEY COMPANY."

Whereas it is represented to this Legislature, that RICHARD VARICK, JACOB RADCLIFF, and ANTHONY DEY, have become the proprietors, by purchase, from *Cornelius Van Vorst*, of all that certain tract or parcel of land and meadow, situate, lying and being in the township of Bergen, county of Bergen, and state of New-Jersey, commonly called Powles' Hook ; bounded on the East by Hudson's River ; on the North by said river, or the bay commonly called Horsimus Bay ; on the South by said river, or the bay commonly called Communipau Bay ; and on the West by a line drawn from a stake, standing on the West side of the small creek, on the South-west side of the said tract, (from which stake, the flag staff on Ellis's Island bears South, one degreet wenty minutes East, and from which the chimney of the house of Stephen Vreeland, on Kaywan, bears South, fifty-six degrees ten minutes West, and from which the steeple of the Bergen Church bears North, fifty degrees twenty-five minutes West ;) North twenty-six degrees thirty minutes, East to Horsimus Bay aforesaid : Together with the right of Ferry from the said tract or parcel of land, across Hudson's River and elsewhere, and the right and title of said Cornelius Van Vorst, under the water of the Hudson River, and the bays aforesaid, opposite the said premises, as far as the right of the said Cornelius Van Vorst extends. And whereas it is represented, that the said Richard Varick, Jacob Radcliff, and Anthony Dey, have divided all the said premises into ONE THOUSAND original shares, and have, by certain articles of agreement, associated and become associates in interests

with divers other persons in the said shares, and the said associates having presented a petition to the Legislature, praying to be incorporated for the purposes hereinafter contained, and such prayer appearing reasonable:

§ 1. *Be it therefore enacted by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the said Richard Varick, Jacob Radcliff, and Anthony Dey, and the said other persons interested with them in the said premises as aforesaid, shall be, and hereby are constituted a body corporate, by the name and style of "THE ASSOCIATES OF THE JERSEY COMPANY," and by that name shall be known in law, and have power to sue and be sued, and to defend and be defended in all courts of law and equity, and in all actions and matters whatsoever, and may have a common seal, and renew and alter the same at their pleasure, and by the same name shall be, and hereby are made capable in law, to have, hold, purchase and enjoy to them and their successors, lands, tenements, and hereditaments, goods, chattels and effects, of what nature or kind soever, and the same to grant, demise, alien or dispose of at pleasure, for the benefit of the said associates and their legal representatives, in proportion to their respective shares as aforesaid: *Provided,* That the lands, tenements and hereditaments, which it shall be lawful for the said corporation to hold, shall only be the said tract and premises herein before described, with the privileges and appurtenances aforesaid, and such as shall have been bonafide mortgaged to the said corporation by way of security, or conveyed to it by way of satisfaction, for debts previously contracted, or purchased at sales upon judgments which shall have been obtained for such debts.

Corporate name.

General powers.

Hold real estate.

§ 2. *Be it further enacted,* That the said associates and their successors, shall have power to make and lay out all streets and squares upon all and every part of the said premises, and to establish such as have already been laid out, and from time to time to regulate the same, and to direct and govern the levelling, pitching and constructing of the said streets, and the raising and the levelling of all lots and grounds for buildings, as well public as private; and to order and regulate the building of all docks, piers and wharves, and all store-houses and buildings thereon, and generally to make such by-laws, orders and regulations, touching all and singular the said

To lay out streets.

To regulate the building of docks, &c.

matters, not inconsistent with the constitution and laws of this State, and of the United States, as to them shall appear proper and necessary, and to enforce the same by any penalty or penalties which they may prescribe or direct, for any breach or offence against the same, not exceeding twenty-five dollars for any one offence, to be sued for and recovered in any court of this State having cognizance thereof, in the name of the said corporation, and for* the use and benefit of the said company: *Provided*, That the powers granted by this section shall cease, whenever the Legislature shall deem it expedient to institute a more adequate and complete corporation for the purposes above expressed.

Make by-laws.

Proviso.

§ 3. *And be it further enacted*, That the said associates shall have the privilege of erecting or building any docks, wharves and piers, opposite to and adjoining the said premises in Hudson's River and the bays thereof, as far as they may deem it necessary for the improvement of the said premises, or the benefit of commerce, and to appropriate the same to their own use.

Build docks, &c.

And whereas it is represented, That the legal title of all and singular the said premises, is now vested in the said Richard Varick, Jacob Radcliff, and Anthony Dey, in trust for themselves and the said other persons associated with them as aforesaid, and it is represented to the Legislature, that the purchase of the same from the said Cornelius Van Vorst, his heirs and assigns, an annuity of six thousand dollars by a mortgage of the said premises, payable in quarter yearly payments, from and after the first day of May next, and that the said Cornelius Van Vorst will not consent to any other security for the same, nor accept a principal sum adequate to the annual product thereof, but hath lately, for himself, his heirs and assigns, covenanted to accept from the purchasers of lots in the said tract, their heirs and assigns, the ground rents charged on the same by the associates, towards the payment of the said annuity upon certain terms and conditions agreed upon by him and them, and that on payment of the same to him, his heirs and assigns, such lots shall be discharged from any further responsibility on account of the said annuity:

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* The Legislature has since established a corporation for the purposes above expressed.

And whereas it is represented, That the said associates have proceeded to make valuable improvements on the said premises, and are desirous to sell and dispose of a part of the same, for the purpose of further settling and improving the same, and to provide by means of such ground rents, an ample fund for the payment of the said annuity, and the security of purchasers, and to vest the whole of the said premises in the said corporation: And whereas, The settlement and improvements so made and intended to be made, promise to be of essential advantage to the commercial interests of this State:

§ 4. *Be it therefore further enacted*, That it shall be lawful for the said Richard Varick, Jacob Radcliff, and Anthony Dey, their heirs and assigns, to grant and convey all and singular the said premises, with the privileges and appurtenances thereto belonging, to the said corporation and their successors and assigns, in trust for the said associates, and that the said corporation and their successors shall, in convenient and reasonable time, proceed to sell and dispose of so many of the lots laid out, or to be laid out on the said premises, charging each lot so sold with a reasonable and annual value as shall produce in the aggregate by means of the rents so reserved, a sufficient fund for the annual payment of the said annuity, or such part thereof as shall remain due and unextinguished, and that such fund, or such part thereof as shall be necessary for that purpose, shall, in the first instance, be applied yearly and every year to the payment of the said annuity, or so much thereof as shall be due and unextinguished, and that the surplus of such rents in each year only, if there be any, shall be divided among the said associates, or their legal representatives, until the said annuity shall be released or extinguished, and in case the same shall at any time be released or extinguished in part, that then a rateable proportion, and if released or extinguished in the whole, then the whole of the said fund arising or to arise from the said rents, shall be divided or otherwise disposed of among the said associates or their legal representatives, as a majority in interest shall direct, in proportion to the number of the said shares held by them respectively.

Shall sell lots.

Reserve annual rent.

Pay annuity.

§ 5. *And be it further enacted*, That all contracts heretofore made for the sale of any of the said lots by the said Richard Varick, Jacob Radcliff, and Anthony Dey, or in any way concerning the

Contracts assumed by associates.

premises or the improvement of the same, shall be assumed and performed by the said corporation.

§ 6. *And be it further enacted*, That the said associates and their successors shall, and may, on the second Monday of December next, and on the first Monday of November in every year thereafter, elect nine of their number to be the trustees of the said company, who, or a majority of whom, shall have power to manage and conduct the affairs of the said corporation, by the name and style herein above mentioned, and to sell and dispose of the said premises in manner aforesaid, and to exercise all the powers granted to the said corporation by this act under the regulations and restrictions herein contained, and to make rules and regulations for the government of their own board, and the time and mode of transacting business therein, and to appoint all necessary officers and agents for the purposes intended by this act, and that the first election of such trustees be held at Powles' Hook aforesaid, under the direction of William S. Pennington, Silas Condit, and Alexander C. M'Whorter, or a majority of them, as the inspectors of such election, and every subsequent election, under the direction of three inspectors, or any two of them, to be appointed by the existing trustees, for that purpose, who shall give notice in one or more of the public newspapers printed in this State, and one or more of the public newspapers printed in the city of New-York, at least thirty days previous to every such election, of the day and place of such election, and the hours during which the same will be held; at which elections the said associates shall elect the said trustees by ballot, and that each associate may vote at such election, in person or by proxy, and shall be entitled to one vote for each share he shall hold in the said company; and the trustees so elected, shall enter upon their offices on the first Monday thereafter in each year, or as soon after as they can conveniently be sworn into office, and shall continue in office for one year from and after the time last mentioned, and until others shall be elected and sworn in their stead, and the persons above named, for the purpose of conducting the said first election, and the inspectors to be appointed as aforesaid, for every subsequent election, shall respectively be the judges of such elections, and a decision of them, or a majority of them respectively, shall be conclusive as to the right of suffrage of any elector who shall offer him-

Election.

Appoint officers.

Thirty days notice of election.

Election by ballot.

self to vote in his own right, or by proxy, at such election, and the said inspectors, or a majority of them respectively, shall determine and certify the persons, who, by a plurality of votes, shall be elected trustees as aforesaid, which certificate shall entitle every person so certified to be elected, to be qualified, and to act as a trustee for the succeeding year; and each inspector, before he enters upon the execution of his duty as such, shall take an oath or affirmation, as the case may be, *that he will well and truly, and according to the best of his knowledge, execute the duty of an inspector of such election*, which oath or affirmation the said inspectors are hereby authorized and empowered to administer to each other respectively.

Inspectors certify persons elected trustees.

Take oath.

§ 7. *And be it further enacted*, That the trustees so to be elected, shall, before they enter upon their respective offices, severally take and subscribe an oath or affirmation, as the case may be, *well and faithfully to execute the trusts reposed in them by this act, according to the best of their skill and understanding*, which oath or affirmation may be made before any judge of the Supreme Court, or of any inferior court, or before any justice of the peace within this State, who are hereby severally authorized and required to administer the same, and in case of the death, resignation, or refusal to act, of any person so elected, it shall be lawful for the remaining trustees, by a majority of votes, to appoint another in his stead.

Trustees to take oath.

In case of death, &c. trustees appoint.

§ 8. *And be it further enacted*, That the clerk of the county of Bergen shall appoint a deputy, who shall be sworn as such, and reside and keep an office at some place within the district of country formerly distinguished by the name of Island of Horsimus, and which includes Powles' Hook, and which island is constituted and surrounded by a certain creek called the Creek of the Woods, or Horsimus Creek, and shall keep a proper book or books for the recording of all deeds, mortgages, and other writings which may hereafter be made or executed, relating to any real estate situated within the said district or any part thereof, and all deeds, mortgages, and other writings relating to any such real estates, being proved or acknowledged as the same are required to be proved or acknowledged by the laws of this State, for the purpose of recording or registering the same, and being recorded or registered in the said book or books, shall be as valid and effectual in the law as if the same were recorded or registered in the Clerk's office of the

Deputy clerk.

Record deeds, &c.

said county of Bergen, and it shall be the duty of such deputy so to record or register the same, and the said clerk of the said county shall be responsible for the conduct of every such deputy to be appointed by him, and be entitled to the like fees as in other cases for the like services: *Provided always*, That no deed, mortgage, or other instrument in writing, respecting and containing land not situated within the district aforesaid, shall be recorded in the office hereby established.

Fees.

Proviso.

§ 9. *And be it further enacted*, That the said shares of the said associates, in the said premises, shall be deemed and construed to be personal estate, and shall be transferable by them, their executors, administrators, or assigns, and the said trustees may prescribe the mode in which such transfers shall be made, in a book or books to be provided for that purpose, and the said associates shall be liable to contribute in proportion to their respective shares, to the fulfilment of all the contracts, and to all the charges and expenses already made or incurred on account of the said premises, since the purchase of the same as aforesaid, from the said Cornelius Van Vorst, and upon every transfer of any share or shares hereafter to be made, the subsequent holder of the same shall in like manner be liable to contribute for the same to all charges and expenses, which shall accrue on account of the said premises during the time he shall hold such share or shares only, and also to the payment of the said annuity during such time and no longer, and such share or shares shall be liable for the payment of such contributions, and on failure thereof, for the space of six months after a demand made of such payment, shall be forfeited to the said company: *Provided however*, That the said trustees shall not make or incur any further expenditures on account of the said premises, without the consent of a majority of the holders of the said shares in interest.

Shares personal estate.

Trustees contribute to fulfilment of contracts, &c.

Proviso.

§ 10. *And be it further enacted*, That all sales at auction to be made at Powles' Hook, and the said Island of Horsimus, shall be free from any duty to be imposed by this State for the period of fourteen years from the passing of this act.

Sales at auction, free of duty, &c.

COUNCIL CHAMBER, November 10th, 1804.

This re-engrossed bill having been read and compared,

Resolved, That the same do pass. By order of Council,

JOSEPH BLOOMFIELD, President.

HOUSE OF ASSEMBLY, *November* 10, 1804.

This re-engrossed bill having been read and compared, *Resolved*, That the same do pass.

By order of the House,

JAMES COX, Speaker.

I, JOHN BEATTY, Secretary of the State of New-Jersey, do certify that the foregoing is a true copy, taken from the original Act, remaining on file in the Secretary's Office for the said State. GIVEN under my hand, at the city of Trenton, this 13th day of November, in the year 1804.

JOHN BEATTY.

AN ACT TO INCORPORATE THE CITY OF JERSEY, IN THE COUNTY OF BERGEN.

Passed the 28th of January, 1820.

§ 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That all that portion of the township of Bergen, in the county of Bergen, now owned by the Jersey Associates, formerly called Powles' Hook, and which is constituted and surrounded by a certain ditch as the boundary line between the Jersey Associates and the lands of Cornelius Van Vorst, deceased, on the west and northwest, and by the middle of the Hudson river and the bay surrounding all the other parts of the same; and the freeholders and other inhabitants thereof, and now and hereafter residing within the same, shall be, and from henceforth shall continue to be, a corporation and body politic in name and in fact; and shall be known as such by the name and description of "Jersey City," and by that name the said freeholders and other inhabitants shall have perpetual succession, and be capable of suing and being sued in all actions and suits at law and in equity, as occasion may require. Bounds. Incorporated.

§ 2. *And be it enacted,* That the said corporation or body politic, hereby created, may have a common seal, which may be renewed Seal.

or altered from time to time by the persons who shall conduct the affairs thereof, as after mentioned.

Board of Selectmen, by whom chosen.

§ 3. *And be it enacted*, That for the conducting of the affairs of the said corporation, the freeholders and other taxable inhabitants shall annually choose, at an election to be held for that purpose, and by ballot, five freeholders, being inhabitants within the bounds of the said corporation, to conduct the affairs thereof, which election shall be annually held at some public and convenient places within the bounds of the said corporation, on the first Monday of September in every year, and until others are chosen; that the persons so to be chosen shall be denominated "The Board of Selectmen of Jersey City," and shall enter upon the duties of their office on the Tuesday next succeeding their election, at which time they shall choose, from amongst themselves, by a majority of votes, one person to be president, and some fit person to be their clerk, whose business it shall be to record their proceedings and to do such other acts as he shall be required to do by the board.

The first board appointed.

§ 4. *And be it enacted*, That from and after the passing of this act, and until the first Monday in September next, Doctor John Condit, Samuel Cassedy, Joseph Lyon, John K. Goodman and John Seaman, shall perform the duties required by this act, and until others are chosen in their stead; and if any person, chosen one of the said board, shall happen to die, resign or remove out of the bounds of the said corporation, within the period for which he shall be chosen, so that his seat is vacated, such vacancy shall be filled by some other freeholder, to be chosen by the remaining members of the board, until the next annual election shall be held.

Powers of the board.

§ 5. *And be it enacted*, That the Board of Selectmen shall be, and are hereby empowered, by a majority of votes, to pass all such necessary ordinances as may be found requisite and convenient for the exercise of the powers hereby vested in said board, and to appoint the necessary officers, agents and servants, to carry the same into effect, and to impose reasonable penalties for the breach or non-observance of the same: *Provided* such ordinances be not inconsistent or contrary to the Constitution or legislative acts of this State, or of the United States, and all such penalties shall be sued for and recovered in any court having cognizance thereof, in

the name of said board; and the members thereof, and all other corporators, shall be competent witnesses in every such action or suit, and such penalties, when recovered, shall be kept an account of, and shall be applied by the said board to compensate their officers, agents or servants, for their services, or any other public purpose, but not otherwise.

Powers of the board confined to certain subjects.

§ 6. *And be it enacted,* That the powers to be exercised by the Board of Selectmen, and the subjects and matters respecting which they may pass and enforce ordinances, shall be the following, and those only; that is to say, relating to the commons or public grounds, streets, highways and alleys therein, and removing and preventing obstructions therein, and the enclosing or otherwise improving such commons or public grounds, relating to public markets within the corporation, relating to weights and measures, to the inspection and measurement of fire-wood, and the weight and prices of bread, and to prevent fixing any poles for fishing, or any obstructions whereby the lives of the inhabitants are endangered, or the navigation of the river obstructed; relating to the running at large, or restraining from so doing, horses, cattle, swine, or other beasts or fowl; relating to the lighting the streets, highways or alleys; relating to night-watch, fire-engines, engine houses, and the extinguishment of fires; and relative to whatever may concern the good government of the said corporation, and the orderly conduct of the inhabitants and others within the same, so far as regards the public peace and tranquility of the same.

Relates to imposing taxes.

§ 7. *And be it enacted,* That the said corporation shall not impose any tax on the inhabitants thereof, for any purpose whatever, without the previous consent of a majority of the freeholders and taxable inhabitants who may attend and vote respecting the same, at a public meeting to be convened for that purpose, on reasonable notice being given or advertised by the board of selectmen.

Powers reserved.

§ 8. *And be it enacted,* That as this corporation is made and instituted from public policy, the power of altering and annulling the same is hereby reserved, and that nothing granted by this act shall interfere with any of the powers or rights granted to the Jersey Associates.

STATE OF NEW-JERSEY:

AN ACT TO INCORPORATE THE CITY OF JERSEY, IN THE COUNTY OF BERGEN, AND TO REPEAL THE FORMER ACT.

Passed January 23, 1829.

Boundaries.

§ 1. *Be it enacted by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That all that part of the township of Bergen, formerly called Powles' Hook, bounded on the west by a certain ditch, running between the lands of the Associates of the Jersey Company and those late of Cornelius Van Vorst, deceased, and by the middle of the Hudson river, and the bays surrounding all the other parts of the same; and the freeholders, and other inhabitants thereof, or who hereafter may reside within the same, shall be, and hereby are, created and made a corporation or body politic, in fact and in name, and shall be known as such, by the name and style of "The Board of Selectmen and Inhabitants of Jersey City," and by that name shall have perpetual succession, be capable of suing and being sued, pleading and being impleaded, in all suits at law and in equity, as occasion may require, and shall have a common seal, which may be renewed or altered from time to time, at pleasure.

Style of corporation.

General powers.

Qualification of voters.

§ 2. *And be it enacted,* That, for the conducting the affairs of the said corporation, the freeholders and other taxable white male inhabitants, being citizens of the United States, and having resided for one year immediately before any election at which they may offer to vote within the bounds of the said corporation, shall choose, at an election to be held for that purpose, and by ballot, seven white male inhabitants, who shall be citizens of the United States, freeholders within said bounds, and shall have resided therein for one year immediately before such election, a majority of whom shall be a quorum, and may transact business, by not less than four concurring votes; which election shall be annually held, at some public and convenient place within the aforesaid bounds, on the first Monday of September in every year; and the persons so chosen, shall enter upon the duties of their office on the Tuesday next succeeding their election, and shall continue in office for one year

Election annual.

thereafter, and until others are elected and shall enter upon the duties of their office: and if any person, at any time elected one of the Board of Selectmen, shall happen to die, resign, remove, out of the bounds of said corporation, or become otherwise disqualified, within the period for which he shall have been elected, so that his seat is vacated, such vacancy shall be filled, until the next annual election, by some other duly qualified person, to be chosen by the remaining members of the board: and every member of the Board of Selectmen, shall, before he enters upon the duties of his office, make oath or affirmation before some judge of the Court of Common Pleas, or justice of the peace of the county of Bergen, well and faithfully to execute the trust reposed in him, as one of the Board of Selectmen of Jersey City, according to the best of his skill and ability; which oath or affirmation shall be reduced to writing, and shall be, by the secretary of the said board, filed with their papers.

Officers chosen for one year.

Vacancies, how filled.

Oaths of office.

§ 3. *And be it enacted*, That the Board of Selectmen shall, before every annual election, appoint three freeholders, being residents within the bounds of said corporation, and citizens of the United States, and not members of the said board, to be inspectors of the succeeding election, any two of whom may act; which inspectors shall have written notice of their appointment, by the secretary of said board: and in case any person or persons so appointed, shall neglect or refuse to serve, the board shall have power to fill the vacancy: and the said board shall cause notice to be given, by advertisements set up in at least three public places within said bounds, and at least ten days before each annual election, of the time and place where the ensuing election shall be held: and the freeholders, so appointed, shall attend at the place assigned for that purpose, judge of the qualifications of every person offering to vote at such election, and receive the votes of such as shall offer and be found qualified; shall count the votes, and certify, in writing, who are the persons elected by the greatest number of votes; which certificate shall be entered on record, in the minutes of said board, and shall be conclusive evidence of who are chosen to compose the Board of Selectmen for the ensuing year.

Inspectors of election.

Public notice of annual election.

§ 4. *And be it enacted*, That at the first meeting of the Board of Selectmen, after each annual election, they shall choose, from among

Board to choose president.

themselves, one person to be their president whose duty it shall be to preside at the board when convened for the transaction of business; and in the absence of the president, they shall, at any meeting of the board, choose some other member to be president pro tempore: and it shall be the duty of the president, or president pro tempore, as the case may be, on the request, in writing, of any two members of the board, to call special meetings, or the board may meet on their own adjournments; and the board shall, at the first, or any subsequent meeting, appoint one fit person, not a member, to be treasurer: and all draughts on the treasurer shall, by order of the board, be signed by the president, or president pro tempore, as the case may be, which order shall be entered in the minutes: and the board shall also appoint some fit person, not a member, to be their secretary, whose duty it shall be to record their proceedings, and to do such other acts as may properly be required of him: and the board, in order to carry their ordinances or by-laws into complete effect, shall appoint an officer, to be denominated or called the city marshall, who shall, within the bounds of said corporation, in criminal cases, and in all cases for breach of the peace, or for breach or non-observance of the by-laws or ordinances of the Board of Selectmen, have the same power, and be entitled to the same fees for his services, and shall be liable to the same penalties for neglect of duty as constables are, or may be by the laws of the State of New-Jersey: and said marshal shall, before he enters on the duties of his office, take and subscribe, before some justice of the peace of the county, an oath or affirmation, well and faithfully to execute the duties of the said office: and all, or either of the three officers last above mentioned, may be removed by the board, and others appointed in their places: and the board may also annually appoint, on such terms, and under such regulations as they shall deem proper and reasonable, all such other agents, officers and servants, including harbor-masters, measurers of grain, weigh-masters, cullers of staves and heading, auctioneers, inspectors of beef and pork, pot and pearl ashes, and lumber, as they shall find necessary or convenient: and the board shall also have the exclusive right of licensing, annually, such and so many cartmen, draymen, and porters, tavern-keepers, inn-holders, victuallers, sutlers, and retailers of spirituous liquors, within said bounds, also on such terms, and under

Special meetings.

Treasurer and secretary, duties of.

City marshal.

Powers and duties.

Take oath.

Further powers of the board.

such regulations as they shall deem proper and reasonable: and the board of Selectmen shall cause all their proceedings to be entered on record, which record shall be accessible at all reasonable times, to all persons interested therein.

§ 5. *And be it enacted*, That the freeholders and other inhabitants, and the property of non-residents within the bounds of said corporation, shall hereafter be exempted from all taxes, impositions or assessments, for or on account of making or repairing the public roads beyond said bounds: *Provided*, that the said corporation shall, at all times, make and keep in good repair the public roads within said bounds: *And provided also*, that the inhabitants of all that part of the township of Bergen, without the aforesaid bounds, and their property, and the property of non-residents therein, shall hereafter be exempted from all taxes, impositions, or assessments, for or on account of making or repairing the public roads within the bounds of said corporation.

Certain persons and property exempt from road tax.

§ 6. *And be it enacted*, That, to enable the board of Selectmen to carry into effect the ordinances or by-laws that may be by them from time to time enacted and passed, and to remunerate any officer, agent or servant, for his or their services, the said board shall be, and they are hereby authorized, from time to time, to impose and raise money, by tax, upon the freeholders and other taxable inhabitants, and on the property of non-residents; but such tax shall not exceed the sum of three hundred dollars within any one year, commencing on the day after each annual election, when the freeholders elected Selectmen for the ensuing year shall enter upon the duties of their office: and no money exceeding the said sum of three hundred dollars shall be raised by tax by the said corporation, or under authority thereof, within any one year, as aforesaid, unless with the consent of a majority of the freeholders and other taxable inhabitants who may attend a public meeting for the purpose of considering the subject; and of which meeting not less than ten days previous notice shall be given, by advertisements set up in at least three public places within the bounds of said corporation: and such consent, if obtained, shall be certified by at least three freeholders, who shall have been appointed by the Board of Selectmen, for the purpose of ascertaining the sentiments of the inhabitants thereon; and a copy of such certificate shall be entered in

Board may raise money.

the minutes of the said board, and such entry, certified by the secretary of said board to be a true copy of such certificate, shall be sufficient evidence of the fact.

May purchase real estate and erect public buildings.

§ 7. *And be it enacted*, That the corporation or body politic hereby created, and, by the name and style aforesaid, may purchase, or otherwise acquire, any real or personal estate, and may erect and maintain any such building or buildings within the limits of the same, as shall be found necessary or convenient for the transaction of business, or for the exercise of the powers and privileges conferred by this act, or any future act of the Legislature, and may alienate, or otherwise dispose of any such estate as may be found convenient or occasion shall require: *Provided always*, that no real estate shall be purchased, for money or other valuable consideration, by the said corporation or body politic, without the previous consent of a majority of the corporators entitled by this act to vote at the election for Selectmen, who may attend a meeting or meetings to be held for the purpose of obtaining such consent, on public notice being given of such meeting at least ten days previous thereto; and such consent, if obtained, shall be certified by at least three freeholders chosen for that purpose by the persons assembled to vote; and a copy of such certificate shall be entered in the minutes of the board of Selectmen, and such entry certified by the secretary of said board to be a true copy of said certificate, shall be conclusive evidence of the fact.

Proviso.

Pass by-laws.

§ 8. *And be it enacted*, That the Board of Selectmen are hereby empowered to pass and enforce all such by-laws and ordinances as may be found expedient to carry into effect the powers hereby granted to the said corporation or body politic, and to impose reasonable penalties for the breaches or for the non-observance thereof, so that no penalty shall exceed the sum of twenty-five dollars for any one offence: *Provided*, that such by-laws or ordinances be not contrary to the Constitution or legislative acts of this State or of the United States: and all penalties inflicted by the by-laws or ordinances of the Board of Selectmen, may be sued for and recovered by action of debt, in any court having jurisdiction thereof, in the name of "The Board of Selectmen and Inhabitants of Jersey City," and applied to the use of the said corporation: and members of the said board, and all other inhabitants within the bounds of

Proviso.

said corporation, not otherwise legally disqualified, shall be competent witnesses in all such cases.

§ 9. *And be it enacted*, That the powers to be exercised by the corporation hereby created, and the subject matters respecting which the Board of Selectmen may pass and enforce by-laws or ordinances within the limits thereof, shall be the following, and those only, that is to say: relating to the public roads, streets, and highways; the digging out, filling up and regulating the same, and preventing nuisances, and obstructions therein, and to the enclosing or otherwise improving the public grounds; relating to the public markets for the sale of provisions; the measurement and inspection of fire-wood, and other fuel; the weighing and inspection of hay; the weight and prices of bread, having regard to the materials of which it is made; the lighting the public roads, streets, or highways, and the preservation of the means used for that purpose; the providing and regulating a night watch, and erecting and maintaining a watch-house, if it shall be judged necessary, for the greater security of persons and property; relating to fire-engines, engine-houses, and other implements for extinguishing fires, and the government of fire companies; and also to all precautionary and other measures for preventing as well as extinguishing fires; relating to weights and measures, to public wells, pumps and cisterns, and the use and preservation thereof; to slaughter-houses, distilleries, or whatever else shall be, or may become public nuisances; to the running at large, or restraining from so doing, of horses, cattle, swine, or other animals, and geese and other fowls; relating to whatever may concern the orderly conduct of the inhabitants, sojourners, apprentices, servants and slaves, residing or being within the limits aforesaid; relating to the setting up, or fixing any pole or poles for fishing in the waters within the limits of the said corporation, whereby the lives of persons may be endangered, or the navigation obstructed; relating to all acts of public indecency, such as bathing or swimming in the waters within the limits aforesaid, in sight of the inhabitants, in open day, and other indecent exposure; relating to the establishment of quarantine regulations, and to all other acts, measures and things, for the preservation of the health of the inhabitants against pestilential diseases, whether foreign or domestic; relating to the anchoring and mooring of ves-

Further powers of the board, &c.

sels within the waters of said city; to wharves and rates of wharfage; to the equitable assessments of taxes, authorized by this act, and the collection thereof; to the compensation or pay of all such agents, officers and servants, cartmen, draymen and porters, and others, not herein before provided for, as the Board of Selectmen shall find it necessary or convenient from time to time to appoint or license; relating to the preservation of trees in any of the streets, roads, or other public grounds; relating to fines and penalties on persons elected, or appointed to office by virtue of this act, who, holding such office, shall neglect or refuse to execute the duties thereof, when properly required so to do; and relative also, to all such other acts, matters, and things not herein before provided for, as the preservation of the peace, the proper observance of the by-laws or ordinances of the Board of Selectmen, and the reasonable security of the persons and property of inhabitants and others within said limits, may require.

Selectmen conservators of the peace.

§ 10. *And be it enacted*, That the persons composing the board of Selectmen, shall be, ex-officio, conservators of the peace within the bounds of said corporation, and for that purpose shall, jointly and severally, have authority to cause all persons to be brought before them, or either of them, for breach of the peace, or for disturbing the public tranquility; and shall have power to proceed in such cases, and in other criminal cases, requiring immediate attention, in the same manner as justices of the peace are, or may be empowered to do, by the laws of the State of New-Jersey.

Former act repealed.

§ 11. *And be it enacted*, That the act entitled, "An act to incorporate the city of Jersey, in the county of Bergen," passed the twenty-eighth day of January, eighteen hundred and twenty, be, and the same is hereby repealed: *Provided nevertheless*, that such repeal shall not render ineffectual any thing lawfully done under said act: *And provided also*, that the present Board of Selectmen shall be, and continue in office until the first Tuesday in September next, and until others shall be elected, agreeably to the provisions of this act, and shall have entered upon the duties of their office: *And whereas*, the said corporation is created, and the powers by this act conferred, are intended for the public welfare: *Therefore be it further enacted*, that the Legislature hereby reserves the right of re-

Proviso.

Legislature may repeal.

pealing, or modifying the provisions of this act, from time to time, and in such manner as the public welfare may require.

A SUPPLEMENT TO THE ACT ENTITLED "AN ACT TO INCOPORATE THE CITY OF JERSEY, IN THE COUNTY OF BERGEN.

Passed the 23d of January, 1829.

§ 1. *Be it enacted by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall be lawful for the Board of Selectmen and inhabitants of Jersey City, to assess the real estate in said city, for the improvements made in regulating the streets, alleys and lanes therein, and in paving, flagging and gravelling the same; and the amount of all assessments which shall be made and authorized by the said board for the costs and expenses of said regulating, paving, flagging and gravelling, shall be and remain a lien upon such property as shall be improved and assessed from the time of the completion of the assessment by the board for the regulating, paving, flagging and gravelling the same, until paid.

Assessments may be made.

§ 2. *And be it enacted,* That on the return of the collector of the board of any unpaid assessment, it shall be lawful for the said board to lease the lot or lots so assessed and unpaid, at public auction, to such person or persons who will take the same at the shortest period of time, and pay such assessment and all charges and interest thereon, due at the time of such sale: *Provided,* notice be first given in one or more newspapers published in the county of Bergen, and by a notice put up at three of the most conspicuous places in said city, for at least sixty days, of the time and place of such sale, describing the property assessed, and the amount due thereon.

Lots may be leased by corporation.

§ 3. *And be it enacted,* That such property may be redeemed within two years from the day of the sale, on the payment of the amount of such sale to the treasurer of said board, with interest from the day of such sale, at the rate of twenty per cent. per annum, for the benefit of the purchaser.

Conditions on which property may be redeemed.

§ 4. *And be it enacted*, That all taxes and assessments paid thereon by the lessee, within the said period of two years allowed for the redemption, shall also be paid by the person or persons redeeming the same, and at the same time, to said treasurer, with interest, at the rate of twelve per cent. per annum, for the benefit of such lessee.

Selectmen to give notice.

§ 5. *And be it enacted*, That said board shall give public notice, in manner mentioned in the second section of this supplement, for six months immediately preceding the expiration of the period of redemption of such sale, describing the property unredeemed, and stating the amount of such sale, and time the lease will be complete, unless redeemed by the payment of the purchase money and all charges thereon.

Sale may be postponed.

§ 6. *And be it enacted*, That the day of sale may be postponed from time to time, or suspended, as the Board of Selectmen may deem expedient.

Lots must be surrendered.

§ 7. *And be it enacted*, That the said term of years of any lot or lots so leased, as aforesaid, shall not commence until the time for the redemption of the same has expired, and the said lessee shall, at the expiration of the said lease, quit and surrender the said premises, and the improvements so made, in as good state and condition as when he entered thereon, natural wear and accidents excepted.

Grounds may be purchased for a public square.

§ 8. *And be it enacted*, That the said board be, and they are hereby empowered to acquire by purchase, or other lawful mode, the grounds situate between Grand and Sussex streets, in the city of Jersey, and on the east side of Washington street, and to appropriate the same for the purpose of a public square, and upon such acquisition and appropriation of the said grounds, it shall be lawful for them to vacate the present public square, and to sell the same in lots or otherwise for the use of the inhabitants of said place, and to make good and sufficient deeds of conveyance therefor: *Provided nevertheless*, that the acts and doings of the said board in relation to the powers granted in this section, shall be of no effect unless the same be sanctioned and approved by a majority of the corporators, in manner prescribed in the proviso to the seventh section of the act to which this is a supplement.

Passed March 8, 1836.

STATE OF NEW-JERSEY :

AN ACT TO INCORPORATE JERSEY CITY.

§ 1. *Be it enacted by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That all that part of the township of Bergen, formerly called Powles' Hook, bounded on the west by a certain ditch, running between the lands of the Associates of the Jersey Company and others, and the lands late of Cornelius Van Vorst, deceased, and by the middle of the Hudson river, and the bays surrounding all the other parts of the same, and all the inhabitants within the limits aforesaid, be, and hereby are ordained, constituted and declared to be from time to time, and forever hereafter, one body corporate and politic, in fact and in name, by the name of the "Mayor and Common Council of Jersey City," and that by that name, they and their successors for ever, shall and may have perpetual succession, and shall be persons in law capable of sueing 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 also shall have all the rights and privileges of a separate township of this State: and that 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 Mayor and Common Council of Jersey City, and their successors, shall, by virtue of this act, become and be absolutely and completely vested with, possess and enjoy all the lands, tenements, hereditaments, property, rights, claims and demands, causes of action and estate whatsoever, both in law and in equity, in possession, reversion or remainder, which, at the time of the passage of this act, are vested in or belong to the inhabitants of that part of the township of Bergen, formerly called Powles' Hook, in their corporate capacity as now incorporated, by the name of the "Board of Selectmen and inhabitants of Jersey City," according to such estate and interest as the Board of Selectmen and inhabitants of Jersey City, at the time of the passage of

Boundaries.

Corporate name.

General powers.

A Township.

May hold real and personal estate.

Vested with all lands, hereditaments, rights.

this act *have or of right ought to have* in the same: *Provided*, that nothing in this act contained, shall affect any suit or suits now pending in the name of the Board of Selectmen and inhabitants of Jersey City.

Mayor, aldermen, clerk, &c.

§ 2. *And be it enacted*, That there be, and forever hereafter there shall be, in and for said city, one mayor, ten aldermen, one clerk, one treasurer, one collector, one marshal, one assessor, and three constables.

Presiding officer—time and place of meeting of Common Council.

§ 3. *And be it enacted*, That the Mayor and Aldermen of the said city, shall constitute and be called the Common Council of the said city; and that the said Common Council shall be summoned and held at such times and places in the said city as they may appoint; and the mayor shall preside at the meetings of the Common Council, and have a casting vote only, and if he be absent, one of the aldermen may be appointed by the members present, chairman pro tem., and a majority of the whole number of the Common Council shall be a quorum to transact business; and it shall be the duty of the said mayor to call special meetings of the said Common Council, and in case of his neglect or refusal to call such meeting, then it shall be lawful for any three members of the said Common Council to call any meeting or meetings of the said Common Council, at such time and place as they shall designate or appoint in writing.

Special meetings.

First election 9th April, 1838.
Annual election 2d Monday in April.
Place of election.

§ 4. *And be it enacted*, That an election, by ballot, shall be held on the second Monday in April next, and on the second Monday of April in every year thereafter, at such place as the Common Council shall appoint, of which place the Common Council shall cause public notice in writing, to be set up in five of the most public places in said city, and to be published in one or more of the newspapers printed or circulated in said city, for at least ten days previous to the day of such election, at which election one mayor, ten aldermen, one clerk, one assessor, one collector, three constables, one judge of election, three commissioners of appeal in cases of taxation, two school committee-men, two persons to be chosen freeholders, two persons to be surveyors of highways, shall be annually chosen and elected in said city, from among the citizens residing therein, and entitled to vote at such election; but no person shall be elected or serve as mayor, alderman, assessor, judge of

Notice of election to be published ten days.
Officers to be elected.

election, chosen freeholder, or surveyor of the highways, unless he shall be a bona fide freeholder within said city, and shall have resided therein at least one year immediately preceding said election, and shall be a citizen of the United States, and of this State; at which elections, the judge of the election, the assessor and collector shall be the judges or inspectors; that the poll of such election shall be opened at ten o'clock in the forenoon, and closed at seven in the evening, and that all persons who by law are or may be qualified to vote at town meetings in this state, shall be entitled to vote at such election; and that the name of each elector voting at such election, shall be written in a poll list, to be kept at such election, by the judges or inspectors, and that after the poll shall be closed, the said judges or inspectors shall count the votes given for the several candidates, and certify the result under their hands, and deliver such certificate to the clerk of the said city, as soon as that officer shall be sworn into office, who shall file and preserve the same in his office; and the persons having the greatest number of votes, shall be deemed to be elected to the offices for which they shall be voted for respectively, who shall respectively hold their offices for one year, and until others are elected in their stead and sworn into office, except that the first election to be held in said city on the second Monday of April next, shall be held at such place as the Board of Selectmen and inhabitants of Jersey City shall direct, and shall be under the direction of the inspectors of elections, appointed at the last annual election, as now constituted, and that the officers conducting said election, shall, in manner aforesaid, proceed to count the votes received, and certify the votes given for each candidate for the offices aforesaid, respectively, which certificate shall be delivered within three days after such election, to the clerk of the said city.

To be citizens one year and freeholders.

Poll opened.

Who may vote.

Poll list.

Duty of judges of election.

Clerk to file certificate of election.

Duration of office.

Place and manner of holding election 9th of April, 1838.

§ 5. *And be it enacted*, That in case of the death, resignation, inability, disqualification, refusal or removal out of the bounds of said city, of any of the officers mentioned in the preceding section, it may be lawful for the said Common Council to appoint others in their place or stead, until the next annual election, who shall, during said time, perform the like services, and be entitled to the same fees, and subject to the like responsibilities, as though elected at the annual election.

Vacancies filled by Common Council.

Township officers.

Their duties.

§ 6. *And be it enacted*, That the clerk of the said city, the commissioners of appeal in cases of taxation, the chosen freeholders, the surveyors of highways, constables and school committee-men, assessor, judge of election, and collector, appointed under this act, shall respectively possess the powers and perform the duties of the like office of any township of this state, so far as such powers and duties shall be consistent with the provisions of this act; and that

Com'n Council Township Committee.

the members of the Common Council of the said city, collectively and individually, shall possess the powers and perform the duties which by law belong to or are imposed upon members of the township committee of any township of this state, collectively and individually, so far as such powers and duties are consistent with the provisions of this act.

How State and County tax shall be assessed and collected.

§ 7. *And be it enacted*, That the assessor of the said city shall assess upon the persons and property of residents and property of non-residents within the said city, and the collector 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, in the same manner, and within the same time, as the assessors and collectors of townships are or may be by law required to assess and collect the

Meeting—power and duties of Commissioners of Appeals.

state and county taxes within their respective townships; and the commissioners of appeal, in cases of taxation, shall meet at such place within the said city as the Common Council shall appoint, and upon the same day and upon like notice given as now is, or hereafter shall be, by law fixed and required for the meeting of the like officers of the townships of this state, and when so met 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 townships of this state are authorized and required to do; and the said assessor shall, at the time of assessing the aforesaid taxes, also

City Taxes, when assessed and collected.

assess upon the persons and property of residents and the property of non-residents within the said city, and the said collector shall, at the time of collecting the aforesaid taxes, also collect the taxes required to be assessed and collected within the said city, for the

How assessed.

use of the said city, in such manner as the said Common Council shall, by their ordinance, from time to time direct and designate.

§ 8. *And be it enacted*, That all elections hereafter held by the people within the said city for members of the Legislative Council

and General Assembly, sheriff and coroners of the county of Bergen, and for members of Congress and electors of President and Vice-President of the United States, shall be held within the said city at the place appointed by the Common Council for holding the city elections on the day or days which now are, or hereafter may be designated for holding such elections; that the polls shall be opened and closed at the hour prescribed by the laws of this state, and the judge and inspectors of election before mentioned, shall preside at and conduct all such elections, and the clerk of the said city shall be clerk of such elections, and every person in said city, entitled to vote at such elections, shall give his vote in the said city, at the time of such election and not elsewhere; and in case any person at any election whatever, held in said city, shall vote or offer his vote, not being legally qualified, he shall be liable to the penalties prescribed in the seventh section of the act entitled "A supplement to the act entitled an act to regulate the elections of members of the Legislative Council and General Assembly, sheriff and coroners of this state," passed the first day of June, in the year of our Lord one thousand eight hundred and twenty, to be sued for and recovered in the name of the clerk of the said city, in action of debt with costs, and applied to the use of the poor of said city.

Members of the legislature, sheriff, coroners, members of congress and electors.

Inspectors of said elections.

Illegal voters.

§ 9. *And be it enacted,* That the said judge, inspectors and clerk of elections, shall take the same oaths or affirmations, and conduct such elections and make returns thereof, in the same manner as township officers of elections are or may be by law required to do, and shall be vested with the same powers and authority, entitled to the same compensation, and perform the same duties, and be subject to the same penalties as the like officers of the townships of the state are or may be by law vested with, allowed or subject to, and in case of the absence, death, incompetency or refusal to serve of any of the said officers of 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 clerk of the said city shall procure ballot boxes for the use of the said city, in such manner, and of such descriptions as are required to be procured by the township clerks of this state, and be subject to the same penalties as township clerks

Judges of elections to take oath, make returns.

Powers, compensation.

Vacancies—how filled.

Ballot boxes.

are subject to for neglecting to procure such boxes, and keep the same in repair.

§ 10. *And be it enacted*, That the clerk of the county of Bergen shall transmit to the clerk of the said city, printed copies of the seventh and eleventh sections of the act mentioned in the eighth section of this act, together with a list of nominations within the same time, and in the same manner as he is or may be by law required to transmit the same to township clerks, which clerk of said city shall advertise the said elections, and put up such copies and lists of nominations in the manner in which the clerks of townships are required by law to advertise and put up the same.

Clerk of city to put up nominations.

§ 11. *And be it enacted*, That the treasurer of the said city shall be annually appointed by the Common Council of the said city, or the majority of them in Common Council assembled; and also that the said mayor and aldermen, or the majority of them in Common Council assembled, shall and may from time to time elect and appoint such other subordinate officers and agents of the said city not herein named, including keepers of the city prison, harbor masters, measurers of grain, weigh masters, cullers of staves and heading, auctioneers, inspectors of beef and pork, pot and pearl ashes, lumber and fire-wood, coal and other fuel, upon such terms and regulations as they shall think necessary, either for the better ordering and governing the said city, or for the convenience, safety and advantages of commerce; which officers, so appointed, shall continue in office until others shall be appointed to succeed them, and be sworn into office, faithfully to discharge their duties.

Treasurer—how chosen.

City officers appointed by Com'n Council.

Duration of office.

To take oath.

§ 12. *And be it enacted*, That the clerk of the said city, before he enters upon the duties of his office, shall take and subscribe before one of the judges of the Inferior Court of Common Pleas of the county of Bergen, or one of the justices of the peace in said county, who are hereby respectively authorized to administer the same, the oath of allegiance to this state, and likewise an oath or affirmation, faithfully and impartially to exeeute the trust reposed in him, according to the best of his ability and understanding; which oaths and affirmations shall be filed and preserved by the said clerk in his office; and that all officers elected or appointed under the authority of this act, shall, before they severally take upon themselves the execution of their respective offices, and within thirty days after

Clerk to take oath.

Clerk to administer oath to all appointments by this act.

their election, take and subscribe before the clerk of the said city, who is hereby authorized to administer the same, the like oaths or affirmations, which said clerk shall also file and preserve in his office: and if the said clerk, annually elected in said city, shall neglect or refuse for the space of five days, to take upon himself the duties of his said office, as prescribed in this act, it shall be lawful for any judge of the Court of Common Pleas of the county of Bergen, or justice of the peace of said county, to administer to the officers elected or appointed under the authority of this act, the oaths or affirmations required by this act to be taken and subscribed by such officers, and to file the same with the clerk of said city, when the vacancy of such clerk's office shall be supplied.

Certificates to be filed.

Neglect of duty.

Same to be done by judge of court.

§ 13. *And be it enacted*, That it shall and may be lawful for the Common Council of the said city, or the majority of them in Common Council convened, to pass, by not less than six concurring votes, and enforce all such ordinances as they shall judge proper for regulating, cleaning and keeping in repair the streets, highways and public alleys therein, for preventing the encumbering or obstructing the streets, side-walks and public alleys in said city; and for preventing persons from riding, driving or passing over or upon the side-walks with horses or oxen, or with wagons, carts or carriages of any description; for ascertaining and establishing the boundaries of all streets and alleys in said city, and preventing and removing all encroachments in or upon said streets or alleys; for preventing or regulating the running at large of cattle, horses, dogs and swine, or imposing a reasonable tax on the owners or possessors of dogs; for preventing the immoderate riding or driving through or in any street of said city; for abating or removing any nuisance in any street or wharf, or on any lot or lots, or enclosure, or other place or places in said city; and for causing common sewers and drains to be made; and granting permission to construct vaults in any part thereof; for the paving, flagging, macadamizing or gravelling the streets of said city, and for lighting the same; for preventing or restraining riots, routs, disturbances, or disorderly assemblages in any street, house or place in said city; for regulating, protecting, improving and reclaiming the public grounds in said city, and sinking and regulating wells, pumps and cisterns in the streets thereof; for regulating the use of lights in stables; for the prevention or

Ordinances.

Six concurring votes.

Streets, alleys, and side-walks.

Boundaries.

Encroachments.

Cattle, horses, dogs, swine; tax on dogs.

Immoderate driving.

Nuisances.

Sewers, drains.

Vaults.

Paving streets.

Lamps in streets.

Riots.

Pub. grounds.

Wells, pumps.

Lights in stables.

Fires. suppression of fires; for regulating or preventing the carrying on manufactures dangerous in causing or promoting fires, and for regulating the keeping and transporting of gunpowder or other combustible or dangerous materials; and it shall be lawful for the said Common Council, or the majority of them, to appoint and remove fire wardens, and by ordinance to prescribe the powers and duties of such fire wardens, and of the fire engineers and firemen, which engineers and firemen shall be exempt from serving as jurors in the courts for the trial of small causes, or in the militia in time of peace; and after serving ten years successively as firemen, shall be exempt from duty as firemen, and also remain thereafter exempted as serving as jurors in the courts for the trial of small causes, or in the militia in time of peace; to pass ordinances for protecting goods from being purloined at fires; for compelling the cleaning of chimneys, and licensing chimney sweeps; for regulating the dimensions of chimneys hereafter to be built; for appointing watchmen, and prescribing their powers and duties; for regulating weights and measures, and the guaging of all casks of liquor and liquids; for regulating petty grocers in the selling of liquors, ordinaries of victualling houses, and the vending of meats and vegetables; for establishing and regulating public pounds; for regulating hawkers, pedlars and petty chapmen within said city; for restraining vagrants, mendicants, and street beggars; for regulating the setting up or fixing any pole or poles for fishing in the waters within the limits of this corporation, whereby the lives of persons may be endangered, or the navigation obstructed; for regulating cartmen and cartage; for regulating the police of said city; for erecting, maintaining and regulating, one or more public markets, and to change and alter the location of the same in said city, and to erect and maintain a city hall or town house, city prison and school houses, together with such other public buildings as may be necessary and convenient in said city; for regulating all wharves, docks and piers in and about said city, and the rates of wharfage, and to order and regulate the building of all docks, wharves, store houses and buildings thereon in and about said city; and the said Common Council shall and may from time to time pass ordinances for the more effectual suppression of vice and immorality, for preserving peace and good order, for the prevention of forestalling and regrating, for

Gunpowder.

Fire wardens.

Firemen.

Goods at fires.

Cleaning chimneys.

Building chimneys.

Watchmen.

Weights and measures, guaging.

Retailers.

Pound.

Hawkers and pedlers.

Beggars.

Fish poles.

Cartage.

Police.

Markets.

City Hall, City Prison, school houses and public buildings.

Wharves, docks, piers, and buildings thereon.

Vice.

Forestalling.

suppressing and restraining disorderly and gaming houses, and such other by-laws and ordinances for the peace and good order of the city, as they may deem expedient, not repugnant to the Constitution or laws of this State or of the United States, and to enforce the observance of all such laws or ordinances, by enacting penalties for the violation thereof, either by imprisonment not exceeding seven days, or by fine not exceeding fifty dollars, recoverable with costs in an action of debt, and in the name of the treasurer of Jersey City, for the use of the corporation of said city, without specifying the individual name of the treasurer of said city for the time being, before any justice of the peace residing within said city; in which action the first process may be either by summons or warrant, and in which action it shall be lawful to declare generally in debt, for such penalty, and give the special matter in evidence; *And further*, it shall be lawful for such justice, before whom judgment of imprisonment shall be given, to carry such judgment into effect by warrant of commitment, under his hand and seal, directed to the keeper of the city prison: *Provided always*, That each and every ordinance so passed as aforesaid, shall be published for the space of twenty days, in at least one newspaper published or circulated in said city, before said ordinance shall go into effect; *Provided also*, that no ordinance or by-law shall be enacted or passed by the said Common Council, unless the same shall have been introduced before the said Common Council at a previous meeting.

Gam'g houses.

Peace and good order.

Imprisonment for offences.

Fines.

Process of prosecution.

Commitment.

Ordinances to be published.

Ordinance when a law.

§ 14. *And be it enacted*, That upon the trial of any issue, or upon the judicial investigation of any fact to which issue or investigation the Mayor and Common Council of Jersey City are a party, or in which they are interested, no person shall be deemed an incompetent witness or juror by reason of his being an inhabitant freeholder or freeman of the said city; and that if any person shall be sued or impleaded by reason of any thing done by virtue of this act, it shall be lawful for such person to plead the general issue, and give this act and the special matter in evidence at the trial.

Judicial proceedings.

Witnesses.

§ 15. *And be it enacted*, That the said Common Council shall have power to build and maintain a city prison, to be properly and securely made for the detention and imprisonment of any person or persons who shall be arrested for any offence against any of the by-laws of the said Common Council, or for any breach of the

City Prison.

peace, and for any offence committed against any law of this state, within the limits of said city, provided no person shall be kept confined therein by any constable or other officer under a commitment or execution, directed to the keeper of the common jail of the county of Bergen, by any magistrate therein, for a longer time than seven days, for any offence committed against the laws of this state; when, if not liberated by bail or otherwise, they shall be removed by the proper officer to the common jail of the county of Bergen.

Work houses. Alms houses.

§ 16. *And be it enacted*, That the said Common Council shall have power to erect, establish and maintain one or more work house or work houses, and one or more alms house or alms houses, for the relief of the poor; and the said Common Council shall have power to regulate, by their ordinance, the said house or houses, and to direct and order what persons shall be placed therein, and for what length of time, and the manner of ordering, placing and keeping persons therein; and that the expenditure of all moneys raised for the maintenance and relief of the poor of the said city, shall be under the direction of the Common Council, and of such overseers of the poor and other officers as they shall for that purpose appoint; and the overseers of the poor, appointed by the Common Council, shall possess the powers and perform the duties of the like officers of the townships of this state, so far as such powers and duties shall be consistent with the provision of this act.

Poor taxes.

Overseers of the poor—how appointed—duties and power.

Licenses.

§ 17. *And be it enacted*, That the said Common Council, or a majority of them in council assembled, shall and may grant licenses annually, under the common seal of said city, to such and so many persons, for tavern-keepers, inn-keepers, victuallers, and retailers of spirituous liquors, as they may think necessary within the said city, on such terms and under such regulations and penalties as the said Common Council shall by their ordinance impose; and no other license for such purpose, within said city, granted by any other authority, shall be lawful.

City taxes for Lamps in sts., Watch. Water.

§ 18. *And be it enacted*, That it shall be lawful for the Common Council of the said city, to raise by tax, from year to year, such sum or sums of money as they may deem expedient for defraying the expenses of lighting the streets of said city, supporting a night watch therein, supplying the said city with water for the

extinguishment of fires and other purposes, for the repairing of the streets of said city, for improving the public grounds, maintaining and supporting the poor, maintaining public schools, erecting and maintaining one or more public market houses, work houses, and alms houses, and a city hall or town house, city prison, and school houses, and for defraying the contingent expenses of the said city, and for all other purposes and objects authorized by this act, to be assessed by the assessor upon the actual value of property, and collected by the collector of the said city; but the said assessor shall not assess a greater tax than four mills upon the dollar, of such actual value, in any one year, for the use of the said city, or towards the payment of any loan: which taxes, when collected, shall be paid into the hands of the treasurer of said city, to be subject to the order of the said Common Council: and it shall be lawful for the said Mayor and Common Council of Jersey City, to borrow money from time to time, for all purposes for which they are by this act authorized to raise money by tax, and to secure the payment thereof by bond or other instrument under their common seal and the signature of the said mayor, and to provide by tax for the payment thereof: *Provided*, That it shall not be lawful for the said Common Council to raise any sum by loan, whereby the payment of the said loan shall not be otherwise provided for than by tax upon the persons and property in said city, unless at least seven of the said aldermen in Common Council convened, shall approve the same, and then there shall not be a greater sum than ten thousand dollars raised by loan in any one year, and that the said city shall not owe over fifty thousand dollars at any one time.

Fires.
P'blic grounds.
Poor.
Schools.
Markets.
Work houses.
Alms houses.
City Hall.
City Prison.
School houses.
and all other purposes.
Valuation of property.
Tax four mills.
To be paid into treasury.
Loans.
Stocks to be issued.
How paid.
Seven affirmative votes for every loan.
City debt.

§ 19. *And be it enacted*, That the said city shall be entitled to its just proportion of the annual appropriation of the school fund of this state, to be ascertained in the manner in which the quotas of the townships of this state now or hereafter shall be ascertained, which shall be from time to time paid over to the treasurer of the said city, and be applied, under the direction of the school committee, either to the support of common schools in said city, or to the schooling of poor children of said city, as the Common Council shall order and direct; and the said city shall also be entitled to its just and equitable proportion of the principal money belonging to the freeholders, inhabitants of the township of Bergen; and the

State school fund.
How applied.
Bergen Corporation funds.

How used.

said Common Council shall have the charge and supervision of the proportion belonging to said city; *Provided always*, That the said Common Council use the said money and property for the purposes and in manner now authorized to be used by the said the trustees of the freeholders, inhabitants of said township; *And also*, That the said city shall be entitled to receive its just quota of the surplus revenue apportioned to, and received, or to be hereafter received by the state of New-Jersey, to be ascertained according to the ratio of taxation in the county of Bergen; and to be under the direction and supervision of the said Common Council, subject to the like restrictions, liabilities and responsibilities, as the Board of Chosen Freeholders of the county of Bergen now are or hereafter may be, in relation to the safe keeping and return of said money to the State or General Government, when the same shall be required.

Surplus revenue.

Liability therefor.

Annual report of treasurer to be published.

§ 20. *And be it enacted*, That it shall be the duty of the treasurer of the said city, at least once in each year, to make out a full and true account of all the moneys raised by tax or loan for the use of the said city since the last annual election, and of the application and expenditure of the same, and to deliver the said account to the clerk of the said city, at least ten days previous to the next annual election, to be by him filed in his office; and it shall be the duty of the said clerk to cause a copy of the said account to be published in one or more newspapers published or circulated in said city, at least five days previous to the day of the next annual election for city officers.

Compensation to officers.

§ 21. *And be it enacted*, That it shall be lawful for the Common Council of the said city to pay unto the treasurer, clerk, and other officers and agents of said city, such compensation for their services as the Common Council shall deem reasonable and proper.

Treasurer and collector to give bonds.

§ 22. *And be it enacted*, That the treasurer and collector of said city, before they enter upon the duties of their respective offices, shall severally execute their respective bonds to the Mayor and Common Council of Jersey City, in such sums and with such sureties as the said Common Council shall approve, conditioned for the faithful execution of the duties of their respective offices.

Constables to make oath.

§ 23. *And be it enacted*, That every constable of the said city, before he enters upon the duties of his office, shall take and sub-

scribe before the clerk of the said city, an oath or affirmation in the form prescribed for constables of townships, in the nineteenth section of the act of the Legislature, entitled an act incorporating the inhabitants of townships, designating their powers and regulating their meetings, using the word city instead of the word township; and the said clerk shall endorse on the said oath or affirmation, the day and year on which the same was subscribed and taken or made, and file the said oath or affirmation and endorsement thereon in his office: *And further*, That every constable of the said city, before he enters upon the execution of his office, shall repair to the Common Council of the said city, and enter into bond to the Mayor and Common Council of Jersey City, with one or more sureties, to be approved of by the said Common Council in such sum as the said Common Council shall direct, in the form as near as may be, prescribed in the fifty-eighth section of the act of the Legislature, entitled an act constituting courts for the trial of small causes, which bond shall be delivered to the clerk of the said city, who is hereby directed and required to record and file the same in his office; and the said Mayor and Common Council are hereby directed and required, if need be, to prosecute the said bond, for and in behalf, and to the use of all and every person or persons whatever, who may have sustained loss by the neglect or misconduct of the said constable, and all suits on such bonds shall be prosecuted and conducted in the manner directed in the fifty-ninth section of the last mentioned act, for prosecuting and conducting suits on constables' bonds.

Clerk to file same.

Constables to give bonds.

Clerk to file same.

Misconduct of Constables to be prosecuted.

§ 24. *And be it enacted*, That the aldermen elected by virtue of this act, shall be ex-officio conservators of the peace within the limits of said city, and for this purpose shall jointly and severally have authority to cause any or all persons to be brought before them, or either of them, for any breach of the peace, or for disturbing the public tranquility; shall have power to cause any or all persons so offending, to be sent to the watch house or city prison for safe keeping, until he, she, or they can be brought before the mayor or any magistrate of the county for further hearing; and that the said mayor shall be, during the time for which he is elected, vested with all the powers and functions, and be bound by the same liabilities in criminal cases, that justices of the peace of the

Aldermen ex-officio conservators of the peace. Authority.

Mayor vested with power of justice.

several counties of this state now are, or hereafter may be authorized to perform, and all officers and persons shall respect him as such.

Streets already regulated, how altered.

§ 25. *And be it enacted*, That any street or streets, or parts of streets, in said city, which now are or shall be regulated by curbing and guttering therein, by any grade now or hereafter to be established for said street or streets or parts of streets, the same shall not be changed or altered by the said Common Council, unless at least seven members thereof shall assent to such change in Common Council convened: *And further*, That unless the said Common Council shall apply to the justices of the Supreme Court of this state, and a majority of the said justices shall approve the said alteration, and the said Common Council shall give at least thirty days notice of the time and place of said application, in at least one public newspaper printed or circulated in said city, and also by advertisement, put up in at least five public places in said city for the like space of time, and it shall be lawful, whenever the alteration of any such street or streets, or parts of streets, shall be authorized by the said Common Council, and the consent of the said justices obtained as aforesaid, for the said Common Council to appoint three disinterested freeholders of the said city, commissioners to make an estimate and assessment of the damages that any owner or owners of any lot or lots fronting on such street or streets, or parts of streets will sustain by making such alterations, and in estimating and assessing such damages, the said commissioners shall have due regard, as well to the benefit as to the injury of the owner or owners thereof, by such alteration: *Provided always*, That any person or persons who may consider himself, herself or themselves injured or aggrieved by such estimate or assessment, may at any time within thirty days after the making thereof, appeal therefrom to the said Supreme Court, who shall have power to confirm or set aside the said estimate and assessment, and to order a new assessment and estimate thereof to be made and reported to them for confirmation.

Vote of electors March 20, 1838, on charter.

§ 26. *And be it enacted*, That this act shall not go into effect unless the assent of three-fifths of the electors of said city shall be first obtained; and for this purpose a poll shall be opened on the twentieth day of March next, between the hours of twelve o'clock,

noon, and six in the afternoon, under the direction of the inspectors of the last election of the said city, and at the place where the last election was held for members of the Board of Selectmen, of which time and place the Board of Selectmen of said city shall give at least one week's previous notice, in one of the newspapers published or circulated in the said city, and the electors entitled to vote for members of the Board of Selectmen of said city, as now constituted, shall express their assent or refusal of this act, by depositing their ballots in the box provided for this purpose in said city, and those electors who are in favor of the said law, shall each deposit a ballot containing the word "alteration," written or printed thereon, and those who are opposed shall each deposit a ballot with the words "no alteration" written or printed thereon, and a canvass and return of the votes shall be made by the said inspectors, to the secretary of the Board of Selectmen of Jersey City; and if three-fifths of those who vote at such election are found to be in favor of this act, it shall then, but not otherwise, go into effect.

Powers of former corporation transferred.

§ 27. *And be it enacted*, That the said Common Council, hereby created, shall be invested with and exercise in their corporate name, all the rights, privileges, powers and duties, that the Board of Selectmen and inhabitants of Jersey City now are capable of exercising and performing, by and under an act of the Legislature of this state, passed March the eighth, eighteen hundred and thirty-six, entitled "A supplement to the act, entitled an act to incorporate Jersey City in the county of Bergen, passed January twenty-third, eighteen hundred and twenty-nine," and that it be taken and considered as a part of this act.

Supplement, March 8, 1836.

Former acts repealed.

§ 28. *And be it enacted*, That the act entitled "An act to incorporate the city of Jersey, in the county of Bergen, passed January twenty-eighth, eighteen hundred and twenty, be and the same is hereby repealed, and that such part or parts of the act entitled "An act incorporating the city of Jersey, in the county of Bergen, and to repeal a former act," passed January twenty-third, eighteen hundred and twenty-nine, which are contrary to or inconsistent with the provisions of this act, shall be, and the same are hereby repealed, such repeal to take effect on and after the second Monday of April next: *Provided, nevertheless*, That such repeal shall not render ineffectual or void any act or thing lawfully done under said

act; and it shall be lawful for the said Common Council to collect, enforce and settle, in their corporate name, as incorporated by this act, the payment of all assessments in arrear or other claims or demands whatever, that now are or hereafter may become due and owing to or from the said Board of Selectmen and inhabitants of Jersey City in their corporate capacity.

Jersey Associates.

§ 29. *And be it enacted*, That nothing herein contained shall be construed as in any wise to interfere with, or impair the vested rights and the privileges of the Associates of the Jersey Company: *Provided*, That this section shall not be construed or adjudged as a repeal of any part of the proviso contained in the second section of the act incorporating said Associates: *And provided further*, That nothing herein contained shall be so construed as to prevent the Mayor and Common Council from exercising all the powers and privileges granted in and by the thirteenth section of this act.

§ 30. *And be it enacted*, That the Legislature may at any time hereafter, alter, modify, amend or repeal this act, whenever in the judgment of the Legislature the public good may require the same; and that it be taken and referred to as a public act in all courts, places, and by all persons; and also, that the supplement referred to in the twenty-seventh section be taken as a public act in like manner.

—

HOUSE OF ASSEMBLY, *February* 22, 1838.

This re-engrossed bill having been three times read and compared in the House of Assembly,

Resolved, That the same do pass.

By order of the House of Assembly,

LEWIS CONDICT, *Speaker.*

—

IN COUNCIL, *Februury* 22, 1838.

This re-engrossed bill having been three times read in Council,

Resolved, That the same do pass.

By order of Council,

A. PARSONS, *Vice President.*

STATE OF NEW-JERSEY:

I, JAMES D. WESTCOTT, *Secretary of State of the State of New-Jersey*, do hereby certify that the foregoing is a true copy of a law of said state, passed on the twenty-second day of February, Anno Domini, eighteen hundred and thirty-eight, entitled "An Act to incorporate Jersey City," as taken from and compared with the original, now on file in my office.

Given under my hand and seal of office, at the city of Trenton, in said State, this seventh day of March, Anno Domini, eighteen hundred and thirty-eight.

L.S.

JAMES D. WESTCOTT.

STATE OF NEW-JERSEY:

A SUPPLEMENT TO THE ACT ENTITLED "AN ACT INCOPORATING JERSEY CITY.

§ 1. *Be it enacted by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That all that part of the township of Bergen lying westerly of Jersey City, included within the following boundaries, viz: Beginning at a point where the said westerly boundary line of said city intersects the northerly line of Harsimus street, as said street is laid down on the map of the town of Jersey, made by Joseph F. Mangin for the associates of the Jersey Company; thence running westerly to and along the northerly line of South Eighth street, as the same is laid down on the map made by Lucius F. Douglass, for the Commissioners appointed to make partition of the estate late of John Van Vorst, deceased, to the middle of Grove street in Harsimus, as the same is now laid out and opened; thence southerly along the middle of the same, and through and along the middle of Kellogg street and Beach street, as the same are laid down on the map made by Joseph F. Bridges, for Cornelius Van Vorst, into Communipaw bay, to a point which will be reached by the continuation, in a direct line, of the southerly boundary line of said city; thence easterly in a straight line to the intersection of the westerly and southerly boundary lines of said city; thence northerly along the westerly

Additional boundary.

line of said city, to the place of beginning; and all the inhabitants within the limits aforesaid, shall be, from time to time, and forever hereafter, a part of the body politic and corporate of "the Mayor and Common Council of Jersey City," to all intents and purposes whatsoever, in as full and ample a manner as though the same had been included as, and declared to be, part of the said body politic and corporate by the act entitled "An Act incorporating Jersey City," passed February 22, 1838.

Laws, &c. to apply in new limits.

§ 2. *And be it enacted*, That all the ordinances, by-laws, resolutions and regulations, which shall be in force at the time of the passage of this act, in said city, shall be deemed and taken to apply and operate as effectually within that part of the township of Bergen which by this act is made a part of said city, as the same shall then apply and operate within the bounds of said city: *Provided, however*, that no ordinance, by-law, resolution or regulation, which shall then be in force in said city, or which shall thereafter be ordained, passed, resolved or made, for regulating, laying out, widening, altering, grading, extending, filling up or excavating the streets, highways and public alleys in said city, or any of them, except for cleaning or keeping in repair such streets, highways and alleys, shall be deemed or taken to apply or operate within that part of the township of Bergen which by this act is made a part of said city, until after the expiration of two years next after the passing of this act, without the consent of the owner or owners of more than one half of the land within the same, to be given in writing: *And provided also*, that no tax, assessment or imposition whatsoever, shall be laid, made or levied upon the lands included within the limits of that part of the township of Bergen which by this act is made a part of the said city, belonging to the heirs-at-law of John Van Vorst, or any part thereof, for regulating, laying out, widening, altering, grading, extending, filling up, excavating, or cleaning any street, or part of street, which now or shall hereafter run through the same, or any part thereof, without the consent of the owner or owners of more than one half of the last mentioned lands, to be given in writing.

No streets to be altered, &c., for two years without consent, &c.

No street to be opened on Van Vorst property without consent.

§3. *And be it enacted*, That it shall and may be lawful for the Common Council of Jersey City, in addition to the powers heretofore granted, to pass ordinances and by-laws, by not less than six

concurring votes, and to enforce the observance of the same, for regulating and governing the building of partition walls and fences, the filling up of sunken lots, the excavating and repairing of docks and slips, and for limiting the height of wooden buildings: *Provided*, that the same shall not go into effect until they shall have been published for the space of twenty days in at least one newspaper published or circulated in said city: *And provided also*, that the same shall have been introduced before the Common Council at a previous meeting.

Partition walls, &c.
Excavating docks, filling sunken lots, &c.
Wooden buildings.

§ 4. *And be it enacted*, That the collector of the said city, in case of the non-payment of taxes at the time appointed by law for the payment thereof, shall make out a list of the names of the delinquents, with the sums due from them, respectively, thereto annexed, and deliver the same to the clerk of the Common Council of said city on the twentieth day of December in every year, except when the said day shall happen on a Sunday, and then on the next day following; and it shall be the duty of such clerk to lay the same before the said Common Council, at the meeting thereof, held next after the same shall be delivered to him; and thereupon the said Common Council may deliver the same to such justice or justices of the peace of the county of Bergen, as they shall see fit to proceed thereon according to law: *Provided*, that such collector shall, before he delivers such list to the said clerk, take and subscribe an oath or affirmation before some justice of the peace of the county of Bergen, that the moneys in the said list mentioned, have been duly demanded, or due notice thereof given at the usual place of residence of each delinquent who could be found, or may then reside in the said city.

Taxes.
Collector to report, &c.
Common Council to sue, &c.
Collector to swear to return.

§ 5. *And be it enacted*, That all taxes and assessments which shall hereafter be assessed or made upon any lands, tenements or real estate situate in Jersey City, 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 devise, descent, alienation, mortgage, or other incumbrance thereof; and that if the full amount of any such tax or assessment shall not be paid and satisfied within the time limited and appointed for the payment thereof, it shall and may be lawful for the Common Council to cause such lands, tenements or real estate to be sold at public auction for the shortest

All taxes or assessments to be a lien.
Sale of property on failure of payment, and conditions.

term for which any person will agree to take the same and pay such tax or assessment, or the balance thereof, remaining unpaid, with the interest thereof, and all costs, charges and expenses, and to execute, under the common seal of the said city, a declaration of such sale, and deliver the same to the said purchaser; and such purchaser, his executors, administrators or assigns, shall, by virtue thereof, lawfully hold and enjoy the said lands, tenements or real estate, for his and their own proper use, against the owner or owners thereof, and all persons claiming under him or them, until his said te rmshall be completed and ended: *Provided*, that the said Common Council shall first have caused such sale to be advertised for at least sixty days in at least one public newspaper printed and published in said city, and if no newspaper shall be printed and published in the said city, then in at least one public newspaper generally circulated in the said city, and also by advertisements put up in at least five public places in the said city, which advertisement shall describe the said lands, tenements or real estate, and specify the amount of the assessment: *And provided also*, that the lands, tenements or real estate so sold, may be redeemed by the owner or owners thereof, within two years from the day of the sale, on the payment of the amount of the purchase money, with interest, at the rate of twenty per cent. from the day of sale, and all expenses necessarily incurred for the benefit of the purchaser.

Sixty days' notice of sale to be given.

Property to be described.

And Whereas, The said city was surveyed and plotted into blocks and lots by the Associates of the Jersey Company, who were incorporated on the tenth of November, one thousand eight hundred and four, and the lots were sold agreeably to a map thereof now existing, made by Joseph F. Mangin, bearing date the fifteenth of April, one thousand eight hundred and four, of which no record can be found—therefore,

§ 6. *And be it enacted*, That it shall and may be lawful for the said Common Council to authenticate the said map, by such proofs as they shall deem satisfactory, and to cause a certified copy thereof, under the seal of the said city, to be filed with their clerk, and a copy thereof to be duly recorded in the office of such clerk; and also to cause a map of the additional territory of the said city, annexed thereto by this act, and of the blocks, streets, docks and slips which may from time to time be made into the waters

Authentication of Mangin's map, and map of new boundaries to be made.

surrounding said city, to be filed with the clerk, and a copy thereof to be duly recorded.

§ 7. *And be it enacted*, That this act shall go into effect immediately after the passage thereof.

Passed March 8, 1839.

A SUPPLEMENT TO AN ACT, ENTITLED "AN ACT TO INCORPORATE JERSEY CITY."

Passed the 22d of February, 1838.

§ 1. *Be it enacted by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That so much of the act to which this is a supplement as authorizes the Common Council of Jersey City to pass ordinances for regulating petty grocers in selling of liquors, or to grant licenses to victuallers and retailers of spirituous liquors, be, and the same is hereby repealed from and after the passage of this act.

Part of former act repealed.

Passed March 11, 1841.

AN ACT

To Ratify and Confirm an Agreement made between the Commissioners appointed by the Governor of the State of New-York, and the Commissioners appointed by the Governor of the State of New-Jersey, respecting the territorial limits and jurisdiction between the said states. Passed the 26th of February, 1834.

Whereas, commissioners duly appointed on the part of the state of New-York, and commissioners duly appointed on the part of New-Jersey, for the purpose of agreeing upon and settling the jurisdiction and territorial limits of the two states, have executed certain articles, two copies for each state, which are contained in the following words:

Agreement made and entered into by and between Benjamin F. Butler, Peter Augustus Jay, and Henry Seymour, commissioners duly appointed on the part and behalf of the state of New-York, in

pursuance of an act of the legislature of the said state, entitled "An act concerning the territorial limits and jurisdiction of the state of New-York and the state of New-Jersey," passed January 18th, 1833, of the one part, and Theodore Frelinghuysen, James Parker and Lucius Q. C. Elmer, commissioners duly appointed on the part and behalf of the state of New-Jersey, in pursuance of an act of the Legislature of the said state, entitled "An act for the settlement of the territorial limits and jurisdiction between the states of New-Jersey and New-York," passed February 6th, 1833, of the other part.

ARTICLE I. The boundary line between the two states of New-York and New-Jersey, from a point in the middle of Hudson river, opposite the point on the west shore thereof, in the forty-first degree of north latitude, as heretofore ascertained and marked, to the main sea, shall be the middle of the said river, of the bay of New-York, of the water between Staten Island and New-Jersey, and of Raritan bay, to the main sea, except as hereinafter otherwise particularly mentioned.

ART. II. The state of New-York shall retain its present jurisdiction of and over Bedlow's and Ellis' Islands, and shall also retain exclusive jurisdiction of and over the other islands lying in the waters above mentioned, and now under the jurisdiction of that state.

ART. III. The state of New-York shall have and enjoy exclusive jurisdiction of and over all the waters of the bay of New-York, and of and over all the waters of Hudson river lying west of Manhattan Island, and to the south of the mouth of Spuytenduyvel creek, and of and over the lands covered by the said waters to the low water mark on the westerly or New-Jersey side thereof; subject to the following rights of property and of jurisdiction of the state of New-Jersey, that is to say:

1. The state of New-Jersey shall have the exclusive right of property in and to the land under water, lying west of the middle of the bay of New-York, and west of the middle of that part of the Hudson river which lies between Manhattan Island and New-Jersey.

2. The state of New-Jersey shall have the exclusive jurisdiction of and over the wharves, docks and improvements made and to be

made on the shore of the said state, and of and over all vessels aground on said shore, or fastened to any such wharf or dock; except that the said vessel shall be subject to the quarantine or health laws, and laws in relation to passengers, of the state of New-York, which now exist or which may hereafter be passed.

3. The state of New-Jersey shall have the exclusive right of regulating the fisheries on the westerly side of the middle of the said waters: *Provided*, that the navigation be not obstructed or hindered.

ART. IV. The state of New-York shall have exclusive jurisdiction of and over the waters of the Kill Van Kull, between Staten Island and New-Jersey, to the westermost end of Shooter's Island, in respect to such quarantine laws and laws relating to passengers, as now exist or may hereafter be passed under the authority of that state, and for executing the same; and the said state shall also have exclusive jurisdiction, for the like purposes, of and over the waters of the sound, from the westermost end of Shooter's Island to Woodbridge creek, as to all vessels bound to any port in the said state of New-York.

ART V. The state of New-Jersey shall have and enjoy exclusive jurisdiction of and over all the waters of the sound between Staten Island and New-Jersey, lying south of Woodbridge creek, and of and over all the water of Raritan bay, lying westward of a line drawn from the light house at Prince's bay to the mouth of Matavan creek, subject to the following rights of property, and of jurisdiction of the state of New-York, that is to say:—

1. The state of New-York shall have the exclusive right of property in and to the land under water, lying between the middle of the said waters and Staten Island.

2. The state of New-York shall have the exclusive jurisdiction of and over the wharves, docks and improvements made and to be made on the shore of Staten Island; and of and over all vessels aground on said shore, or fastened to any such wharf or dock, except that the said vessels shall be subject to the quarantine or health laws, and laws in relation to passengers of the state of New-Jersey, which now exist or which may hereafter be passed.

3. The state of New-York shall have the exclusive right of regulating the fisheries between the shore of Staten Island and the mid-

dle of the said waters, provided that the navigation of the said waters be not obstructed or hindered.

ART. VI. Criminal process issued under the authority of the state of New-Jersey, against any person accused of an offence committed within that state, or committed on board of any vessel being under the exclusive jurisdiction of that state as aforesaid, or committed against the regulations made or to be made by that state in relation to the fisheries mentioned in the third article; and also civil process issued under the authority of the state of New-Jersey, against any person domiciled in that state, or against property taken out of that state to evade the laws thereof, may be served upon any of the said waters within the exclusive jurisdiction of the state of New-York, unless such person or property shall be on board a vessel aground upon, or fastened to the shore of the state of New-York, or fastened to a wharf adjoining thereto; or unless such person shall be under arrest, or such property shall be under seizure, by virtue of process or authority of the state of New-York.

ART. VII. Criminal process issued under the authority of the state of New-York, against any person accused of an offence committed within that state, or committed on board of any vessel being under the exclusive jurisdiction of that state as aforesaid; or committed against the regulations made or to be made by that state, in relation to the fisheries mentioned in the fifth article; and also civil process issued under the authority of the state of New-York, against any person domiciled in that state, or against property taken out of that state to evade the laws thereof, may be served upon any of the said waters within the exclusive jurisdiction of the state of New-Jersey, unless such person or property shall be on board a vessel aground, upon or fastened to the shore of the state of New-Jersey, or fastened to a wharf adjoining thereto, or unless such person shall be under arrest, or such property shall be under seizure, by virtue of process or authority of the state of New-Jersey.

ART. VIII. This agreement shall become binding on the two states when confirmed by the Legislatures thereof respectively, and when approved by the Congress of the United States.

Done in four parts, (two of which are retained by the commissioners of New-York, to be delivered to the governor of that state, and the other two of which are retained by the commissioners of

New-Jersey, to be delivered to the governor of that state) at the city of New-York, this sixteenth day of September, in the year of our Lord one thousand eight hundred and thirty-three, and of the Independence of the United States, the fifty-eighth.

THEO. FRELINGHUYSEN,	B. F. BUTLER,
JAMES PARKER,	PETER A. JAY,
LUCIUS Q. C. ELMER,	HENRY SEYMOUR.

Therefore: The aforesaid agreement, and every article, clause, matter and thing therein contained, shall be, and the same is hereby fully and amply ratified and confirmed, on the part of the state of New-Jersey.

(This agreement has been ratified and confirmed by the Legislature of New-York, and approved by the Congress of the United States.)

SUPREME COURT OF THE UNITED STATES.

JANUARY TERM, 1842.

Merrit Martin, Abraham Webb, Smith Martin, Abraham Bloodgood, Solomon Russ, Joseph W. Reckless and Lawrence Kearney, Plaintiffs in Error, v. John Den, Lessee of William C. H. Waddell.

In Error to the Circuit Court of the United States for the District of New-Jersey.

1. The land or soil, under the navigable waters of East New-Jersey, passed to the Duke of York, by the charters granted to him by his brother, Charles the Second, of England, in 1664, and 1674, as one of the royalties incident to the powers of Government, and were held by him in the same manner, and for the same purposes that the navigable waters of England, and the soils under them, are held by the Crown.

2. All the interest of the Duke of York, in East New-Jersey, including the royalties and powers of Government, were conveyed to the Proprietors of East New-Jersey, as fully and amply, and in the same condition as they were granted to him, and they had the same dominion and property in the navigable waters and soil under them, and in the rights of *fishery*, that had belonged to him under

the original charter, and were held by them as a *prerogative* right, and incident to the *regal* authority ; and were, by the said Proprietors, in 1702, surrendered to Anne, Queen of England, and her heirs and successors.

The surrender, according to its evident object and meaning, restored to the Crown, in the same plight and condition, whatever the Duke of York held as a royal prerogative right, with the political power to which it was incident.

3. When the people of New-Jersey took possession of the reigns of government, and took into their own hands the powers of sovereignty, the *prerogatives* and *jura regalia*, which before belonged to either the Crown or the Parliament, became immediately and rightfully vested in the state.

4. The decision of the Supreme Court of New-Jersey in *Arnold* v. *Mundy*, 1 *Halst.* 1, ought to be regarded as conclusive on the question of proprietary rights to the soil under navigable waters, and the fisheries thereon.

5. The right of fishery, as well for shell fish as floating fish, on or over the soil under the navigable waters in East New-Jersey, is in the state as an incident of sovereignty.

Mr. Chief Justice TANEY delivered the opinion of the Court.

This case is brought here by writ of error, from the Circuit Court of the United States, for the District of New-Jersey. It was fully argued at the last term. But it was not then decided, because the important principles involved in it made it proper that the case should be heard and determined by a full court ; and as some of the justices were not present at the former hearing, a re-argument was ordered. In pursuance of this order, it has been again elaborately discussed by counsel ; and, having been carefully considered by the Court, I am instructed to deliver their opinion.

The questions before us arise upon an action of ejectment, instituted by the defendant in error, who was the plaintiff in the court below, to recover one hundred acres of land covered with water, situate in the township of Perth Amboy, in the state of New-Jersey. At the trial in the Circuit Court, the jury found a special verdict, setting forth, among other things, that the land claimed lies beneath the navigable waters of the Raritan river and bay, where the tide ebbs and flows. And it appears that the principal matter in dispute

is the right to the Oyster Fishery in the public rivers and bays of East New-Jersey.

The plaintiffs make title under the charters granted by Charles the Second, to his brother the Duke of York, in 1664 and 1674, for the purpose of enabling him to plant a colony on this continent. The last mentioned grant is precisely similar to the former in every respect, and was made for the purpose of removing doubts which had then arisen as to the validity of the first.

The boundaries in the two charters are the same, and they embrace the territory which now forms the state of New-Jersey. The part of this territory known as East New-Jersey, afterwards, by sundry deeds and conveyances, which it is not necessary to enumerate, was transferred to twenty-four persons, who were called the Proprietors of East New-Jersey; who, by the terms of the grant, were invested, within the portion of the territory conveyed to them, with all the rights of property and government which had been originally conferred on the Duke of York, by the letters patent of the king. Some serious difficulties, however, took place in a short time, between these Proprietors and the British authorities, and after some negotiations upon the subject, they, in 1702, surrendered to the crown all the powers of government, retaining their rights of private property.

The defendant in error claims the land covered with water, mentioned in the declaration, by virtue of a survey made in 1834, under the authority of the Proprietors, and duly recorded in the proper office. And if they were authorized to make this grant, he is entitled to the premises as owner of the soil, and has an exclusive right to the fishery in question. The plaintiffs in error also claim an exclusive right to take oysters in the same place, and derive their title under a law of the state of New-Jersey, passed in 1824, and a supplement thereto, passed in the same year. The point in dispute between the parties, therefore, depends upon the construction and legal effect of the letters patent to the Duke of York, and of the deed of surrender subsequently made by the Proprietors. The letters patent to the Duke included a very large territory, extending along the Atlantic coast from the river St. Croix to the Delaware bay, and containing within it many navigable rivers, bays and arms of the sea, and after granting the tract of country and islands therein

described, " together with all the lands, islands, soils, rivers, harbors, mines, minerals, quarries, woods, marshes, waters, lakes, fishings, hawkings, huntings and fowlings, and all other royalties, profits, commodities and hereditaments to the said several islands, lands and premises belonging and appertaining with their and every of their appurtenances; and all the estate, right, title, interest, benefit and advantage, claim and demand of the king in the said lands and premises;" the letters patent proceed to confer upon him, his heirs, deputies, agents, commissioners and assigns, the powers of government, with a proviso that the statutes, ordinances and proceedings established by his authority, should " not be contrary to, but as nearly as might be, agreeable to the laws, statutes and government of the realm of England; saving also an appeal to the king in all cases from any judgment or sentences which might be given in the colony, and authorizing the duke, his heirs and assigns, to lead and transport, out of any of the realms of the king, to the country granted, all such and so many of his subjects or strangers not prohibited or under restraint, who would become the "*loving subjects*" of the king, and live under his allegiance, and who should willingly accompany the duke, his heirs and assigns.

The right of the king to make this grant, with all of its prerogatives and powers of government, cannot at this day be questioned. But in order to enable us to determine the nature and extent of the interest which it conveyed to the duke, it is proper to inquire into the character of the right claimed by the British crown, in the country discovered by its subjects, on this continent, and the principles upon which it was parcelled out and granted. The English possessions in America were not claimed by right of conquest, but by right of discovery. For, according to the principles of international law, as then understood by the civilized powers of Europe, the Indian tribes in the new world, were regarded as mere temporary occupants of the soil, and the absolute rights of property and dominion were held to belong to the European nation by which any particular portion of the country was first discovered. Whatever forbearance may have been sometimes practised towards the unfortunate aborigines, either from humanity or policy, yet the territory they occupied was disposed of by the governments of Europe, at their pleasure, as if it had been found without inhabitants. The

grant to the Duke of York, therefore, was not of lands won by the sword, nor were the government and laws he was authorized to establish, intended for a conquered people.

The country mentioned in the letters patent, was held by the king, in his public and legal character as the representative of the nation, and in trust for them. The discoveries made by persons acting under the authority of the government, were for the benefit of the nation; and the crown, according to the principles of the British constitution, was the proper organ to dispose of the public domain; and, upon these principles, rest the various charters and grants of territory made on this continent. The doctrine, upon this subject, is clearly stated in the case of *Johnson* v. *McIntosh*, 8 *Wheat.* 595. In that case, the court, after stating it to be a principle of universal law, that an uninhabited country, if discovered by a number of individuals who owe no allegiance to any government, becomes the property of the discoverers, proceed to say, that "if the discovery be made and possession taken under the authority of an existing government which is acknowledged by the emigrants, it is supposed to be equally well settled that the discovery is made for the benefit of the whole nation, and the vacant soil to be disposed of by that organ of the government which has the constitutional power to dispose of the national domain; by that organ in which all the vacant territory is vested by law. According to the theory of the British constitution, all vacant lands are vested in the crown as representing the nation, and the exclusive power to grant them is admitted to reside in the crown, as a branch of the royal prerogative. It has been already shown, that this principle was as fully recognized in America, as in the island of Great Britain." This being the principle upon which the charter in question was founded, by what rules ought it to be construed?

We do not propose to meddle with the point which was very much dicussed at the bar, as to the power of the king, since Magna Charta, to grant to a subject a portion of the soil covered by the navigable waters of the kingdom, so as to give him an immediate and exclusive right of fishery either for shell fish or floating fish, within the limits of his grant. The question is not free from doubt, and the authorities referred to in the English books, cannot, perhaps, be altogether reconciled. But, from the opinions expressed by the justices of the

Court of King's Bench, in the case of *Blundell* v. *Catterall*, 5 *Barn.* and *Ald.* 287, 294, 304, 309, and in the case of *The Duke of Somerset* v. *Fogwell*, 5 *Barn*, and *Cres.* 883, 884, the question must be regarded as settled in England, against the right of the king, since Magna Charta, to make such a grant. The point does not, however, arise in this case, unless it shall first be decided that in the grant to the Duke of York, the king intended to sever the bottoms of the navigable waters from the perogative powers of government, conferred by the same charter, and to convert them into mere franchises in the hands of a subject, to be held and used as his private property. And we the more willingly forbear to express an opinion on this subject, because it has ceased to be a matter of much interest in the United States. For when the revolution took place, the people of each state became themselves sovereign, and, in that character, held the absolute right to all their navigable waters and the soils under them, for their own common use, subject only to the rights since surrendered by the constitution to the general government. A grant made by their authority must, therefore, manifestly be tried and determined by different principles from those which apply to grants of the British Crown, where the title is held by a single individual, in trust for the whole nation. Neither is it necessary to examine the many cases which have been cited in the argument on both sides, to show the degree of strictness with which grants of the king are to be construed. The decisions and authorities referred to, apply more properly to a grant of some prerogative right to an individual, to be held by him as a franchise, and which is intended to become private property in his hands. The dominion and property in navigable waters, and in the lands under them, being held by the king as a public trust, the grant to an individual of an exclusive fishery, in any portion of it, is so much taken from the common fund, intrusted to his care for the common benefit. In such cases, whatever does not pass by the grant, still remains in the crown for the benefit and advantage of the whole community. Grants of that description are therefore construed strictly, and it will not be presumed that he intended to part from any portion of the public domain, unless clear and especial words are used to denote it. But in the case before us, the rivers, bays, and arms of the sea, and all prerogative rights within the limits of the charter, un-

doubtedly passed to the Duke of York, and were intended to pass, except those saved in the letters patent. The words used, evidently show this intention, and there is no room, therefore, for the application of the rule above mentioned. The questions upon this charter are very different ones. They are, whether the dominion and propriety in the navigable waters, and in the soil under them, passed as a part of the prerogative rights annexed to the political powers conferred on the Duke? Whether, in his hands, they were intended to be a trust for the common use of the new community, about to be established, or private property to be parcelled out and sold to individuals for his own benefit. And in deciding a question like this, we must not look merely to the strict technical meaning of the words of the letters patent. The laws and institutions of England, the history of the times, the object of the charter, the contemporaneous construction given to it, and the usages under it, for the century and more, which has since elapsed, are all entitled to consideration and weight. It is not a deed conveying private property to be interpreted by the rules applicable to cases of that description. It was an instrument upon which was to be founded the institutions of a great political community, and in that light it should be regarded and construed.

Taking this rule for our guide, we can entertain no doubt as to the true construction of these letters patent. The object in view appears upon the face of them. They were made for the purpose of enabling the Duke of York to establish a colony upon the newly discovered continent, to be governed as nearly as circumstances would permit, according to the laws and usages of England, and in which the duke, his heirs and assigns, were to stand in the place of the king, and administer the government according to the principles of the British constitution. And the people who were to plant this colony and to form the political body over which he was to rule, were subjects of Great Britain, accustomed to be governed according to its usages and laws.

It is said by *Hale*, in his Treatise *de jure maris*, *Harg. Law tracts*, 11, when speaking of the navigable waters, and the sea on the coasts within the jurisdiction of the British Crown, that "Although the king is the owner of this great waste, and, as a consequent, of his propriety, hath the primary right of fishing in the sea,

and creeks and arms thereof, yet the common people of England have regularly a liberty of fishing in the sea, or creeks or arms thereof, as a public common of piscary, and may not, without injury to their right, be restrained of it, unless in such places, creeks or navigable rivers, when either the king, or some particular subject, hath gained a propriety exclusive of that common liberty."

The principle here stated by Hale, as to "the public common of piscary" belonging to the common people of England, is not questioned by any English writer upon that subject.

The point upon which different opinions have been expressed, is whether since Magna Charta, either the king or any particular subject can gain a propriety exclusive of the common liberty. For undoubtedly, rights of fishery, exclusive of the common liberty, are at this day held and enjoyed by private individuals under ancient grants. But the existence of a doubt as to the right of the King, to make such a grant after Magna Charta, would of itself show how fixed has been the policy of that government on this subject for the last six hundred years; and how carefully it has preserved this common right for the benefit of the public. And there is nothing in the charter before us indicating that a different and opposite line of policy was designed to be adopted in that colony. On the contrary, after enumerating in the clause herein before quoted, some of the prerogative rights annexed to the Crown, but not all of them, general words are used conveying "all the estate, right, title, interest, benefit, advantage, claim and demand" of the King, in the lands and premises before granted. The estate and rights of the King, passed to the Duke in the same condition in which they had been held by the Crown, and upon the same trusts. Whatever was held by the King as a prerogative right, passed to the Duke in the same character. And if the word *soils* be an appropriate word to pass lands covered with navigable water, as contended for on the part of the defendant in error, it is associated in the letters patent, with "*other royalties*," and conveyed as such. No words are used for the purpose of separating them from the *jura regalia*, and converting them into private property, to be held and enjoyed by the Duke, apart from and independent of the political character with which he was clothed by the same instrument. Upon a different construction, it would have been impossible for him to have com-

plied with the conditions of the grant. For it was expressly enjoined upon him as a duty in the government he was about to establish, to make it as near as might be agreeable in their new circumstances, to the laws and statutes of England; and how could this be done if in the charter itself this high prerogative trust was severed from the regal authority. If the shores and the rivers, and the bays and arms of the sea, and the land under them, instead of being held as a public trust for the benefit of the whole community, to be freely used by all for navigation and fishery, as well for shell fish as floating fish, had been converted by the charter itself into private property, to be parcelled out and sold by the Duke for his own individual emolument? There is nothing, we think, in the terms of the letters patent, or in the purposes for which it was granted that would justify this construction. And in the judgment of the court, the land under the navigable waters, passed to the grantee as one of the royalties incident to the powers of government: and were to be held by him, in the same manner and for the same purposes that the navigable waters of England, and the soils under them, are held by the Crown.

This opinion is confirmed by referring to similar grants for other tracts of country upon this continent, made about the same period of time. Various other charters for large territories on the Atlantic coast were granted by different monarchs of the Stuart dynasty, to different persons, for the purpose of settlement and colonization, in which the powers of government were united with the grant of territory. Some of these charters very nearly resembled in every respect, the one now in controversy; and none of them it is believed differed materially from it, in the terms in which the bays, rivers, and arms of the sea, and the soils under them, were conveyed to the grantees. Yet in no one of these colonies has the soil, under its navigable waters, and the rights of fishery for shell fish or floating fish, been severed by the letters patent, from the powers of government. In all of them, from the time of the settlement to the present day, the previous habits and usages of the colonists have been respected, and they have been accustomed to enjoy in common the benefits and advantages of the navigable waters, for the same purposes and to the same extent that they have been used and enjoyed for centuries, in England; indeed it could not well have been

otherwise. For the men who first formed the English settlements, could not have been expected to encounter the many hardships that unavoidably attended their emigration to the new world, and to people the banks of its bays and rivers, if the land under the water, at their very doors, was liable to immediate appropriation by another, as private property; and the settler upon the fast lands thereby excluded from its enjoyment, and unable to take a shell fish from its bottom, or fasten there a stake, or even bathe in its waters without becoming a trespasser upon the rights of another. The usage in New-Jersey has in this respect, from its original settlement, conformed to the practice of the other chartered colonies. And it would require very plain language in these letters patent, to persuade us that the public and common right of fishery in navigable waters, which has been so long and so carefully guarded in England, and which was preserved in every other colony founded on the Atlantic borders, was intended in this one instance to be taken away. But we see nothing in the charter to require this conclusion.

The same principles upon which the court have decided upon the construction of the letters patent to the Duke of York, apply with equal force to the surrender afterwards made by the twenty-four Proprietors. It appears by the special verdict, that all the interest of the Duke in East New-Jersey, including the royalties and powers of government, were conveyed to these Proprietors, as fully and amply, and in the same condition, as they had been granted to him; and they had the same dominion and propriety in the bays and rivers and arms of the sea, and the soil under them, and in the rights of fishery, that had belonged to him under the original charter. In their hands therefore as well as in those of the Duke, this dominion and propriety was an incident to the regal authority, and was held by them as a prerogative right, associated with the powers of government. And being thus entitled, they in 1702 surrendered and yielded up to Anne, Queen of England, and to her heirs and successors," all the powers and authorities in the said letters patent granted, to correct, punish, pardon, govern and rule, all or any of her Majesty's subjects, or others who then were inhabitants, or thereafter might adventure into, or inhabit within the said province of East New-Jersey; and also to nominate, make, consti-

tute, ordain, and confirm any laws, orders, ordinances, directions, and instruments for those purposes, or any of them, and to nominate, constitute, or appoint, revoke, discharge, change, or alter any governor or governors, officers or ministers, which were or should be appointed within the said province, and to make, ordain, and establish, any orders, laws, directions, instruments, forms, or ceremonies of government and magistracy, for or concerning the same, or on the sea, in going to or coming from the same, or to put in execution or abrogate, revoke or change, such as were already made, for or concerning such government, or any of them, and also all the powers and authorities by the said letters patent, to use and exercise martial law, in the said province of East New-Jersey; and to admit any person or persons to trade or traffic there; and of encountering, repelling, and resisting by force of arms, any person or persons attempting to inhabit there without the license of them the said proprietors, their heirs and assigns; and all other the powers, authorities, and privileges of and concerning the government of the province last aforesaid, or the inhabitants thereof, which were granted or mentiond to be granted by the said several above recited letters patent or either of them;" which said surrender was afterwards accepted by the Queen.

We give the words of the surrender as found by the special verdict, and they are broad enough to cover all the *jura regalia* which belonged to the proprietors. They yield up "*all the powers, authorities, and privileges of and concerning the government of the province*;" and the right in dispute was one of these authorities and privileges. No words are used for the purpose of withholding from the Crown any of its ordinary and well known prerogatives. The surrender, according to its evident object and meaning, restored them in the same plight and condition in which they originally came to the hands of the Duke of York. Whatever he held as a royal or prerogative right, was restored with the political power to which it was incident. And if the great right of dominion and ownership in the rivers, bays and arms of the sea, and the soils under them, were to have been severed from the sovereignty, and withheld from the crown; if the right of common fishery for the common people, stated by Hale in the passage before quoted, was intended to be withdrawn, the design to make this important change in this parti-

cular territory, would have been clearly indicated by appropriate terms; and would not have been left for inference from ambiguous language.

The negotiations previous to the surrender have been referred to, in order to influence the construction of the deed. But whatever propositions may have been made, or opinions expressed before the execution of that instrument, the deed itself must be regarded as the final agreement between the parties; and that deed by its plain words re-established the authority of the Crown, with all of its customary powers and privileges. And when the people of New-Jersey took possession of the reins of government, and took into their own hands the powers of sovereignty, the prerogatives and regalities which before belonged either to the crown or the parliament, became immediately and rightfully vested in the State.

This construction of the surrender, is evidently the same with that which it received from all the parties interested at the time it was executed. For it appears by the history of New-Jersey, as gathered from the acts, documents, and proceedings of the public authorities, that the crown, and the provincial government established by its authority, always afterwards, in this territory, exercised the same prerogative powers that the King was accustomed to exercise in his English dominions. And as concerns the particular dominion and propriety now in question, the colonial government, from time to time, authorized the construction of bridges with abutments on the soil covered by navigable waters, established ports, authorized the erection of wharves, and as early as 1719 passed a law for the preservation of the oyster fishery in its waters. The public usages also, in relation to the fisheries, continued to be the same. And from 1702, when the surrender was made, until a very recent date, the people of New-Jersey have exercised and enjoyed the rights of fishery, for shell fish and floating fish, as a common and undoubted right, without opposition or remonstrance from the proprietors.

The few unimportant grants made by them, at different times, running into the navigable waters, which were produced in the argument, do not appear to have been recognised as valid by the provincial or state authorities, nor to have been sanctioned by the courts. And the right now claimed was not seriously asserted on

their part, before the case of *Arnold* v. *Mundy*, reported in 1 *Halsted* 1, in which the suit was not instituted until the year 1818. And upon that occasion, the Supreme Court of the State held that the claim made by the proprietors was without foundation.

The effect of this decision, by the State Court, has been a good deal discussed at the bar.

It is insisted by the plaintiffs in error, that as the matter in dispute, is local in its character; and the controversy concerns only fixed property within the limits of New-Jersey, the decision of her tribunals ought to settle the construction of the charter, and that the courts of the United States are bound to follow it. It may however be doubted, whether this case falls within the rule in relation to the judgments of State Courts, when expounding their own constitutions and laws. The question here depends not upon the meaning of instruments framed by the people of New-Jersey, or by their authority, but upon charters granted by the British Crown, under which certain rights are claimed by the state on the one hand, and by private individuals on the other. And if this court had been of opinion, that upon the face of these letters patent, the question was clearly against the state, and that the proprietors had been deprived of their just rights, by the erroneous judgment of the State Court, it would perhaps be difficult to maintain, that this decision of itself bound the conscience of this court. It is however unquestionably entitled to great weight. It confirms the construction uniformly placed on these charters and instruments, by the other public authorities; and in which the Proprietors had so long acquiesced. Public acts and laws both of the colonial and state governments, have been founded upon this interpretation, and extensive and valuable improvements made under it. In the case referred to, the sanction of the judicial authority of the State is given to it; and if the words of the letters patent had been far more doubtful than they are, this decision, made upon such a question, with great deliberation and research, ought in our judgment to be regarded as conclusive.

Independently however of the decision of the Supreme Court of New-Jersey, we are of opinion that the Proprietors are not entitled to the right in question, and the judgment of the Circuit Court must therefore be reversed. *Judgment of Circuit Court reversed.*

GEORGE DUMMER ads. Den ex dem. THE BOARD OF SELECTMEN AND INHABITANTS OF JERSEY CITY.

1. In the dedication of land to the public, no particular form is necessary; nor is it essential to preserve its validity, that the land dedicated shall be taken into actual possession and use by the public.

2. The title to the fee will not pass by a dedication, where its conveyance is not essential to effect the purpose and intent of the dedication; in such cases the right to the possession and use of the land vests in the public, and the fee remains in the grantor or his assigns, subject to such right of possession and use.

3. Whether a dedication alone will pass the fee, even where a conveyance of the fee is essential to carry into effect the purpose of the dedication:—Quære?

4. Where land has been dedicated to the use of the public, an action of ejectment to recover possession of it will lie against the legal owner of the fee.

5. Such action is properly brought by and in the name of the corporate authorities of a city, whose inhabitants constitute the public, to the use of which the land was dedicated.

6. It is not necessary that any act should be done or ordinance passed, by the public or the authorities representing it, appropriating the land to the purpose designed in the dedication, before the action is commenced.

This was an action of ejectment tried at the Circuit Court of the county of Bergen, in September 1838. By the direction of the Court, a verdict was rendered for the plaintiff, and liberty given to the defendant to move this court to set it aside and enter a nonsuit.

In 1804, Anthony Dey purchased as a site for a city, a tract of land, known as Powles Hook. He immediately caused it to be surveyed by Joseph F. Mangin, a surveyor, who laid it out in lots and squares, with streets and avenues. On the 15th of April following, a map was made by Mangin, exhibiting the plan and arrangements of the intended city. Portions of the land laid out are marked on this map as reserved for public purposes, and withheld from sale. The premises in controversy, from part of the tract

laid out and at that time were covered by water in whole or in part. They appear upon the map among the reservations designed and set apart for public purposes and have ever since been called by the people, the "Market Ground."

In order to carry the plan of the city into effect, the property was divided into shares, which were parcelled out or sold to a number of persons, who, on the 10th of November 1804, were incorparated, by act of the Legislature, under the name of "The Associates of the Jersey Company." By their charter, this company were empowered to lay out streets and squares upon the property, and to establish such as had been already laid out, with the privilege of building such docks, wharves and piers as they might deem necessary. On the first of February, 1805, this company became the owners and possessors of all the lands laid out, by virtue of a deed of conveyance from Anthony Dey, subject however, to certain contracts made by the *grantor* for the sale of a number of lots mentioned in a schedule annexed to the deed.

The map made by Mangin was so far adopted by the "Associate Company," that it was left by them in the office of their clerk, to be examined and inspected by all persons who wished to purchase lots, and in all the conveyances made by the company, was recognized and continually referred to. In 1812, the associates conveyed a large number of squares, blocks and lots, to Fulton and Colden, and in the deed, referred in express terms to the map, reserving soil to fill up the market reservation, and declaring that the same, if filled up, should remain for the uses and purposes for which it was originally appropriated.

In 1820, the freeholders and inhabitants of a district, of which the property laid out and the premises in controversy form part, were incorporated by the name of "Jersey City," with power to elect annually five freeholders to conduct their affairs, under the denomination of The Board of Selectmen of Jersey City;" with authority to pass and enforce ordinances, relating among other things to public markets, within the limits of the incorporation; provided that nothing in their charter should interfere with the powers or rights of the "Associates of the Jersey Company."

In January 1829, this charter was repealed, and they were incorporated anew, under the name of "The Board of Selectmen and

Inhabitants of Jersey City." To the new corporation, *like power* to pass and enforce ordinances relating to streets, public grounds, market houses &c. was given.

In 1824, and before the passage of the latter act, the associates, among other property, conveyed to the defendant the premises in controversy, but as appears by the deed, "without prejudice to the rights and privileges of any other person or persons, and subject to all such rights and privileges."

At the time of this conveyance the defendant knew that this land was marked on Mangin's map as a reservation for public purposes, and at one time said, if the public should want it, he would give it up, and at another time remarked, they would not want it in fifty years. The premises were never enclosed or used by the public, either for a market or any other purpose, but have been filled up and otherwise improved by the defendant, who is now in actual possession.

Upon the return of the postea, a rule was granted, requiring the plaintiff to show cause why the verdict should not be set aside.

The opinion of the Court was delivered by

Nevius, J. From the facts of the case it is clear, that Dey, the owner of these lands in 1804, intended to appropriate the premises in dispute to *some* extent, to public purposes. That this intent was carried out as far as the situation of the property and other circumstances connected with it at that time admitted. He caused it to be laid down as a square reserved for such purposes, *and not for sale* as other lots, in a map or plot of his new city which contained a delineation of the avenues, streets, alleys and public squares which were to remain open for public use, church grounds, &c. In his conveyance to the associates in 1805, this map is referred to as the plan or plot of the contemplated city, and this particular lot declared to remain for the uses for which it was originally appropriated. In all the subsequent conveyances of lots by the associates, this map was referred to, recognized and adopted, thereby carrying out as far as called for, the design of the original proprietor. Although it was not in the actual occupation of the public, or perhaps in a condition to be used for a market, yet the acts and conduct of Dey and his grantees, *The Associates of the Jersey Company*, amounted to a dedication of it to the public for a market place. No particular

form of dedication is necessary, 6 *Peters* 440, nor is it essential to the validity of a dedication, that the land shall be in the actual use or occupation of the public.

Here an important question arises, what is the nature and extent of such a dedication? Does it extend to the fee of the land, or is it only a right in the public to its use. The plaintiff contends that it is a dedication of the whole interest or estate of the owner; whilst the defendant insists, that if there was a dedication at all in this case it extended to the use only, and that the fee of the land remained in the associates. In support of the position assumed by the plaintiff, the counsel have referred us to the case of "*The City of Cincinnati* v. *Lessee of White*, 6 *Peters* 431, being a leading case upon the subject of dedications. Upon a careful examination of that case, I do not find it to maintain the doctrine contended for. The court there say, "that the law applies to *dedications*, rules adapted to the nature and circumstances of the case; and to carry into execution the intention and object of the grantor, and to secure to the public the benefit held out and expected to be derived from and enjoyed by the dedication;" *Id.* 435, that the public must necessarily be the only grantees, and the fee, if it cannot pass to them, must be considered in abeyance until there is some legal body created by law, capable of taking it for the purpose designated." *Id.* 439. This last remark, if true at all, of which I entertain serious doubts, may be considered as applicable only to cases of dedication where the legal title to the fee may be necessary for the enjoyment of the use, or for the purpose for which it was dedicated. As where lands are dedicated and directed to be sold, and the proceeds applied to the erection of a church or other public building. But even in that case I should rather incline to the opinion that the fee remained in the grantor, and that the public, when enabled to take it, should appeal to a court of equity for aid in perfecting their title, in case the grantor should refuse to make it perfect, by a conveyance of the fee. But in the case before us it seems to me by no means necessary to construe this dedication as carrying the fee of the land out of Mr. Dey, or the "associates." The public could enjoy the premises for the purpose intended, as fully without as with it, and I can see no difference between the dedication of this market place and the dedication of lands for public

streets. They were designed only for the purposes specified, and if the whole project of the contemplated city had failed, no streets, public squares or market places would in that case have been needed, and Mr. Dey or his grantees would have remained in possession of the lands by virtue of their original title, and might have disposed of them as they saw fit. But suppose the doctrine of the plaintiff is true, and at some future day the inhabitants of Jersey City should, by a legal and conclusive act, abandon this land for market purposes, how are the grantors to become re-invested with their former title, if the fee passed out of them? Will it revert by mere operation of law? I think not, and cannot doubt but that the fee of the land thus dedicated, remained in Mr. Dey, till he conveyed it to The Associates of the Jersey Company, and that they held it, and had a right to grant it to such person and for such consideration as they pleased, and that a legal right to the possession and use of the land for the purposes intended vested in the public, and that the defendant took his title subject to such right of possession and use.

The next question is, whether the plaintiff can maintain this action for the recovery of the possession of this land. By the act of incorporation, the lessors of the plaintiff represent the public, or the inhabitants of Jersey City, and the rights of the public in common property are vested in them, and if such rights cannot be enforced in their name, they cannot be enforced at all.

But is ejectment the proper remedy, or if it is, under ordinary circumstances, can they maintain it under the circumstances of this case? The defendant contends that this is not the proper remedy in the present case. 1st, Because their right is only an equitable right, and that in this action no recovery can be had against the owner of the legal estate; and 2d, If in ordinary cases this action would lie, it cannot be sustained here until the public or the corporation have, by ordinance, or some public act, appropriated the premises to the purpose of a market, or signified their intention to do so. I do not think either of these objections well taken. Ejectment is a possessory action, and if the lessors of the plaintiff are entitled to the possession, and they must be if they are entitled to the use, for they are inseparable, it is a legal, and not a mere equitable right, and they may recover it against the legal owner of the fee.

Nor were the lessors of the plaintiffs bound to pass any such ordinance before suit brought, their right to the immediate possession did not depend upon doing so. And it would seem more proper that they should first obtain the power of converting the land to the purposes designed, by getting the possession, than to make an appropriation while it was adversely held by another.

Rule discharged.

PASSENGERS.

An Act to prevent the importation of Convicts into this State.

Passed January 28, 1797.

1. § I.—No captain or master of any vessel, or any other person, shall, knowingly or willingly, import, bring, or send, or cause, or procure to be imported, brought or sent, or be aiding or assisting therein, into this state, by land or water, any felon-convict, or person convict of an infamous crime, or under sentence of death, or other legal disability, incurred by a criminal prosecution, or who shall be delivered or sent to him or her from any prison or place of confinement, in parts out of the United States.

Convicts not to be brought into the state.

2. § II.—Every captain or master of a vessel, or other person, who shall so as aforesaid import, bring or send, or cause or procure to be imported, brought or sent, or be aiding or assisting therein, into this state, by land or water, or shall sell or offer for sale, any such person as above described, knowing him or her so to be, shall forfeit for every such offence, two hundred dollars, to be recovered, with costs, by action of debt, by any person who will sue for the same, in any court of record having cognizance thereof, in which the defendant shall be ruled to give special bail, the one moiety of said forfeiture to the state, and the other moiety to the person suing for the same.

Penalty for bringing them or offering for sale.

3. § III.—Every person, who shall offend against this act, shall, on conviction thereof, be adjudged and ordered to enter into a recognizance, with sufficient sureties, to convey and transport, within such reasonable time as shall be directed by the court, to some place without the limits and jurisdiction of the United States, every

Recognizances to be given.

such felon-convict or other person of the description aforesaid, which he or she shall have been convicted of having brought, imported or sent, or having caused or procured to be brought, imported, or sent, or having been aiding or assisting therein, into this state, or having so as aforesaid sold or offered for sale; and in default of entering into such recognizance, with sufficient sureties as aforesaid, he or she shall be committed to gaol, there to remain without bail or mainprise, until he or she shall enter into such recognizance, or shall cause such felon-convict, or other person of the description aforesaid, to be conveyed or transported to some place without the limits and jurisdiction of the United States.

Overseers of poor may require bond before foreign passengers are landed.

4. § I.—In all cases wherein any ship or vessel shall arrive, within any port or harbor in this state, having on board passengers coming from any foreign port or place, it shall and may be lawful, for the overseer or overseers of the poor of the township, at which the said ship or vessel may arrive, or any justice of the peace, to require of the master and commander of such ship or vessel, a bond with approved security, to the inhabitants of such township, in a sum not exceeding two hundred dollars, conditioned for the maintenance and support of any passenger on board such ship or vessel as aforesaid, who may be sick, infirm, or otherwise incapable, in the opinion of said overseer or overseers, or of such justice, of providing for his or her own support.

Penalty on master of vessel.

5. § II.—If the master or commander of any ship or vessel, arriving as aforesaid, shall land or suffer to be landed from on board his said ship or vessel, any passenger who may be sick, infirm, or otherwise incapable of providing for his or her own support, except by license or permit from the overseer or overseers of the poor, without having first entered into bond as aforesaid, such master or commander, shall forfeit and pay for each offence, the sum of one hundred dollars, to be sued for and recovered by the overseer or overseers of the poor of the township, for the use of the same, in an action of debt, with costs of suit, before any justice of the peace of said township, or in any other court having cognizance thereof.

An Act relative to alien Passengers arriving in this State. Passed February 19, 1838.

6. § I. From and after the first day of April next, the corporate authorities of any city or township in this state, shall be, and are hereby authorized to impose and collect from the master, owner or owners, agent or consignee of any and every ship or vessel, arriving from any country out of the United States, at any such city or township, with alien passengers, a sum not less than one dollar, and not exceeding ten dollars, for each and every alien passenger brought in said ship or vessel as aforesaid: *Provided*, where the boundaries of any city are co-extensive with the boundaries of any township, that then and in that case the powers conferred by this act, shall vest in and be exclusively exercised by the corporate authorities of such city; *and provided also*, where the boundaries of any city are included within, and not co-extensive with the boundaries of any township, and any such ships or vessels should arrive at any such city, then, and in that case, the powers conferred by this act, shall vest in and be exercised exclusively by the corporated authorities of such city.

Aliens brought into state, tax to be paid.

7. § II. It shall be the duty of the master or commander of every ship or vessel so arriving, within twenty-four hours thereafter, and before any passenger or passengers are permitted to land from on board said ship or vessel, to furnish to the president, mayor, or chief officer of any such city, or the clerk of any such township, or such person as the corporate authorities of any such city or township may respectively designate, a full and correct list of all the passengers arriving in his vessel, with the name, age, occupation and place of birth of each and every passenger, under the penalty of five hundred dollars.

Master to furnish list of.

8. § III. No passenger shall be permitted to land from on board any ship or vessel arriving as aforesaid, without permission from the corporate authority of any such city or township, under the penalty of fifty dollars for each and every passenger so landed.

Penalty for landing without permission.

9. § IV. In case any alien passenger, arriving as aforesaid, and landed by authority and permission of the corporate authority of any such city or township, is or shall become sick, infirm, or otherwise incapable of providing for his or her own maintenance, then it shall be the duty of such city or township to provide for the main-

Sick to be provided for.

tenance and support of the said sick or infirm passenger, so long as he or she shall remain incapable of providing for his or her own maintenance.

Penalties, how to be recovered.

10 § V. The aforesaid penalties shall and may be sued for and recovered, with full costs of suit, by action of debt, in any court having cognizance thereof, in the corporate name of any such city or township in this state, where the penalty or forfeiture may have accrued; and that the defendant or defendants in every such suit, may be held to special bail; and that it shall and may be lawful for the corporate authority of any such city or township to compound for said penalties, or either of them, either before or after suing for the same, upon such terms as they may think proper.

Power of corporations not to be impaired.

11. § VI. Nothing contained in this act shall be construed to impair, or in any wise counteract the full force and execution of the powers already vested in the corporate authorities of any such city or township, by their charters or acts of incorporation, or any supplements thereto.

12. § VII. This act shall go into effect immediately after the passage thereof.

VAGRANTS.

An Act to describe, apprehend and punish Disorderly Persons.

Passed June 10, 1799.

Beggars, drunkards, fortune tellers, &c. considered disorderly persons.

1. § I. All paupers who shall unlawfully return to the city or township from which they were legally removed, without a certificate from the city or township to which they belong, or who shall leave their places of legal settlement; and all persons who shall go about from door to door, or place themselves in streets, highways or passages, to beg, crave charity, or collect alms, or who shall wander abroad and lodge in taverns, inns, beer houses, out-houses, houses of entertainment, market houses, barns or other places, or the open air, and not give a good account of themselves, or who shall wander abroad, and beg or solicit charity, under pretence of being or having been soldiers, mariners, or seafaring men, or of loss by fire, or other casualty, or of loss by the Indians, or by war,

or other pretence or thing; and all persons who shall leave, or threaten to leave their families to be maintained by the city, township or county, or to become chargeable thereto, or who, not having sufficient property or means for their subsistence or support, shall live idle, or not engage in some honest employment, or not provide for themselves or families; and all persons who shall use, or pretend to use, or have any skill in physiognomy, palmistry, or like crafty science, or who shall pretend to tell destinies or fortunes; and all runaway servants or slaves, and all vagrants or vagabonds, common drunkards, common night-walkers, and common prostitutes, shall be deemed and adjudged to be disorderly persons.

Disorderly persons, who to be adjudged.

2. § II. *And whereas,* divers ill disposed persons are frequently apprehended, having upon them implements for house breaking, or offensive weapons, or are found in or upon houses, warehouses, stables, barns or out-houses, areas of houses, coach-houses, smoke-houses, enclosed yards, or gardens belonging to houses, with intent to commit theft, misdemeanors or other offences; and although their evil purposes are thereby manifested, the power of the justices of the peace to demand of them sureties for their good behaviour hath not been of sufficient effect to prevent them from carrying their evil purposes into execution; if any person shall be apprehended, having upon him or her any picklock, key, crow, jack, bit, or other implement, with an intent to break and enter into any dwelling house, warehouse, stable, barn, coach house, smoke house or out-house; or shall have upon him or her any pistol, hanger, cutlass, bludgeon, or other offensive weapon, with intent to assault any person; or shall be found in or upon any dwelling house, warehouse, stable, barn, coach-house, smoke-house or out-house, or in any enclosed yard or garden, or area belonging to any house, with an intent to steal any goods or chattels, then he or she shall be deemed and adjudged to be a disorderly person.

3. § III. It shall be the duty of every constable, and lawful for any other person, to apprehend, without warrant or process, any disorderly person of the description aforesaid, and to take him or her before any justice of the peace of the county where apprehended; and it shall be the duty of the said justice to commit such disorderly person when convicted before him, by the confession of the

May be apprehended without a warrant, and committed by justice.

offender, or by the oath or affirmation of one or more witness or witnesses, to the work house of the city, town or county, there to be kept at hard labor for any time not exceeding three calendar months.

Justice to issue warrant for them.

4. § IV. It shall be the duty of every justice of the peace, of the proper county, to issue, on information, or his own view, his warrant or process, to apprehend any disorderly person within the intent and meaning of this act.

Justice to bind out their children.

5. § V. It shall be lawful for any two justices of the peace, at their discretion, to bind out the child of any beggar, vagrant, vagabond, common drunkard, or common prostitute, or of any person who shall not provide for such child, as a servant or apprentice, to any person who may be willing to take such child, till the age of twenty-one years, if a male, or eighteen years, if a female, or for a less time.

BIRTHS AND DEATHS.

An Act to register Births and Deaths, when required. Passed the 27th of May, 1797.

Town clerk to provide book.

1. § I. The clerk of every township shall provide, at the expense of the township, a book for the purpose of registering births and deaths, when required so to do, in the manner herein after mentioned.

How to be registered.

2. § II. The parent or parents of every child hereafter born, and the executors or administrators, or next of kin in this state, of every person who shall hereafter die, may, within three years after the birth of such child, or death of such person, apply to the clerk of the township in which such birth or death shall have happened, to have the same registered according to the directions of this act; and on proof being made of such birth or death within the said three years, in the manner herein after mentioned, the said clerk shall, and he is hereby required to enter in the said book the name of such child, the time and place of his or her birth, and the name of his or her parent or parents, and in case of death, the name of the person who shall have departed this life, and the time and place of such person's death.

3. § III. The proof of a birth shall be by a certificate, which shall contain the name of the child, and of his or her parent or parents, and the time and place of his or her birth, the truth of which certificate shall be sworn or affirmed to by the parents of such child, or one of them, or by some person present at the birth. Proof of birth.

4. § IV. The proof of a death shall be by a certificate, which shall contain the name of the person deceased, and the time and place of his or her death; the truth of which certificate shall be sworn or affirmed to by a witness who was present at the death of such person, or actually saw such person dead. Proof of death.

5. § V. Every justice of the peace of the county where such birth or death shall happen, is hereby authorized to administer the said oath or affirmation; and the said certificate, so sworn or affirmed to, shall be filed by the clerk of the township, whose fees shall be twelve cents for registering each birth or death, and six cents for filing each certificate. Clerk's fees.

6. § VI. The said books or registers of births and deaths, and other books heretofore kept for the same purposes agreeably to law, shall be admitted in evidence in every court of this state. Books to be evidence.

7. § VII. If the said clerk shall not, within two weeks after such application and certificate to him made and produced as aforesaid, and the fees aforesaid tendered to him, enter or register in the form and book aforesaid any such birth or death, he shall forfeit four dollars, to be recovered by action of debt, with costs, by any person who shall sue for the same. Penalties.

8. § VIII. If any person shall wilfully, knowingly, and falsely swear or affirm to any certificate of such birth or death, or if any clerk shall wilfully and knowingly make in the said book a false entry of such birth or death; then the said person or clerk, so offending, shall be adjudged to be guilty of a misdemeanor, and, on conviction, shall be punished by fine or imprisonment, or both, or by fine or imprisonment at hard labor, or both, at the discretion of the court, the fine not to exceed eight hundred dollars, and the imprisonment not to exceed seven years. Punishment for perjury.

AN ACT TO REGULATE THE SELLING OF GRAIN.

Passed February 16, 1838.

Whereas, It is agreeable to equity and beneficial to commerce, that a people who live in the same community shall have one equal and just weight per bushel for the various kinds of grain, according to a true and perfect standard; THEREFORE:

§ 1. From and after the fourth day of July next, the bushel shall consist of sixty pounds of wheat, fifty-six pounds of rye or Indian corn, fifty pounds of buckwheat, forty-eight pounds of barley, thirty pounds of oats, fifty-five pounds of flax seed, and sixty-four pounds of clover seed.

AN ACT TO REGULATE THE STANDARD OF WEIGHTS IN THE STATE OF NEW-JERSEY.

Passed the 19th of February, 1835.

Whereas, It is agreeable to equity, and beneficial to commerce, that a people who live in the same community shall have one equal and just weight, according to a true and perfect standard; THEREFORE:

§ 1. From and after the first day of July next, it shall be lawful and proper to calculate the standard of weights, within this state, in the following manner, to wit: sixteen drachms one ounce, sixteen ounces one pound, twenty-five pounds one quarter of an hundred, four quarters one hundred, and twenty hundred one ton, any usage or custom to the contrary thereof notwithstanding, except such as may be used in weight of coins and apothecary drugs.

HISTORY,

AND

STATISTICAL MEMORANDA

OF

JERSEY CITY.

THE present city of Jersey covers that peninsula, or neck of land which juts out from the Jersey shore into the bay of New-York, immediately opposite to the most dense and business part of the city of New-York. This neck of land was granted by letters patent from Sir William Kieft, Director-General of the Dutch West India Company, to Abraham Isaacsen Plank, in the year 1638. It was then called, by the Dutch, Paulus Hook, and in the language of the natives, (Iroquois) Areseck-houck. On the 12th May, 1668, this grant was confirmed to Abraham Isaacsen Plank, by letters patent from Governor Philip Carteret and his council of the Province of New-Jersey.*

On the 13th September, 1698, Paulus Hook was conveyed by the heirs at law of Abraham Isaacsen Plank to Ido Cornelisse Van Vorst. The title to this neck of land remained in him and his descendants until March 26, 1804, when Cornelius Van Vorst, one of his descendants, and the sole owner, conveyed the whole of Paulus Hook to Anthony Dey. On the 18th April, 1804, Anthony Dey conveyed the same to Abraham Varick. On the 20th April, 1804, Abraham Varick conveyed the whole of it to Richard Varick, Jacob Radcliff and Anthony Dey. On the 10th November, 1804, "The Associates of the Jersey Company" were created a body corporate by the Legislature of New-Jersey; and by deed bearing date the same day, Richard Varick, Jacob Radcliff and Anthony Dey conveyed the same to "The Associates of the Jersey Com-

* The original patent is now in the hands of D. S. Gregory, Esq., of this city.

pany," who laid out the whole of Paulus Hook into blocks or squares of 200 by 400 feet, with intervening streets, and sub-divided the blocks into building lots of 25 by 100 feet each; besides laying out commodious public grounds; and made and recorded a map or chart thereof.

The law incorporating the "Associates of the Jersey Company" authorized (among other things) the clerk of the county of Bergen to appoint a deputy clerk, to reside on the island of Harsimus, which included Paulus Hook, for the purpose of recording all deeds, mortgages and papers relating to real estate within said district; which records are now to be found in the office of the clerk of the county of Hudson, in which county Paulus Hook is now included.

In 1820, January 28, an act was passed by the Legislature of New-Jersey "to incorporate the city of Jersey in the county of Bergen," and a "Board of Selectmen of Jersey City" authorized under said law "to conduct the affairs thereof."

In 1829, January 23, another act was passed "To incorporate the city of Jersey in the county of Bergen, and to repeal the former act;" and by it the freeholders and inhabitants of all that part of the township of Bergen formerly called Powles' Hook was created a body politic by the name of "The Board of Selectmen and inhabitants of Jersey City."

In 1836, March 8, a supplement to this act was passed, authorizing assessments for the improvements of the city, making the property benefited liable therefor, and authorizing an exchange of part of the public grounds.

In 1838, February 22, the present charter was passed, entitled "An act to incorporate Jersey City," by which all that part of the township of Bergen formerly called Powles' Hook, and all the inhabitants within the limits aforesaid, were constituted and declared a body corporate, by the name of "The Mayor and Common Council of Jersey City."* This act repealed all the former acts except the supplement of 1836, which was enacted to be taken and considered as a part of the present charter. By this charter Jersey

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* The Board of Selectmen, which prepared the bill, were desirous, with many citizens, to have the incorporate name "The city of Jersey," but it was altered as above, by the representative from the then county of Bergen.

City was also constituted an independent township. Previous thereto the electors had to go some distance to vote for township officers and representatives to the Legislature and to Congress.

In 1839, March 8, a supplement was passed to the act incorporating Jersey City, under which the limits of the original city of Jersey was extended westwardly to the centre of Kellogg and Grove streets, as the same are laid down on the charts of Jersey City and Harsimus.

In 1840, February 22, the county of Hudson was created, in which Jersey City is included. The courts of the county are now held at Jersey City, where the Clerk's and Surrogate's offices are kept. A large and convenient county Court House is, however, now erecting upon Bergen Hill.

Since the year 1836, Jersey City has rapidly improved in appearance, and increased in population. All the streets have been beautifully graded and paved, extensive underground sewers constructed, the side-walks ornamented with shade trees, and the streets supplied with spirit gas lamps. It is still rapidly improving. But it is due to praiseworthy spirit and enterprise to say that Jersey City owes much of its advancement and prosperity to the liberality and energy of a few individuals.

In 1806, the father of steam navigation, Robert Fulton, here laid the keel of the first steamboat which successfully navigated the waters of the Hudson river, and in 1841, the first steam-frigate (the Kamskatka) constructed in this country, was fitted out from Jersey City.

The city is built up of brick generally, in a substantial as well as handsome manner. The streets are cleanly and convenient. The rents low in comparison with New-York and Brooklyn.

There are now six churches within the limits of Jersey City, one Reformed Dutch Church, one Episcopal, one Methodist Episcopal, one Roman Catholic, one Congregationalist, and one Baptist. A Presbyterian congregation is now duly organized,* and it is expected that this congregation will erect, during the present year, a new church edifice for their convenience.

The city is well supplied with schools, conducted in the most

* One was organized in 1826, and erected the church now occupied by the R. D. Church.

satisfactory manner. The Public School, under the direction of the Common Council of the city, is admirably sustained. No child is debarred the privilege of a good common school education on account of the inability of the parents. There is also a classical school, and a seminary for young ladies, both well conducted and well sustained.

A large capital is employed in manufactories of various kinds in Jersey City and vicinity. The only manufactory of "Staffordshire Earthenware" successfully carried on this country, is to be found in this place. It employs a large number of workmen, and produces ware equal to the best Liverpool. There is also an extensive glass manufactory, the produce of which, both plain and ornamental, is well known in the market. There are also two iron foundries, an extensive oil and candle manufactory, a chemical factory, turpentine factory, ship bread bakery, a car factory, book and job printing office, marine railway, besides carpet factories and dying establishments, and an extensive starch factory in the vicinity, altogether giving employment to a large number of men, women and children. And for the benefit of all, a Bank for Savings has been established, and is in successful operation. Also an efficient fire department, organized under the direction of the Common Council; and an Insurance Company, Aqueduct Company, and a Cemetery Company.

Jersey City is connected with the city of New-York by an almost continuous ferry, which lands and receives passengers and carriages in large safe and commodious boats, at and from the foot of Courtlandt street, in the city of New-York. It is distant from the city of New-York 1797 yards, or 1 1-47 of a mile; eight miles from Newark, thirteen miles from Hackensack, thirty-one miles from New-Brunswick; fifty-six miles from Trenton, ninety miles from Philadelphia, and 224 miles from Washington City. It is also the terminus of the great New-Jersey Railroad, which, with the connecting branches, diverges into different parts of the state, to Paterson, Morristown, &c. The depot at Jersey City now occupies the site of the ancient windmill, erected by one of the early settlers, and which was so long a prominent object on the Jersey shore.

The Morris Canal also terminates here in a large and valuable basin, with a pier extending into the bay of New-York, afford-

ing sufficient depth of water for the access of vessels of considerable tonnage.

Jersey City is a port of entry, annexed to the collection district of New-York, together with all that part of the state of New-Jersey which lies north and east of Elizabethtown and Staten Island. An assistant collector resides at Jersey City, who may enter and clear vessels as and under the instruction of the collector of New-York.

The Board of Pilot Commissioners of New-Jersey keep an office and hold its meetings in Jersey City, where the pilots under their commission account monthly.

Jersey City is deservedly reputed to be a most healthy situation. The air is pure, salubrious and bracing, and protected from the severity of the northern and western blasts of winter, by a belt of high lands surrounding it on those sides. It commands an unequalled view of the bay and city of New-York, with the surrounding shores, and also of the Hudson river north as far as the Palisades, and south to Sandy Hook and the Highlands of Nevisink. It is surrounded by a picturesque and interesting country. Indeed Jersey City and its environs has been aptly described in the following communication, some time since made to the Jersey City Advertiser, a newspaper printed in this place.

"Jersey City seems to have been designed by Providence to supply the inhabitants of New-York with pleasant summer residences. In fact, the improvements of steamboats have made it, intrinsically, part of her most populous section. The river is but little hindrance in the most frozen season of winter. A friend of ours informed us he had resided there four years, and had not failed a single day to go and return. Chills and fevers are unknown to those who live on the high grounds of the peninsula. The soil is dry and sandy, and the rain which descends passes immediately off. In the summer it is refreshing to partake of the cool breezes which most continually fan its surface. To render it still more attractive to the people of the great emporium, it is almost covered with trees, many of which have grown to a size that afford protection to the scorching sun. But, for its neighboring summer rides, its delightful. A little more than a mile's ride, in a westerly direction, you perceive the ground beginning to rise. You soon find yourself on a ridge of highlands, a most luxuriant soil, covered with fruit trees

and crops—and every evidence of comfort and plenty. This is Bergen Hill. On many of the eminences which this ridge of ground affords, you have a full view of the city, bay, and harbor of New-York, and in the back ground, Newark and the surrounding country. You see, distinctly, for a great number of miles, the Hackensack and the Passaic winding their way through the long extended meadows. If you want a rich treat, follow the road on the ridge down to the point, about eight miles. In many places it is now almost in a state of nature, excepting a road has been cut through a forest, and beautiful edifices and comfortable farm houses scattered along. There is a pervading fertility manifested almost throughout this route. It seems to have been the favorite ground of the aborigines—where they feasted on the shell fish which the bay abounded with. The fertilizing effects of the decaying relics of these fish are every where manifest in the luxuriant vegetation with which the ground is loaded. From eight to ten thousand fine cabbages are grown on a single acre of these shell lands.

"Or if, when you have ascended Bergen Hill, you turn to the right, and follow the new road on the ridge through West Hoboken, different prospects, more sublime, will be presented. Rugged nature shows off here, in many places, as wild as it did a century ago, while other spots are beautified by all that art can accomplish. Parties of pleasure that pass New-York to see our country, and feast their eyes on its scenery, should follow this road until it intersects the turnpike near the mountain pavilion—one of the most pleasant stopping places for a traveller in this part of the country. There is a small promenade on the top of the pavilion. From this a prospect of mingled beauty and sublimity is presented, which no person can adequately describe. Strange to tell, thousands and tens of thousands of New-York, who have leisure, and would not be deemed destitute of taste, have never been to this place. They have been to the Elysian fields—they have had a partial view—but have never ascended the height on which the pavilion stands, and taken in the whole range of that inimitable prospect which is presented. It was here the immortal Halleck broke forth—

> WEEHAWKEN! In thy mountain scenery yet,
> All we adore of nature, in her wild
> And frolic hour of infancy, is met;
> And never has a summer's morning smiled
> Upon a lovelier scene.

Ocean and earth, and heaven, burst before him.

———The city, bright below; and far away
Sparkling in golden light, his own romantic bay.
Tall spire, and glittering roof, and battlement;
And banners floating in the sunny air;
And white sails o'er the calm blue waters bend
Green isle, and circling shore—are blended there,
In wild reality. When life is old,
And many a scene forgot, the heart will hold
Its memory of this———"

MEMORANDA.

Population.—Bergen County, including territory now set off to Hudson Co., contained, in 1737, 4095 inhabitants, including 806 slaves.

1745,	3006	"	"	616	"
1790,	12601	"	"	2301	"
1800,	15956	"	"	2825	"
1810,	16603	"	"	2180	"
1820,	18178	"	"	1683	"
1830,	22412	"	"	584	"

1840, including Hudson, and excluding part set off into Passaic County, 22641.

Hudson County, in 1840, contained as follows: Bergen Township, 4211; Harrison, 1173; Van Vorst, 1057: Jersey City, 3033. Total, 9,472.

Jersey City.—In 1802, Major Hunt and family, John Murphy and wife, and Joseph Bryant constituted the whole number of inhabitants, occupying one house and its out-houses.

			Harsimus.		
1834,	1500	inhabitants.			
1837,	2084	"	1837,	923	inhabitants.
1840,	3033*	"	1840,	1057	"
July, 1843,	3750	"	1843,	1500	Estimated.

City Taxes.—

	City.	County & State.	Total.
1838,	$2500	———	———
1839,	3000	———	———
1840,	3000	931 56	3931 56
1841,	3000	1000 75	4000 75
1842,	3000	729 00	3729 00
1843,	4500	650 00	5150 00

Births.—Registry to be made in Clerk's office by parents, &c.

1840, ——— 1841, ——— 1842, ——— 1843, ———

* Bounds enlarged by taking from Harsimus.

Deaths.—(From record furnished by Henry Stiff, Undertaker.)

AGES.	1841.	1842.	1843.
Under 5 years,	45	51	31
Between 5 & 10,	8	7	2
Between 10 & 15,	1	0	1
Between 15 & 20,	1	3	0
Between 20 & 25,	3	5	2
Between 25 & 30,	1	11	2
Between 30 & 35,	6	7	4
Between 35 & 40,	4	5	0
Between 40 & 45,	2	1	4
Between 45 & 50,	1	2	0
Between 50 & 55,	3	0	2
Between 55 & 60,	1	0	0
Between 60 & 65,	1	3	2
Between 65 & 70,	1	1	0
Between 70 & 75,	0	2	1
Between 75 & 80,	0	0	0
Between 80 & 85,	0	2	1
Total,	78	100	52
Total males,	48	52	27
Total females,	30	48	25
	78	100	52
Ratio to population, 1 in	42	36	72

DISEASES.	1841.	1842.	1843
Inflam'n of brain,	2	4	0
Convulsions,	2	2	2
Teething,	2	1	1
Apoplexy,	0	1	0
Paralysis,	1	1	0
Consumption,	16	18	11
Quinsey,	0	0	2
Inflam'n of lungs,	3	7	5
Pleurisy,	1	0	1
Whooping-cough,	0	1	0
Croup,	2	3	0
Measles,	6	0	0
Liver complaint,	3	0	1
Worms,	1	0	2
Parturition,	1	10	1
Fever, Typus	1	2	0
Fever, Scarlet,	15	14	10
Purpurea,	1	0	0
Small pox,	1	4	0
Dropsey,	0	9	4
Erysipelas,	0	1	0
Cancer,	0	1	0
Spinal affection,	0	0	1
Inflam'n of bladder,	0	1	0
Diarrhœa,	10	10	6
Constipation,	3	2	0
Venereal,	1	0	0
Scalded or burned,	1	1	1
Killed,	2	1	0
Drowned,	0	2	0
Old age,	3	4	4

VOTES	Spring election. Jersey City.	Assembly. Jersey City.	Congress and Presidential, Jersey City.	Assembly. Hudson County.	Congress and Presidential. Hudson Co.
1839,	—	185	—	—	—
1840,	236	357	385	1160	1241
1841,	261	278	—	952	—
1842,	364	361	—	1137	—
1843,	287	420	420	1288	1288
1844,	525	—	—	—	—

Pilotage.—An act passed February 8, 1837, "To establish and regulate pilots for the ports of Jersey City, Newark and Perth Amboy, by the way of Sandy Hook." This humane law was obtained on the application of George Dummer, D. S. Gregory, D. Henderson, W. G. Hackstaff and others, who were instigated by the many disastrous shipwrecks on the coast under the monopoly system of pilotage in New-York. Commissioners annually appointed, and the same persons have been unanimously re-appointed every year since the law was passed. Names of Commissioners—Lawrence Kearney, U. S. N, J. D. Williamson, (now deceased,) Wm. T. Rogers, late U. S. N., Wm. G. Hackstaff, owner and captain, merchant service, Lewis Bosworth and Benjamin Beaston, late commanders, coast service, and John F. Ellis, late merchant, President of the Board.

Return of vessels brought into port and taken to sea by New-Jersey Pilots, reported annually to the Governor and Council of the State.

	In.	Out.	Total.	
1837,	134	203	337	
1838,	328	350	678	
1839,	340	260	600	(For nine months ending Sept.)
1840,	417	412	829	
1841,	419	364	783	
1842,	491	452	943	
1843,	487	430	917	
Grand total,			5087	—ending 30th September each year.

From 17 to 19 pilots acting and cruising in three boats, viz.: Commerce, Sylph, and the new boat W. G. Hackstaff, in place of the Savannah, withdrawn.

Distances—Along the line of the Railroad from the Jersey City Ferry landing, to the west side of Bergen Hill.

To Warren street, Jersey City, one quarter of a mile.
To Kellogg street, do. half a mile.
To Jersey street, (see Van Vorst map,) three quarters of a mile.
To Gilbert street, near the Starch Factory, one mile.
To Fair Mount, or Point of Rocks, Bergen Hill, one mile and one quarter.
To second Point of Rocks, or Gilbert's Grapery, one mile and a half.
To summit of Bergen Ridge, under Bridge, two miles.
To junction of Newark and Paterson Railroad, two miles and a half.
Across Hudson river to Courtlandt street, New-York, 1797 yards, or 1 1-47 of a mile, where a boat crosses in from five to eight minutes.

Comparative Table of Distances from the Merchant's Exchange, in the city of New-York, to different points in New-York, Jersey City, and Brooklyn.

From the Exchange it is	In New-York.	In Jersey City, not including River.	In Brooklyn, not including River.
½ mile to	Courtlandt st. Ferry.	Hudson street.	Water street.
1 "	Canal street.	Kellogg street.	Nassau street.
1¼ "	Spring street.	Jersey street.	City Hall.
1½ "	Houston street.	Gilbert street.	Smith street.
1¾ "	Fourth street.	Fair Mount.	Bond street.
2 "	Ninth street.	Gilbert's Grapery.	Powers street.
2½ "	Nineteenth street.	Bergen Bridge.	Junction Fulton and Atlantic streets.
3 "	Twenty-ninth street.	Paterson and Newark junction.	Clinton Avenue.

Note.—One mile of the Jersey City route is overcome in seven minutes by boat, giving in summer the enjoyment of the sea breezes, and freedom from dust; and in the winter the comfort of a stove in a sitting room, where reading can be enjoyed. None of these comforts can be enjoyed in a New-York omnibus.

Ferry.—First by skiffs and perry-augers; next by double steamboats, first made by Fulton, the York and Jersey. These were followed by the steamboats George Washington and Richard Varick, which have given place to the Sussex, Essex, New-Jersey, Bergen, and Aresseoh, with copper tubular boilers. This last boat is 172 feet long, 100 horse power, nine feet stroke, 38½ inch cylender, and copper tubular boilers; all except the Bergen using Lehigh coal. The Sussex is refitting, and to be more commodious than the Aresseoh.

Whale Vessels.—The schooner Caledonia was sent to sea and condemned in a foreign port. The brig Autumn, fitted out by the Messrs. Kingslands, and others of Jersey City, is now at sea on a cruise of three and a half years.

Glass House,—Established by the Messrs. Dummer & Co., in 1824, under the name of the Jersey Glass Company, and employ, in 1844, 150 persons.

Pottery.—In the year 1825, a company erected a part of the works for the manufacture of French Porcelain. The enterprize having failed, the works were purchased in 1828 by David and James Henderson, who enlarged them and established the manufacture of "Staffordshire Earthenware." The company is incorporated under the name of "The American Pottery Manufacturing Company," with a capital of $150,000, and employs, at present, from seventy to eighty persons.

Wind Mill,—Built by Isaac Edge, in 1815, and demolished in 1839.

Slavery.—By an act of 1820, every slave child born since July 4, 1804, shall be free.

Race Course.—In 1800—4, Paulus Hook was used as a race course, round the high knoll which then constituted the upland. Subsequently it was used as a landing for passengers to Philadelphia, and connected by a corduroy road to Harsimus.

Fishery.—Shad and oyster fishery has been extensively carried on from Powles' Hook as far back as the place has been known.

New-Jersey Railroad.—Prior to 1834, the passengers from Newark and beyond, were carried in stages. On the 15th of September, 1834, cars drawn by horses started from the depot. On the 1st of January, 1838, the engine was substituted on the completion of the excavation in the deep cut, Bergen Ridge; and on the 1st of January, 1839, the road was opened for passengers to New-Brunswick and Philadelphia. Passengers carried on this road—In 1836, 307,900; 1837, 304,342; 1838, 215,908; 1839, 312,804; 1840, 403,026; 1841, 512,238; 1842, 511,704; 1843, 530,629. Of these about one-tenth were carried from intermediate places, and never came to the terminus at Jersey City. This exhibit does not include the passengers carried on the Paterson Railroad, which last year numbered about 60,000.

Jury Duty.—Freeholders only liable.

Military Duty.—Penalty for not serving, two dollars.

ORDINANCES

OF

JERSEY CITY.

Published by order of the Common Council.

Jersey City:

SOUTHARD & POST, PRINTERS.

1844.

ORDINANCES

OF THE

MAYOR AND COMMON COUNCIL OF JERSEY CITY.

CHAPTER I.

An Ordinance to regulate the paving and repairing, and to prevent obstructions in the streets of Jersey City.

TITLE 1.

Of the construction of side-walks and streets.

The Mayor and Common Council of Jersey City do ordain as follows:

§ 1. In all streets in Jersey City which are paved, or shall hereafter be paved or re-paved, the side-walks or foot-walks between the lines of the streets and kennels shall be of the following width: In all streets of sixty feet wide, fifteen feet; in all streets of eighty feet wide, eighteen feet; in Hudson street, eighteen feet. Width of side-walks.

§ 2. All side-walks in Jersey City shall be raised from the curb-stone in the proportion of four inches on ten feet, under the penalty of ten dollars, to be recovered from the persons laying the same, and the owner or owners of the lot fronting on the side-walk. Sidewalks to be raised.

§ 3. All side-walks in Jersey City shall be paved with square or oblong flat stones, hewn and laid closely together, or with hard brick, and kept in repair at the expense of the owner or owners of the lot fronting and adjoining the same, at such times and in such manner as the Common Council shall direct. Sidewalks how paved.

Private carriageways how made. Penalty.

§ 4. All private carriage-ways crossing any of the side-walks, shall be made, regulated, and paved under the direction or superintendance of the committee on streets, and in such manner as they shall direct, under the penalty of ten dollars.

Sidewalk not to be taken up. Penalty.

§ 5. No side-walk, or any part thereof, laid with brick or flagging in any part of Jersey City, shall hereafter be taken up, or the brick or flagging removed therefrom for any purpose, without the written permission of the committee on streets, under the penalty of twenty-five dollars.

Width of carriage-way.

§ 6. In all streets which are paved, and shall hereafter be paved, the carriage-way between the kennels shall be of the following width:—In all streets of sixty feet wide, thirty feet; in all streets of eighty feet wide, forty-four feet; in Hudson street, from the east line of the side-walk to the bank-head on the Hudson river, fifty-two feet.

Carriage-way when and by whom repaired.

§ 7. Whenever any carriage-way of any of the streets of Jersey City, including the intersections of the streets which have been, or which shall be paved with stone, and the cross-walks laid at the expense of the individual owners of the lots fronting on the same, and the work approved by the Common Council, such streets or parts of streets shall forever thereafter be repaved and repaired at the expense of the said Common Council.

Not to apply to sidewalks.

§ 8. The last preceding section shall not be construed to apply to side-walks, but to the pavement or carriage-way of streets only.

Passed July 28, 1843.

TITLE II.

Of obstructing streets, wharves, and piers.

Street, wharf, pier, or public ground, not to be obstructed. Penalty.

§ 1. No person shall encumber or obstruct any street, wharf, pier, or public ground in Jersey City, with any article or thing whatsoever, without first having obtained the permission of the street committee, under the penalty of five dollars for each offence, and the further penalty of five dollars for each day or part of a day such incumbrance or obstruction shall continue.

§ 2. The Superintendant of Streets, the Mayor, or any of the Common Council, are hereby authorized to order any article or

thing whatsoever, which shall incumber or obstruct any street, wharf, pier, or public grounds, to be removed, and in case the same shall not be removed within two hours after notice to remove the same, then to order the same to be carted or removed to the corporation yard, or other suitable place.

Who may remove obstructions, and how.

§ 3. Whenever any article or thing shall have been directed to be removed, pursuant to the second section of this title, and the same shall not be removed within the time limited in such order, notice, or direction, it shall be lawful for the superintendant of streets to order the same carted or taken to the public yard, or other suitable place.

Superintendant of streets to order removal to public yard.

§ 4. All articles thus removed, which shall not be claimed in ten days, and satisfactory proof given of the ownership—and all penalties and expenses incurred by the laws of the city and such removal paid, shall be advertised and sold, and so much of the proceeds of such sale shall be retained by the superintendant of streets for the use of the city as shall be sufficient to pay all forfeitures and penalties imposed by the laws of the city, and the expenses of such removal and sale, together with six cents per day for every cart-load thereof, during the time the same shall have remained in the said yard or other suitable place, and the balance, if any, of the proceeds of such sale, shall be paid to such person or persons as shall exhibit satisfactory proof of the ownership of such articles sold as aforesaid. And the superintendant of streets shall keep an account of all such articles received and sold as aforesaid, and account therefor with the treasurer of the city.

Articles not claimed to be sold.

Superintendant of streets to account therefor.

§ 5. No person shall construct any bow window or other window which shall extend into any street more than one foot from the wall of any house or other building, under the penalty of twenty-five dollars, and the further penalty of one dollar for every day such window shall remain as aforesaid, to be paid by the owners thereof, or the person or persons who constructed the same.

Bow window not to extend into street, &c.

Penalty.

§ 6. No person or persons shall construct or continue any cellar door which shall extend more than five feet into any street, under the penalty of five dollars for each offence, and one dollar per day for every day it shall be continued after being notified to remove the same.

Cellar door not to extend into street, &c.

Penalty.

§ 7. No person or persons shall construct or continue any plat-

form, stoop, or step, in any street in Jersey City which shall extend more than nine feet in streets of eighty feet width, nor more than seven feet in streets of sixty feet width, nor with any other than open backs, or sides or railing, nor of greater width than is necessary for the purpose of a convenient passage-way into the house or building; nor any stoop or step which shall exceed five feet six inches in height, under the penalty of twenty-five dollars, and five dollars per day for every day such platform, stoop, or step, shall be continued and kept up, after notice given to alter or remove the same

Stoops not to extend more than nine feet in street.

Penalty.

§ 8. Nothing contained in the preceding section of this title shall be deemed to prohibit the continuation of any porches, doors, stoops, platforms or steps, which were heretofore erected, unless the same shall be complained of to the Common Council, and they shall have directed their removal or alteration within a reasonable time.

Preceding section not to apply to stoops &c., heretofore erected, unless, &c.

§ 9. No area in front of any building in Jersey City shall extend into any street of sixty feet width more than five, nor in streets of eighty feet width more than six feet, measuring from the inner side of the wall of such area, to the building or the line of the street; nor shall the railing of such area be placed more than six inches from the inside of the coping on the wall of such area, under the penalty of twenty-five dollars, to be recovered from the owner and builder thereof severally and respectively.

Area how far to extend into street.

§ 10. Every area shall be inclosed with a railing, the gates of which shall be so constructed as to open inwardly, under the penalty of five dollars for each offence, to be recovered from the owner or builder thereof severally and respectively.

Enclosed with railing, &c., under penalty of.

§ 11. No person shall place or fix, or continue in any street in this city any awning post or railing, or any cloth or canvass for an awning, unless under the direction of the superintendant of streets, and made conformably to the twelfth section of this title, under the penalty of five dollars for each offence.

Awning posts how placed. Penalty.

§ 12. All posts and rails fixed in any street for the purpose of supporting any awning, shall be placed next to and along the inside of the curb-stone, and shall be seven feet in height above the side-walks, including the rail on the top.

Awning posts where placed and height of.

§ 13. No portion of any cloth or canvass used as an awning, shall hang loosely down from the posts or railings, over the side-

walk or footpath, under the penalty of five dollars for every day's offence.

Horse or cattle not to go on side-walk, nor wheel or hand-barrow.

§ 14. No person shall lead, drive, or ride, except it be to pass into a lot, yard, or stable, any horse or cattle on any side-walk, nor drag any wheel or hand-barrow, or obstruct any foot-path or side-walk with wood, coal, or any other thing, under the penalty of five dollars for each offence.

Penalty.

Cross-walks not to be obstructed.

§ 15. No person shall obstruct the walks laid across the public streets in this city by placing or stopping his horse, cart, or other carriage upon or across any of the said walks, or by placing or putting any other obstruction or things across or on the same, under the penalty of five dollars for each offence.

Passed July 28, 1843.

TITLE III.

The construction of Vaults and Cisterns in the Streets.

Vault or cistern to be constructed.

§ 1. No person shall construct any vault or cistern in any street, except by and with the consent of the Common Council, on the payment of such sum as shall be from time to time established by the said Common Council, and in all cases the same shall be completed and finished within the time prescribed by the committee on streets.

How to be constructed.

§ 2. All vaults shall be constructed of stone or brick, and the outward side of the grating or opening into the street, shall be within twelve inches of the coping of the area in front of the house to which such vault shall belong, or within twelve inches of the curb-stone, under the penalty of twenty dollars, to be paid by the owner or person making or causing the same to be made.

Penalty.

Vault hole, cistern or well when uncovered to be lighted.

§ 3. Every owner or occupant of any house or lot of ground within the line of buildings of Jersey City, before which any vault-hole, cistern, well, or other opening shall be made, shall, during the whole of every night, while such vault-hole, cistern, well or opening shall be open or uncovered, cause a lighted lamp or lantern to be placed and kept at some convenient spot, so as to cast its light upon such vault-hole, cistern, well, or opening, under the penalty of five dollars.

Grate not to be removed.

§ 4. No person shall remove, or cause, procure, or permit to be removed or insecurely fixed, so that the same can be moved in its

bed, any grate or covering to the opening or aperture of any vault in Jersey City, under the penalty of ten dollars.

Penalty.

§ 5. The last preceding section shall not be construed to prevent the removal of such grate or covering, provided the aperture to such vault, during the removal of such grate or covering, shall be inclosed with a strong box, or curb, at least twelve inches high.

Preceding section how construed.

§ 6. No person or persons shall suffer or permit the aperture or opening to any vault in the streets or side-walks of Jersey City to remain open for any period between one hour before sunset to sunrise the next morning, under the penalty of ten dollars.

Penalty for leaving vault-hole open.

§ 7. All grates to vaults shall be made of iron, the bars whereof shall be three-fourths of an inch wide, and one half of an inch thick, and not more than three-fourths of an inch apart; or such vaults shall be covered with Rockwell's patent vault-lights, or thick sheet iron, under the penalty of ten dollars, to be paid by the owner of the vault, or the occupant of the house to which the same shall belong, severally and respectively.

Vault holes, how to be covered.

Penalty.

Passed July 28, 1843.

TITLE IV.

Miscellaneous Provisions.

§ 1. No person or persons, without being authorized by the street committee, shall take up, remove, or carry away, or cause to be taken up, removed or carried away, any turf, stone, sand, clay or earth from or out of any street or public ground in this city, under the penalty of ten dollars for every offence.

Clay, earth, &c., not to be removed from street.

Penalty.

§ 2. No person shall injure, cut down, or otherwise destroy any tree or shoot, or the guards placed around the same, or any lamp-posts standing in any of the streets or public grounds in this city, or tie any horse or other animal thereto, under the penalty of fifteen dollars for each offence.

Penalty for injuring trees.

§ 3. No person shall wilfully injure, break down, or otherwise destroy any iron fence or railing attached to any building or lot, or inclosing the area of any building; or any other fence of whatever material composed, inclosing or making part of the inclosure of any

lot or lots, or of the public grounds in Jersey City, under the penalty of five dollars for each offence.

This section introduced August 4, 1843.

Passed August 7, 1843.

Penalty for injuring side-walks.

§ 4. If any cartman or other person shall break or otherwise injure any side-walk, he or they shall, within twenty-four hours thereafter, cause the same to be well and sufficiently repaired and mended, under the penalty of five dollars.

Building not to be moved in public street.

Penalty.

§ 5. No person shall remove, or cause or permit to be removed, or shall aid or assist in removing any building into, along, or across any street or public place in Jersey City, except by permission of the committee on streets, under the penalty of five dollars.

No person to drive faster than six miles per hour.

§ 6. No person shall ride or drive any horse or horses in Jersey City with greater speed than at the rate of six miles an hour, nor faster than on a walk in turning any corner, under the penalty of five dollars for each offence, to be recovered from the owner or driver thereof, severally and respectively.

Guns not to be fired, or fire-works let off.

Penalty.

§ 7. No person shall, within this city, fire or discharge any gun, pistol, cannon or fowling-piece, or other fire-arms, unless in defence of his property or person, nor let off any squibs, crackers, or other fireworks, unless by permission of the city authorities, under the penalty of five dollars for each and every offence.

Booths not to be erected, or ardent spirits sold.

§ 8. No person shall, at any time, erect on any of the public grounds or streets of this city, any booth, shed, or other convenience for the sale of any ardent spirits, malt liquors, wine or cider, nor offer the same for sale from any wagon, cart, or vehicle, under the penalty of five dollars for each offence.

Manure not to be cast into the streets.

§ 9. No person shall deposit in any street or public grounds, any stable manure, nor cast any straw or shavings into any street, under the penalty of two dollars for each offence, to be paid by the occupant of the premises from which the same was cast, and the person casting the same, severally and respectively.

Filthy water not to be cast into the street.

§ 10. No person shall throw or deposit any filthy water or other liquid in any part of any paved street in Jersey City, except in the gutter thereof, under the penalty of one dollar for every such offence.

§ 11. The owner or occupant, or person having charge of every house or other building on any street in Jersey City, which now is

or hereafter may be regulated and paved, shall within the first four hours after every fall of snow, or hail, or rain which shall freeze on the side-walks and in the gutters, cause the same to be removed entirely from off the side-walks, and to the breadth of one foot out of the gutter opposite such house or building, under the penalty of two dollars for every such neglect, to be paid by the said owner, occupant or persons having charge, severally and respectively.

Snow and ice to be cleared from sidewalk.

Penalty.

§ 12. In case the ice or snow shall be so congealed that it cannot be removed without injury to the pavements, the owner, occupant, or person having charge of any house or building, shall, within the first four hours after every fall thereof, cause the side-walks opposite his, her, or their premises, to be strewed with ashes or sand, under the penalty of two dollars, to be paid by the owner or occupant, or person having charge thereof, severally and respectively.

If ice or snow be congealed, the walk to be strewed with ashes or sand.

§ 13. No person shall, at any time, cast or lay in any street, lane or alley in this city, or in any public square, or place, the dead carcass of any animal, or any cinders or rubbish of any kind from any foundry, forge, or blacksmiths' shop, or from any other place in this city; nor any oyster shells, or clam shells, or shells of any kind, under the penalty of two dollars for each offence, to be recovered from the occupant of the premises from which the same shall be cast, and from the person casting the same, severally and respectively. Provided that cinders, oyster, and clam shells may, under the direction of the superintendant of streets, be cast or thrown on any unpaved street.

Dead carcass or rubbish not to be cast into the street.

§ 14. No person shall cast the dead carcass of any horse or other animal into any dock or slip, without causing the same to be immediately towed out into the river or bay, to the distance of at least three hundred yards from the nearest wharf, under the penalty of five dollars for each offence.

Dead carcass not to be cast into the slip, unless, &c.

Passed July 28, 1843.

CHAPTER II.

Prescribing the duties of certain Officers.

The Mayor and Common Council of Jersey City do ordain as follows:

TITLE I.

Of Superintendant of Streets.

§ 1. There shall be appointed by the Common Council, a proper person to be called the Superintendant of Streets, who shall hold his office during the pleasure of the Common Council, and who shall receive as compensation such sum as shall be allowed, and perform the duties prescribed in this ordinance, and such other duties as shall, from time to time, be prescribed and ordered by the Common Council.

Superintendant to be appointed.

§ 2. The person so appointed superintendant of streets as aforesaid, shall have a general superintendance and care of all streets and public grounds of this city; and it shall be his duty to see that the same are not improperly obstructed or incumbered; that the streets are kept in good repair; that the trees and lamps are not injured or destroyed; and that nuisances or any thing of an offensive or unwholesome nature shall be removed from, and not permitted therein.

His duties.

§ 3. The superintendant of streets shall, with the consent and under the direction of the street committee, and at the reasonable cost of the city, repair or cause to be repaired, and kept in safe and good condition, all that part of the streets used as the carriage-way which are paved with stone.

To repair streets.

§ 4. It shall be the duty of the superintendant of streets, under the direction of the committee on streets, to employ suitable persons to collect and remove all the manure, rubbish and dirt from the streets, wharves, and piers in Jersey City, and to see that the streets be swept and cleansed, and that nuisances, garbage, rubbish, coal-ashes, and all obstructions be removed therefrom.

To remove manure, rubbish, &c.

§ 5. No diet, filth, ashes or rubbish of any kind whatsoever, shall at any time be cast or laid in any paved street or public ground, except on the regular days of sweeping, and before twelve o'clock at noon on those days, under the penalty of one dollar for each offence, to be paid by the occupant of the house, building or lot from which the same was cast, and the person casting the same, severally and respectively.

No filth or ashes to be cast into the streets, except on days of sweeping.

§ 6. It shall be the duty of the superintendant of streets to give the inhabitants sufficient notice, designating the regular days of

Superintendant to give notice of days of sweeping.

sweeping, on which days all ashes, filth and rubbish mentioned in the preceding section may be placed in the streets for removal.

To examine and remove nuisances.

§ 7. It shall be the duty of the superintendant of streets, by and with the advice and consent of the committee on streets to take all necessary measures to ascertain every nuisance which may exist in this city, and to examine or cause such nuisance to be examined, and forthwith to be removed.

To direct, in writing, the removal of nuisances.

§ 8. The said superintendant of streets, by and with the consent and advice of the committee on streets, may direct, by an order in writing, any nuisance or offensive or unwholesome matter or substance to be removed, corrected or abated, within and before a certain time therein to be expressed, and may also designate therein, if necessary, the manner of removing, correcting, abating, or altering the same, and the place to which the same shall be removed, a copy of which order shall be served personally upon the person having possession, whose duty it shall be to remove, correct, or abate the same.

Penalty for disobeying order.

§ 9. Any person neglecting or refusing to obey the said directions or order, as mentioned in the last preceding section, at the expiration of the time mentioned in the said order, or neglecting or refusing to obey any or either of the directions of said order, shall forfeit and pay for every such offence the sum of five dollars.

Refusal to comply with order, Superintendant to cause the nuisance to be removed.

§ 10. In case of the neglect or refusal of any person to comply with the order so given, as mentioned in the eighth section, the said superintendant of streets, by and with the advice and consent of the committee on streets, may cause the nuisance, or matter, or substance therein mentioned, to be forthwith removed or abated, and the person or persons whose duty it was to remove the same, shall be chargeable, severally and respectively, with the expenses of such removal, in addition to the penalty before mentioned.

Superintendant to enter on premises, and examine building, &c.

§ 11. The superintendant of streets shall, and may, upon the complaint of any person or persons, when he has reason to think that there may be any nuisance, from time to time to enter into and upon any premises between sunrise and sunset of any day, and examine any building, cellar, lot of ground, alley, sink, vault, cispool or privy within the limits of this city.

Penalty for disturbing the superintendant in his duty.

§ 12. Any person who shall obstruct, molest, disturb or hinder the said superintendant of streets in the discharge of any duties

mentioned in this ordinance, shall forfeit and pay the penalty of ten dollars for every such offence.

Passed July 28, 1843.

TITLE II.

Of the duties of Clerk.

Clerk to be appointed.

§ 1. There shall be appointed annually a Clerk of the Common Council, to hold his office during their pleasure.

To keep and affix seal, &c.

§ 2. It shall be the duty of the said clerk to keep under his charge and custody the common seal of the Mayor and Common Council of Jersey City, and cause the same to be affixed to such instruments and writings as may, from time to time, be made, granted, or issued by order of the Common Council, pursuant to the charter of said city.

Attend meetings and keep minutes.

§ 3. It shall be the duty of the said clerk to attend all meetings of the Common Council, to keep the minutes of all such meetings, and to cause proper records of such minutes to be made and kept in his office in a book to be provided for such purpose.

To keep maps, books, papers, &c.

§ 4. The said clerk shall safely keep all such books, maps, surveys, vouchers, memorandums and papers, the property of the Common Council, or relating to their affairs, which now are in, or hereafter shall come to his hands and possession.

To enter laws and resolutions.

§ 5. The said clerk shall enter into a book, to be provided for that purpose, all laws and resolutions of the Common Council, within ten days from the passing thereof respectively, together with all assessments referred to the Common Council for confirmation and adoption.

To notify persons appointed to office, &c.

§ 6. The said clerk shall inform all persons that may be appointed to office or the discharge of any duty by virtue of any law or resolution of the Common Council, of such appointment by notice in writing.

To cause laws to be printed.

§ 7. The said clerk shall cause to be printed for the use of the members and officers of the Common Council, fifty copies of every law that may hereafter be passed and ordered to be published, except those relating to paving and improving the streets, digging wells, and laying drains.

Furnish chairman of committee with names, and the mayor with the name of chairman.

§ 8. The said clerk shall furnish the chairman of any committee to whom any subject may be referred, with the names of the persons composing such committee, together with all the papers, and a copy of any resolution relating to the subject, and at every meeting of the Common Council to furnish the Mayor or presiding officer with the names of the chairman, and subjects referred to them at any previous meeting, and who have not reported thereon.

Allow books and papers to be examined.

§ 9. The said clerk shall allow any person or persons, at all convenient and reasonable hours, to examine all books and papers belonging to the Common Council without any expense, unless copies thereof be required.

§ 10. The said clerk shall attend all sales held by order of the Common Council, of property for arrears of taxes and assessments, and keep a record of such sales, and furnish the purchasers thereat with proper certificates of their purchases; and when any property so sold shall be about to be redeemed, shall furnish certificates of redemption to the person redeeming the same: for each of which certificates he shall be entitled to receive the sum of fifty cents.

To subscribe an oath.

Compensation.

§ 11. The clerk shall take and subscribe an oath well and faithfully to execute the duties of his office, and shall receive such compensation as the Common Council shall allow.

Passed July 28, 1843.

TITLE III.

Of the duties of City Treasurer.

To receive monies, keep accounts, &c.

§ 1. It shall be the duty of the treasurer of Jersey City to receive all monies belonging to the city, and to keep an accurate account of all the receipts and expenditures under appropriate heads.

To account for all monies, &c.

§ 2. It shall be the duty of said treasurer to make out a true and full account of all the monies raised by tax or loan, for the use of the city since the last annual election, and of the application and expenditure of the same, and to deliver the said account to the clerk of the city, at least ten days previous to the next annual election, to be by him filed in his office, and also to exhibit to the Common Council a full account of all the receipts and expenditures received and paid by him on account of the corporation during the previous year, and also of the state of the treasury, and on rendering such account he shall deliver over his voucher for the same to

the clerk. He shall also render an account to the Common Council, at their first regular meeting of every month, of the receipts and expenditures of the previous month.

§ 3. It shall be the duty of the treasurer to keep and preserve all bonds, mortgages, notes, and other evidences of debt belonging to the city, and collect the interest on the same; he shall also receive the redemption money for the sale of property sold for taxes and assessments, on the clerk's certificate of the amount to be paid, and pay over the same to the purchaser on the surrender of his certificate of purchase. To keep bonds &c., and receive purchase money.

§ 4. The said treasurer shall, before he enters upon the duties of his office, execute his bond to the Mayor and Common Council of Jersey City, in such sum and with such sureties as the said Common Council shall approve, conditioned for the faithful execution of the duties of his office, and shall receive such compensation as the Common Council shall direct. To give bond, &c.

Passed July 28, 1843.

TITLE IV.

Of City Physician.

§1. There shall be appointed by the Common Council from among the physicians of the city a person to be called the city physician, who shall hold his appointment during the pleasure of the Common Council. His appointment.

§ 2. It shall be the duty of the city physician to visit, prescribe for, and administer medicine to all such indigent persons in the city as may require his professional aid, and after his first visit he shall report the person so visited to the overseer of the poor, or in his absence to one of the committee on alms. His duty, &c.

§ 3. After the overseer of the poor shall have visited and inquired into the circumstances and ability of the persons so visited, on finding them unable to procure medical aid at his or her own expense, he shall then direct the city physician to continue his attendance as long as necessary. Duty of overseer of the poor.

§ 4. It shall be the duty of the overseer of the poor to note, in a book to be kept for that purpose, the name of every person he shall assist or place under the care of the city physician, whether such His further duty.

persons be citizens or aliens, and their place of residence, and whether they are legally chargeable to the city, and how long they have resided therein, and the place from whence they last came, and to report the same to the committee on alms.

Further duty of City Physician.

§ 5. It shall be the duty of the city physician to render quarterly, commencing on the first day of January in each and every year, a statement of the number of paupers he has attended during the last preceding quarter, their disease and termination, and further to attend the meetings of the Common Council when they shall request the same, and give such information as may be required, connected with the duties of his office, and that which shall be most conducive to the health of the city.

How paid.

§ 6. The city physician shall receive for his services and expenses such sum as the Common Council shall appropriate.

Passed July 28, 1843.

TITLE V.

Of City Attorney.

His duty.

§1. There shall be appointed by the Common Council a competent person, to be called the city attorney; whose duty it shall be to attend to the prosecution of all suits that may be instituted for the enforcement of the ordinances of the Common Council, and that no suit shall be commenced by any person for the recovery of any penalty unless such suit shall be advised by the said attorney, or in his absence by a member of the Common Council.

Compensation.

§ 2. The said city attorney shall receive such compensation as the Common Council shall provide.

Attorney to account once in six months.

§ 3. The said city attorney shall, once in six months, report to the Common Council in writing, a statement of suits instituted by him, and which have been prosecuted to judgment; the names of the defendants, the items of costs charged in each suit; the results of the suits, whether in favor of the plaintiffs or defendant; and if in favor of plaintiff, the effect of execution.

To pay over monies.

§ 4. The said attorney is directed to pay over to the treasurer all monies which may be paid to him on account of penalties recovered, once in six months, (after deducting legal fees and charges) and take his receipt for the same.

Passed July 28, 1843.

Introduced August 4, 1843.

TITLE VI.

Of City Surveyors.

§ 1. There shall be so many surveyors appointed for this city as the Common Council shall, from time to time, think proper, whose duty it shall be to assist the street committee of the Common Council of said city in laying out and regulating all the streets, roads, wharves and slips of the said city, and to lay out and survey all ground for the purpose of building upon, and to advise and direct concerning the same.

§ 2. The said surveyors so to be appointed before they enter upon the execution of the said office, shall respectively take an oath, well and truly to execute the same.

§ 3. No person shall erect any building bounded by any of the public streets or avenues, on his, her or their ground, unless the same be previously viewed and laid out by the said surveyors, or one of them; nor in any other manner than they or one of them (with the advice and consent of the committee on streets) shall direct, under the penalty of fifty dollars for each offence; for which service the surveyor shall receive a sum not exceeding five dollars.

§ 4. If any building shall project beyond the range of the street, road, or public ground, as laid down and ascertained by a city surveyor, the person erecting the same shall, within twenty days after notice thereof is given him by a city surveyor, remove the said building to the range so laid down as aforesaid, under the penalty of fifty dollars, and a further penalty of five dollars for every twenty-four hours during which the said building shall be continued beyond such range.

Passed August 7, 1843.

CHAPTER III.

Of Wells and Pumps.

The Mayor and Common Council of Jersey City do ordain as follows:

Wells and pumps city property.

§ 1. All wells and pumps that now are, or hereafter may be constructed in the streets of Jersey City, are and shall be deemed to be the property of the Mayor and Common Council of Jersey City.

Application for, and notice to be given.

§ 2. Whenever application shall be made for a well and pump in this city, and the Common Council shall deem it expedient to construct the same, public notice of the intention to construct such well and pump shall be given, which notice shall state the time and place when and where objections, if any thereto, may be made, in writing.

Cost of to be assessed on lots in vicinity of.

§ 3. Whenever any well and pump shall be ordered by the Common Council, and the same shall be constructed, the cost of the same, including all cost for assessing and collecting, shall be assessed on the lots in the vicinity thereof, by such assessor or assessors as the Common Council may appoint for that purpose; and the said assessment shall be collected from the owners or occupants of said lots according to such assessment.

How kept in repair.

§ 4. It shall be the duty of the superintendant of streets, with the advice and consent of the committee on fire and water, to cause all the wells and pumps in the streets of this city to be kept in good repair, at the cost of the Common Council.

Penalty for injury.

§ 5. No person shall wilfully do or cause to be done any injury or damage to any public well or pump, under the penalty of ten dollars for each offence.

Passed July 28, 1843.

CHAPTER IV.

A Law for the assessment and collection of taxes for 1838–9.

The Mayor and Common Council of Jersey City do ordain as follows:

Assessor to assess the sum of $2,500.

§ 1. The assessor of the city shall assess, for the use of the city, the sum of two thousand five hundred dollars, to be rated as follows. Every inhabitant shall be assessed the sum of fifty cents as a poll tax. Every owner or possessor of a dog or dogs shall be assessed the sum of one dollar for every such dog or dogs. Every owner or possessor of a slut or sluts shall be assessed the

sum of five dollars for every such slut or sluts, and the remainder of the said sum shall be assessed on the real and personal property within said city, according to the actual valuation thereof, at such rate per dollar as will be sufficient to produce the sum required.

Deliver transcript to collector and clerk of the city.

§ 2. The said assessor shall, within fifteen days after the first Monday in September next, deliver to the collector of the said city a transcript or duplicate of said assessment, and shall also, within the said time, deliver another such transcript or duplicate to the clerk of the city, who is hereby required to lay the same before the Common Council at its next regular meeting thereafter.

Persons aggrieved appeal to commissioners of appeal.

§ 3. If any person or persons shall think himself, herself, or themselves aggrieved by the foregoing assessment, he, she or they may appeal to the commissioners of appeal in cases of taxation, who are hereby authorized and required to hear and determine the same in the same manner that they now are required to do on assessments for state and county taxes.

Collector to proceed to collect taxes within thirty days.

§ 4. The collector, on receiving the transcript or duplicate, shall, within thirty days thereafter, proceed to collect the same, in the same manner that the state and county taxes are now collected, together with the state and county taxes. And whenever a sufficient sum shall have been collected, he shall pay unto the county collector the quota of state and county taxes as shall be required to be paid by this city, and take his receipt therefor; after which he shall weekly and every week deposite with the treasurer of the said city such collections as he shall from time to time collect, taking the receipt of the said treasurer for every such deposit. A copy of such receipt the said collector shall lay before the Common Council at its next regular meeting thereafter.

Make return of delinquents under oath.

§ 5. The said collector shall, on the twentieth day of December next, make return, under oath, of the names of the delinquents of the state and county taxes, and of the tax hereby created; and the same proceedings shall be had thereupon as is directed by the twelfth, thirteenth, fourteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first and twenty-second sections of an act of the legislature of this state, entitled "An act concerning taxes;" passed the 10th of June, 1799.

Compensation of assessor and collector.

§ 6. The assessor and collector, for their services under this law, shall severally and respectively be entitled to the same compensation as is allowed them for assessing and collecting the state and county taxes.

Passed June 1st, 1838.

CHAPTER V.

A Law to prevent interments of the dead within the corporate limits of Jersey City.

The Mayor and Common Council of Jersey City do ordain as follows:

No dead body of human being to be deposited within the limits of Jersey City.

§ 1. That no person or persons whatever shall be permitted to inter, bury, or permanently deposit, or cause or procure to be interred, buried, or permanently deposited, in any grave, vault, or other place within the corporate bounds of this city, or aid or assist in so doing, any dead body of any human being. And all and every person or persons who shall, contrary to the true intent of this act, be concerned in such interring, burying, or permanently depositing in any manner whatsoever, after the passing of this ordinance, shall, severally, for every such offence, forfeit and pay the sum of fifty dollars, and the sum of ten dollars for every day that such person or persons shall continue any such dead body interred, buried, or deposited as aforesaid, within the corporate limits of this city.

CHAPTER VI.

A Law to regulate Slaughter-houses.

The Mayor and Common Council of Jersey City do ordain as follows:

Not to slaughter animals in Jersey City except, &c.

§ 1. No butcher or other person engaged or acting as such, shall butcher or slaughter any sheep, lamb, calf, beef-creature or other animal, or permit or allow the same to be done within the limits of Jersey City, except at such place (not less than three hundred feet

from any dwelling-house) as the Common Council shall, by resolution, permit, under the penalty of five dollars for each animal so slaughtered.

§ 2. Every butcher or other person occupying any slaughter-house within the limits of this city, shall, every day on which any animal shall be killed therein, between the first day of June and the first day of November in every year, cause the same to be washed and thoroughly cleansed, under the penalty of ten dollars for each offence.

Slaughter-house to be cleaned, &c.

§ 3. Every butcher, or other person, immediately after killing any animal, shall destroy the offals, garbage, and other offensive parts thereof, or shall convey the same into the river or bay, under the penalty of five dollars for each neglect.

Offals to be destroyed.

Passed July 28, 1843.

CHAPTER VII.

A Law relating to Privies, Sinks and Cistpools.

The Mayor and Common Council of Jersey City do ordain as follows:

§ 1. No privy, sink, or cistpool, shall hereafter be made or constructed within thirty feet of any public well or pump, under the penalty of fifty dollars, to be paid by the owner and builder thereof, severally and respectively.

Not to be constructed within thirty feet of well or pump.

§ 2. No person shall dig any sink or cistpool, or build or erect any privy without leaving three feet of solid earth, or solid mason work, laid in mortar or cement, to be measured from the interior line of said sink, between such privy or cistpool and the adjoining lot, under the penalty of twenty-five dollars, to be paid by the owner and builder thereof, respectively.

Three feet of earth or cement to be left between sink and adjoining lot.

§ 3. The owner or occupant of any house, lot, or premises in Jersey City, shall not empty or remove, or cause, or suffer, or permit to be emptied or removed, the contents of any sink, privy, or cistpool, between the last day of May and the last day of September in any year, except between the hours of eleven o'clock in the evening and four o'clock in the morning; and during the remainder of the year between the hours of ten o'clock in the evening and

Contents of cistpool, &c., not to be removed except, &c.

six o'clock in the morning, under the penalty of ten dollars for each offence.

Vegetable substance not to be deposited in sink, &c.

§ 4. No person shall throw or deposit, or cause or suffer to be thrown or deposited in any sink, privy, or cistpool, any vegetable substance or garbage, or offals of fish or poultry, or any dead animal, under the penalty of five dollars for every such offence.

Passed July 28, 1843.

CHAPTER VIII.

A Law relating to Drains and Sewers.

The Mayor and Common Council of Jersey City do ordain as follows:

Notice to be given of application for sewer, &c.

§ 1. Whenever application shall be made to the Mayor and Common Council for a public drain or sewer, and it shall be deemed expedient to construct the same, ten days public notice shall be given of such intention, which notice shall state the time and place, when and where, any objections, if such there be, may be made in writing.

Costs of constructing the same—how assessed.

§ 2. Whenever any such drain shall be made, the cost of constructing the same shall be assessed on the lots lying and bordering on that part of the street in which the same shall be made, and on such lots lying in other streets as may be deemed to be benefitted thereby, by such assessors as the Common Council may appoint for that purpose.

Assessments, when confirmed, to be collected.

§ 3. All assessments for the cost of constructing public drains or sewers, shall be returned to the Common Council for confirmation by them, within such time as may be prescribed; and whenever such assessment shall be confirmed, the same shall be collected by such person as the Common Council shall appoint, and in the same manner that other assessments are and may be lawfully collected.

Drain not to be made without permission.

§ 4. No person shall make or cause to be made any drain from any cellar, lot, or other place leading into any public drain or sewer in this city, without permission from the committee on streets, under the penalty of fifty dollars.

Drains leading to public drains how constructed, &c.

§ 5. All drains leading from any premises into any public covered drain or sewer, shall be made of brick or stone, laid in mortar, or

of such other material as shall be approved of by the committee on streets, with a permanent copper grate set in the same at the junction with the public drain, the bars of which grate shall be not more than half an inch apart, the whole to be constructed in such manner as the committee on streets shall direct, under a penalty of twenty-five dollars for each offence, and a further penalty of five dollars per day for each day such drain shall remain after notice to the occupant of the premises to have the same removed.

Drain not to be used to carry off contents of privy, &c.

§ 6. No person shall construct or make use of any drain leading into any public drain in this city, which may be hereafter built, for the purpose of carrying off the contents of any privy or water closet, under a penalty of ten dollars for each offence, and one dollar per day for each day such drain shall remain after due notice to have the same removed.

CHAPTER IX.

A Law relative to bathing and indecent exposures.

The Mayor and Common Council of Jersey City do ordain as follows:

Persons not to bathe in certain limits.

§ 1. No person shall, between sunrise and one hour after sunset, bathe or swim, being naked, in the waters of the Morris Canal within the bounds of the city, or in the waters surrounding Jersey City, at any place within the corporate limits thereof, south of the pier or way erected for the repair of vessels, under the penalty of one dollar for each offence.

Persons not to be exposed, &c.

§ 2. No individuals shall expose their persons in an indecent manner in the streets or public grounds, or on the wharves or piers, or on board of any vessel within the limits of Jersey City, under the penalty of five dollars for each and every offence.

Passed July 28, 1843.

CHAPTER X.

A Law to establish a Map and Profile Maps of the grade of the streets of Jersey City.

The Mayor and Common Council of Jersey City do ordain as follows:

Bridges' map grade of streets in Jersey City.

§ 1. That the map and sixteen profile maps, made by Joseph F. Bridges, dated the twenty-fifth day of May, one thousand eight hundred and thirty-eight, shall hereafter be taken as the established grade of the streets of Jersey City; and that the Mayor and the Clerk of the Common Council shall affix their signatures to each—that is to say, to a general map, and sixteen profile maps of the grade of the streets of this city.

Passed June 22, 1838.

An Ordinance establishing the streets of Jersey City.

Map and seventeen profile maps—grade of streets of Jersey City.

Whereas, the Common Council did, on the 22d of June, 1838, ordain that a map and sixteen profiles, made by Joseph F. Bridges, bearing date May 25th, 1838, should be the established grade of the streets of Jersey City—and whereas it has been deemed necessary to have another profile added, and that the same be bound in a book; the Common Council do further ordain that the book of maps, to wit, the general map, and seventeen profiles aforesaid, of the following streets—Warren, Washington, Green, Hudson, Bergen, Essex, Morris, Sussex, Grand, York, Montgomery, Mercer, Wayne, Steuben, Morgan Bay, and Harsimus streets, is the established grade of the streets of Jersey City.

Passed December 21, 1838.

CHAPTER XI.

A Law authorizing the filling in of certain streets in Jersey City to the established grade, and to assess the lot or lots adjoining the same.

The Mayor and Common Council of Jersey City do ordain as follows:

Certain streets to be filled in.

§ 1. That the committee on streets shall, as soon as practicable, cause York and Montgomery streets, from Hudson to Greene; and Mercer and Wayne streets, from Greene to Washington; and Washington street, from Montgomery to Wayne; and Hudson street, from York to Wayne; and Greene street, from Montgomery to

Wayne and Warren street, from Grand to Montgomery; and Grand, York, and Montgomery streets, from Washington to the west line, or the boundary of Jersey City, to be filled in with earth to the established grade of the city.

§ 2. That whenever the streets or parts of streets have been regulated as named in the first section of this act, it shall be the duty of the Common Council to appoint three persons, freeholders, and residents of this city, to make a just and equitable estimate of the costs, together with the incidental expenses; which cost and expenses shall be assessed on the lot or lots in proportion to the quantity of earth such lot or lots have received, which have been benefitted by filling in the street in front of the same; and on the return of their assessment, which shall be within ten days after their appointment and their acceptance of the same, public notice shall be given of the return of such assessment to the Common Council, in which notice it shall be stated that the Common Council will meet at the time and place mentioned in said notice, to hear objections, if any there be, in relation to such assessment. And if it shall appear to the satisfaction of the Common Council that the said assessment is just and proper, they shall approve the same, whereupon the same shall become absolute.

Expenses of regulation, &c. to be assessed on lots.

Notice of assessment.

§ 3. That the cost of filling in the streets named in the first section of this act, together with the incidental expenses, shall be collected from the person or persons whose lot or lots are assessed for the same, which money shall be paid over to the treasurer of the city.

Costs of filling in to be collected from persons whose lots are assessed.

§ 4. That for the cost incurred in filling in any of the streets aforesaid, and for any expenses thereto, it shall be a lien on the lot or lots so assessed, agreeably to a law of this state, passed March the eighth, one thousand eight hundred and thirty-six, entitled "A supplement to the act entitled an act to incorporate Jersey City, in the county of Bergen," passed January the twenty-third, one thousand eight hundred and twenty-nine.

Costs of filling lien on lots assessed.

CHAPTER XII.

A Law concerning Dogs.

The Mayor and Common Council of Jersey City do ordain as follows:

Dogs not to run at large, except, &c.

§ 1. It shall be lawful for any person to kill any dog found running at large in Jersey City, which shall bite or attempt to bite any person or animal in said city.

Mayor to authorize the destruction of all dogs running at large.

§ 2. It shall be lawful for the Mayor of the city, at any time when in his opinion the public good requires the same to be done, to issue his proclamation authorizing the indiscriminate destruction of all dogs found running at large in said city, and such proclamation, being published in one of the newspapers printed in said city, shall be a justification to all persons who may destroy any dog or dogs found running at large as aforesaid, during the time said proclamation shall remain in force; and such proclamation shall remain in force until the same be by order of the Common Council annulled.

Appoint persons to destroy dogs.

§ 3. The Mayor of the said city may, from time to time, during the time the said proclamation named in the preceding section shall be in force, appoint one or more suitable persons to kill and destroy all dogs found running at large in the streets, roads, squares, and other public places in this city.

Compensation of persons so appointed.

§ 4. The persons so appointed shall receive such sum as the Mayor may deem proper for each day they shall be so employed, and shall make returns to the Mayor of the number of dogs they may severally kill.

Penalty for opposing this ordinance.

§ 5. Any person who shall hinder or prevent, or attempt to hinder or prevent any of the provisions of this ordinance being carried into effect, shall be subject to a penalty of ten dollars.

Passed July 28, 1843.

CHAPTER XIII.

Laws authorizing the regulation and filling in of certain streets.

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A Law authorizing certain streets in Jersey City to be regulated by curbing, guttering, and paving the same.

The Mayor and Common Council of Jersey City do ordain as follows:

§ 1. That the committee on streets shall, as soon as practicable, cause Montgomery, York, Grand, Sussex, Morris, and Essex streets, from Washington to Warren; and Warren street, from Essex to Montgomery, to be regulated, by curbing, guttering and paving the same; and also to place cross-walks at the intersection of the before named streets. Certain streets to be regulated, &c.

§ 2. That whenever the streets named in the preceding section have been regulated, the Common Council shall appoint three persons, freeholders and residents of the city, to make a just and equitable estimate of the cost of curbing, guttering and paving the same, which shall be assessed on the lot or lots fronting the streets; and on the return of their assessment, which shall be within ten days of their appointment and acceptance of the same, public notice shall be given of the return of such assessment to the Common Council, in which notice it shall be stated that the Common Council will meet at the time and place mentioned in said notice, to hear objections, if any there be, in relation to such assessment. And if it shall appear to the satisfaction of the Common Council that the said assessment is just and proper, they shall approve the same; whereupon the same shall become absolute. Cost to be assessed on lots, &c. Notice of assessment. Assessment approved, &c.

§ 3. That for the cost of regulating the streets named in the first section of this act, together with the incidental expenses, it shall be collected from the person or persons whose lot or lots are assessed for the same; which money shall be paid over to the treasurer of the city. Costs of regulating to be collected from persons whose lots are assessed.

§ 4. That for the costs and expenses aforesaid, it shall be a lien upon the lot or lots so assessed as aforesaid, agreeably to a law of this state, passed March 8, 1836, entitled "A supplement to the Costs, &c., lien on lots assessed.

act entitled an act to incorporate Jersey City in the county of Bergen," passed January 23d, 1829.

Passed August 13, 1838.

A Law authorizing the filling in of Sussex street, from Warren street to the Western boundary of Jersey City.

The Mayor and Common Council of Jersey City do ordain as follows:

Sussex street to be filled in, &c.

§ 1. That the committee on streets cause the surplus earth, if any, remaining after the excavating of certain drains or sewers made or to be made, and what surplus earth there may be in Sussex, Morris, Essex and Warren streets, after the paving of the same, to be placed in Sussex street, between Warren street and the western boundary of the city, and to the established grade thereof.

Costs of filling in to be assessed on lots, &c.

§ 2. That whenever the street above named shall have been filled as aforesaid, the Common Council shall appoint three persons, freeholders, and residents of Jersey City, to make a just and equitable estimate of the cost, together with the incidental expenses for the filling in of the same, which cost and expenses shall be assessed on the lot or lots which have been benefitted by such filling in of the street in front of the same. And on the return of the assessment to the Common Council, public notice shall be given of such return, in which notice it shall be stated that the Common Council will meet to hear objections to the same, if any there be, in relation to such assessment—which notice shall state the time and place of such meeting. And if it shall appear to the satisfaction of the Common Council, that the said assessment is just and proper, they shall approve the same, whereupon it shall become absolute.

Notice of assessment.

Costs of filling in.

§ 3. That the cost of filling in the street before named in this act, together with the incidental expenses, shall be collected from the person or persons whose lot or lots are assessed for the same; which money shall be paid over to the treasurer of this city.

Costs of filling, lien on lot.

§ 4. That for the cost incurred in filling in the street aforesaid, and for any expenses thereto, it shall be a lien on the lot or lots so assessed, agreeably to a law of this state, passed March 8th, 1836,

entitled "A supplement to the act entitled an act to incorporate Jersey City in the county of Bergen," passed January the twenty-third, one thousand eight hundred and twenty-nine.

Passed August 24, 1838.

A Law authorizing the filling in of certain streets to the established grade of the streets of Jersey City.

The Mayor and Common Council of Jersey City do ordain as follows:

§ 1. That the committee on streets cause, as soon as practicable, the following streets to be filled in with earth or stone, or both, to the established grade of the streets of Jersey City, that is to say— Greene street, from the centre of Wayne to Steuben street; and Steuben street from Greene to Washington; and Washington street from Steuben to Wayne street; together with the intersections of Steuben with Greene and Washington streets; and Washington street with Wayne.

Certain streets to be filled in.

§ 2. That whenever the streets or parts of streets named in the first section of this law shall have been filled in as aforesaid, the Common Council shall appoint three persons, freeholders and residents of the city, to make a just and equitable estimate of the cost, together with the incidental expenses for the filling in as aforesaid, which cost and expenses shall be assessed on the lot or lots which have been benefitted by such filling in of the street in front of the same; and on return of the assessment to the Common Council, public notice shall be given of such return, in which notice it shall be stated that the Common Council will meet, to hear objections to the same, if any there be; which notice shall state the time and place of such meeting, in relation to such assessment. And if it shall appear to the satisfaction of the Common Council that the said assessment is just and proper, they shall approve the same; whereupon the same shall become absolute.

Costs to be assessed on lots, &c.

Notice of assessment.

§ 3. That the cost of filling in the streets before named in this act, together with the incidental expenses, shall be collected from the person or persons whose lot or lots are assessed for the same;

Costs of filling in collected from owner of lots assessed.

which money, when collected, shall be paid over to the treasurer of the city.

Costs of filling in lien on lots &c.

§ 4. That for the cost incurred in filling in any of the streets aforesaid, and for any expenses thereto, it shall be a lien on the lot or lots so assessed as aforesaid, agreeable to a law of this state, passed March eighth, one thousand eight hundred and thirty-six, entitled "A supplement to the act entitled an act to incorporate Jersey City in the county of Bergen, passed January twenty-third, one thousand eight hundred and twenty-nine.

Passed September 7, 1838.

CHAPTER XIV.

A Law relative to Assessments.

TITLE I.

Interest on Assessments.

The Mayor and Common Council of Jersey City do ordain as follows:

Interest to be charged on assessment.

That whenever any assessment shall be made with respect to any street or to any sewer, well, or any other assessment, and the same has been confirmed by the Common Council, interest at the rate of six per cent. per annum shall be added thereto, from the date of such confirmation, together with such percentage for incidental charges as may be ordered, to be added therefor, and which interest and charges shall be collected from the person or property so assessed as aforesaid, and interest shall be charged on the unpaid annual tax of each, from the twentieth day of December.

Passed July 28, 1843.

TITLE II.

Collection of Assessments.

Collector of assessments to be appointed.

§ 1. There shall be appointed, by the Common Council, a collector of assessments, who shall continue in office during the pleasure of the said Common Council.

§ 2. The said collector, before entering upon the duties of his office, shall execute a bond to the Mayor and Common Council of Jersey City, in the penal sum of two thousand dollars, with such good and sufficient sureties as shall be approved by the committee on finance, conditioned for the faithful discharge of his duties as a collector of assessments; which bond shall he renewed annually, and shall be deposited in the office of the clerk of the Common Council. To give bond.

§ 3. It shall be the duty of the said collector of assessments to deposit the monies collected by him with the treasurer of the city, at or before 12 o'clock on Thursday of every week during his continuance in office. Deposit monies, &c.

§ 4. The treasurer of the city is hereby required forthwith to report any omission or neglect on the part of the collector of assessments, in relation to the duties of his office.

§ 5. On the confirmation of any assessment, the person designated to collect the same, shall forthwith demand payment thereof, from the persons and parties who are by law required to pay the same, if such persons or parties shall reside within the limits of Jersey City, and if such persons or parties shall not reside within the said limits, such demand shall be made by letter, directed and sent by mail, to the residence of such persons or parties, as far as the same can be ascertained. Demand payment, and when.

§ 6. The collector of any assessment shall make a return to the Common Council of the delinquents and amounts uncollected thereon, at the first meeting of the Common Council, after the expiration of sixty days from the date of the confirmation of any assessment, to the end that they may take order for advertising the same according to law. Make return of delinquents.

§ 7. It shall be the duty of the collector of assessments to attach to the return of delinquents, an affidavit, stating that the monies due on said return have been demanded from the said delinquents, or that notice thereof was given or left at the usual place of residence of such delinquents as could be found, or resided in Jersey City.

§ 8. The compensation for collecting assessments shall be such as the Common Council shall, from time to time, designate for each and every assessment. Compensation.

Passed July 28, 1843.

CHAPTER XV.

Of Wharves, and Rate of Wharfage.

TITLE I.

Of Superintendant of Wharves and Vessels lying thereat.

The Mayor and Common Council of Jersey City do ordain as follows:

To appoint superintendant &c.

§ 1. The Common Council shall appoint a suitable person as superintendant of wharves, who shall, under the direction of the committee on wharves and piers, have the general supervision and direction as to the manner of using the wharves and piers of the city, and the location of vessels whilst lying at or near the same, to hold his office during the pleasure of the Common Council, and to receive such compensation from the owners of the wharves as shall be agreed on by them.

Vessels to occupy such place as superintendant shall designate.

§ 2. All vessels which may lie at or near any wharf, or in any slip in this city, shall be removed to, and shall occupy such berth or place as said superintendant shall set apart and designate to the person having charge of such vessel, under a penalty of ten dollars, besides a further penalty of one dollar for every hour such vessel shall so remain in any berth or place contrary to the direction of said superintendant, except as hereafter provided.

Property to be removed from wharf in reasonable time.

§ 3. All property which may be landed on any wharf or pier shall be removed therefrom with all reasonable despatch, and within such reasonable time as may be prescribed by the said superintendant, under a penalty of five dollars for each offence or neglect, and a further penalty of ten dollars per day for each day such property shall so remain on the wharf or pier; said penalty to be enforced against the owner or person having charge of such property.

Superintendant to give notice, &c.

§ 4. Whenever, in the opinion of said superintendant, any property shall have remained on any wharf or pier an unreasonable time, the said superintendant shall notify the owner thereof, or his agent, if such owner or agent can be found in the city, requiring such owner or agent forthwith to remove the same, and in case the owner or agent cannot be found in the city, the said superintendant

shall cause written notice to be posted in a conspicuous place on or near such property, which notice shall state the time when such property will be by him removed.

In case of neglect or refusal to remove property, superintendant may remove same.

§ 5. In all cases of neglect or refusal to remove property from any wharf or pier within the time prescribed by said superintendant, as is provided for in the last preceding section, it shall be lawful for the said superintendant, by and with the consent of the committee on wharves and piers, or, in their absence, by and with the consent of any alderman of this city, to remove or cause to be removed all such property to a place of safety, and store or yard the same, as the case may require. Any person who shall disturb or molest said superintendant, or persons assisting him in the performance of his duty prescribed in this section, shall, for every such offence, forfeit and pay a penalty of fifty dollars.

Costs of removal, lien on property.

§ 6. The cost of removing property from any wharf as provided for in the next preceding section, with the penalties accrued thereon, together with all expenses attending the same, shall be a lien on such property, and shall be paid by the person claiming the same before delivery; and in case such property shall not be called for and taken away within a reasonable time, the said superintendant shall, under the direction of said committee, advertise and sell the whole, or so much of said property as will discharge the lien on it, rendering immediately to the clerk of the Common Council an account of the sale and expenses, and paying any surplus arising therefrom to the treasurer of the city.

Fines recovered from master, owner, or person having charge.

§ 7. All fines and penalties incurred by virtue of this act may be recovered from the master, owner, or person having charge of the vessel, or from any other person violating any of the provisions of this act, as the case may be, and all such penalties, when recovered, shall be paid to the treasurer of this city for the use of the city.

Wharfage, how collected.

§ 8. The persons who are or may be entitled to the wharfage, are hereby authorized to collect the same in the manner directed by the laws of the state for the recovery of rents, by distress and sale of goods; and the persons necessarily employed therein, shall be subject to the like duties, and entitled to the same compensation for services as is allowed by said laws.

Master or owner aggrieved, may appeal, &c.

§ 9. The master or owner of any vessel, or the owner of any property, who may consider himself or themselves aggrieved by

any decision which the superintendant of wharves may make, may appeal to the committee on wharves, which committee may, on ascertaining the merits of the case, confirm or reverse the decision of the said superintendant.

Who may act in the absence of superintendant.

§ 10. In case of the absence of the superintendant of wharves, either of the committee on wharves, or in their absence from the city, any alderman may perform any of the duties of the said superintendant.

Square rigged vessel's yard apeak, &c.

§ 11. All square rigged vessels lying at or near any wharf in this city, shall keep their yards apeak, and their jib-booms rigged in whenever required so to do by said superintendant, under the penalty of five dollars for each offence.

§ 12. No person shall cart or discharge into any slip, or into the water adjacent to any wharf, any stone, dirt, rubbish, or any hard or heavy substance, under the penalty of five dollars for each offence.

Vessels not to lie in ferry slip.

§ 13. No vessel or float, except those used on the ferry, shall be allowed to lie in any ferry slip, or the water in the vicinity thereof, in such situation or manner as in any way to obstruct the free passage of any licensed ferry boat, under the penalty of fifty dollars, and a further penalty of twenty dollars per hour for every hour such vessel or float shall so remain obstructing the free passage of any such ferry boat.

Passed July 28, 1843.

TITLE II.

Rates of Wharfage.

Rates of wharfage.

§ 1. All vessels lying at or making use of any wharf, shall be subject to the following rates of wharfage, payable daily, and before the departure of the vessel, viz :

All vessels of fifty tons burthen and under, fifty cents per day.

All vessels of from fifty to one hundred tons, sixty-two and a half cents per day.

All vessels of from one hundred to one hundred and fifty tons, seventy-five cents per day.

All vessels of from one hundred and fifty to two hundred tons, eighty-seven and a half cents per day.

All vessels of from two hundred to two hundred and fifty tons, one dollar per day.

All vessels of from two hundred and fifty to three hundred tons, one dollar twelve and a half cents per day.

All vessels of from three hundred to three hundred and fifty tons, one dollar and twenty-five cents per day.

All vessels of three hundred and fifty tons and upwards, one dollar and fifty cents per day; excepting that all vessels whilst lying outside of another vessel shall be subject only to one half these rates of wharfage. Any part of a day more than two hours, shall be construed and charged as a full day, and any part of a day under two hours, shall be charged as half a day.

Passed July 28, 1843.

CHAPTER XVI.

A Law for the support of Public Schools.

The Mayor and Common Council of Jersey City do ordain as follows:

What monies appropriated to the support of schools.

§ 1. All monies which may hereafter be derived from tavern licenses, the city quota of the surplus revenue, the interest of the city proportion of the Bergen Corporation fund, and the money annually received from the state school fund, be and the same are hereby appropriated to the support of Public School No. 1, kept in the Town Hall, and such other public schools as the Common Council may from time to time erect and establish.

Principal and assistant teacher, how appointed.

§ 2. The principal and assistant teachers in said schools shall be appointed by, and hold their appointment during the pleasure of the Common Council, and receive such compensation, payable quarterly, as the Common Council shall authorize.

Duty of principal.

§ 3. It shall be the duty of the principal, besides teaching the ordinary branches of English education, to make quarterly statements to the township school committee (to be reported by them to the Mayor and Common Council) of the number of scholars, their names, age and studies during the quarter, and money received from each; and also the improper conduct or otherwise unfitness

of scholars; and the said school committee are hereby authorized in their discretion to dismiss such scholars from the school.

Schools to be opened.

§ 4. The schools shall be opened quarterly, commencing on the first day of May in each year, under the direction of the township school committee, and general supervision of the Mayor and Common Council, and continue open for the first ten days of each quarter for the reception of pupils residing in Jersey City, and being between the ages of five and sixteen years, who shall pay for instruction in spelling and reading, fifty cents, and including writing, arithmetic, and other branches, one dollar per quarter, one half on entering the school and the balance one month previous to the expiration of the quarter, which money shall be applied towards the payment of the expenses of the school; the Common Council may at any time alter these rates of tuition, and no child shall be debarred the advantages of schooling from inability to pay, but the township committee shall admit free the children of all such parents as are in their opinion unable to pay for schooling.

For what scholars.

Children admitted free, if parents are unable to pay.

Township committee report to trustees of school fund.

§ 5. It shall be the duty of the township school committee to render to the trustees of the state school fund, annually, on or before the first Monday in March, a statement showing the state and condition of all the schools in the city, the number of scholars taught, the terms of tuition, the length of time the schools have kept open, the amount of money received, and the manner in which the same has been expended, together with such other information as may be deemed necessary.

Passed July 28, 1843.

CHAPTER XVII.

A Law for abating nuisances on sunken lots.

The Mayor and Common Council of Jersey City do ordain as follows:

Notice to be given of application to fill in sunken lots.

§ 1. Whenever the Common Council shall deem it expedient to have filled in or drained any sunken lot or lots, on account of such lot or lots, or part thereof, being covered with stagnant water or filth, thereby promoting disease or endangering the public health,

or on account of such lot or lots, or the water or filth thereon, being a nuisance, public notice shall be given, describing the lot or lots, which the Common Council propose to have filled in or drained, which notice shall state the time when the Common Council will meet to consider any objections which may be made thereto, and to decide respecting the same.

Lots not drained, Common Council may drain and assess the cost, &c.

§ 2. Whenever the Common Council shall resolve by not less than six concurring votes, and order the filling in or draining, wholly or partially, of any such sunken lot or lots, or part thereof, for the purpose of abating such nuisance, and thereby protecting the health of the said city, and the same shall not be done by the owner or owners thereof within such reasonable time as the Common Council may prescribe, it shall be lawful for the Common Council to fill in or drain the same, wholly or partially, as may be required, and assess the cost and expense thereof on the sunken lot or lots respectively so filled or drained, and such assessment shall be and remain a lien, according to law, on such lot or lots so assessed.

Assessments not paid, lots to be leased, &c.

§ 3. If such assessment shall not be paid and discharged within the time which the Common Council may limit, such lot or lots shall be leased or disposed of in the manner provided by law, to collect assessments on real estate.

Passed May 3, 1839.

CHAPTER XVIII.

A Law for regulating and paving streets and side-walks.

TITLE I.

Of paving streets.

The Mayor and Common Council of Jersey City do ordain as follows:

Notice to be given of paving streets.

§ 1. Whenever application shall be made to the Common Council for the grading, by filling in, regulating, flagging or paving any street, or part thereof in said city, and the Common Council shall deem the said application reasonable, ten days public notice shall

be given in a newspaper published or circulated in said city of such application, which notice shall state the name of the street, the nature and extent of the proposed improvement, and the time when the Common Council will meet, to receive and consider any objections thereto, which may be made and presented in writing.

§ 2. Whenever the Common Council shall resolve by not less than six concurring votes to grade, by filling in, regulate, flag or pave any street or part of a street, the same shall be done under the direction of such persons, and in such manner as the Common Council shall prescribe; and when any such street, or part of a street shall be completed, the Common Council shall appoint three reputable freeholders, residents of said city, assessors, who shall examine as to the cost and expense of such improvement, and assess the same together, with the incidental expenses, equitably on the lot or lots which shall have been benefitted by such improvement, which assessment shall be returned to the Common Council within such reasonable time as shall be by them prescribed.

Costs to be assessed on lots, &c.

§ 3. Such assessment shall be deposited with the clerk of the Common Council, and ten days public notice shall be given thereof, with like notice that all persons interested may examine the same, which notice shall state the time when the Common Council will meet to consider any objections which may be made to the said assessment in writing, and to decide on the same.

Notice of assessment.

§ 4. Should the Common Council deem such assessment unjust and improper, a new assessment shall be ordered, and be made as heretofore provided, the same as if no assessment had been made, and when the Common Council shall be satisfied that such assessment is made just and proper, the same shall be confirmed, and become absolute.

New assessment may be made.

§ 5. Should such assessment and charges incidental thereto not be paid within the time which may be prescribed, the same shall be and continue a lien on the real estate or property on which the same shall be laid, and shall be collected by leasing or disposing of said real estate or property at public auction, to pay the same, as is provided by the act to incorporate Jersey City, passed 22d February, 1838, or the supplement to said act, passed March 8, 1839.

Lien on real estate.

Passed July 28, 1843.

TITLE II.

Of repairing side-walks.

§ 1. Whenever, in the opinion of the Common Council, the side-walks, or any part thereof, require to be repaired or relaid, the superintendant of streets shall give notice in writing to the owner or owners of the lot or lots, in front of which said side-walks require to be repaired or relaid, to repair or relay the same, and should the owner or owners of said lot or lots neglect or refuse for the space of twenty days after such notice to repair or relay said side-walk, then it shall be lawful for the superintendant of streets, and he is hereby authorized and empowered to cause the same to be done: provided, that if the owner or owners of said lot or lots be non-residents of this city, it shall be sufficient for the superintendant of streets to post said notice upon or near the lot or lots, in front of which the side-walks may require to be repaired or relaid.

Notice given to repair, &c.

Superintendant may repair.

§ 2. That for the cost and expenses of repairing or relaying any side-walk as aforesaid, it shall be a lien on the lot or lots assessed according to law.

Costs of repair a lien, &c.

§ 3. The assessor and collector of the city shall be, and they are hereby constituted the legal assessors of the benefits derived, in all cases, when the side-walks are repaired or relaid by order of the Common Council, which duty they shall perform free of charge.

Who to assess and collect.

Passed July 28, 1843.

CHAPTER XIX.

A Law to regulate partition walls and fences.

The Mayor and Common Council of Jersey City do ordain as follows:

§ 1. All partition fences in Jersey City shall be made and maintained by the owners of the land on each side; and each party shall make and keep in repair one half part thereof where it can be conveniently divided.

Who to make partition fence.

§ 2. In case of any dispute between the parties concerning the division of any such fence, or as to what part or portion of it shall be made or repaired by each party respectively; and in all cases

Who to determine in case of dispute.

of dispute concerning the sufficiency of any fence in Jersey City, the matter shall be determined by the committee on streets.

When fence cannot be divided, &c.

§ 3. Where any partition fence cannot be conveniently divided, the same shall be made and kept in repair at the joint and equal expense of the owners of the land on each side.

When occupant of adjoining ground to repair, &c.

§ 4. If any person, whose duty it may be to make or repair any partition fence or partition wall, or any part thereof, in pursuance of the provisions of this law, shall neglect so to do for six days, after being required in writing by the owner or occupant of the adjoining ground, it shall be lawful for such owner or occupant to make or repair such partition fence or wall, or cause the same to be done, and to recover from such person the expense of making or repairing so much thereof as ought to have been made or repaired by him or her, together with costs of suit, in any court having cognizance thereof.

Occupants when subject to costs on partition fences, &c.

§ 5. In cases where the owner or owners of any lot or lots can not be found in the city, the person or persons occupying the same shall be subject to all the liabilities and costs relating to partition fences and walls, which the owner or owners, if residents, would by this law be subject to.

Passed July 28, 1843.

CHAPTER XX.

A Law for the assessment and collection of an annual Tax.

The Mayor and Common Council of Jersey City do ordain as follows:

To assess the sum of $3,000.

§ 1. The assessor of Jersey City shall assess, for the use of the said city, for the year eighteen hundred and thirty-nine, the sum of three thousand dollars, to be rated as follows: every inhabitant shall be assessed the sum of fifty cents as a poll tax; every owner or possessor of a dog or dogs, shall be assessed the sum of two dollars for every such dog or dogs; every owner or possessor of a slut or sluts, shall be assessed the sum of five dollars for every such slut or sluts; and the remainder of the said sum shall be assessed on the real and personal property within said city, according to the

actual valuation thereof, at such rate per dollar as will be sufficient to produce the sum required.

Deliver to collector and clerk a transcript.

§ 2. The said assessor shall, within fifteen days after the first Monday of September of each year, deliver to the collector of the said city a transcript or duplicate of the said assessment, and shall also, within the said time, deliver another such transcript or duplicate to the clerk of said city, who is hereby required to lay the same before the Common Council at its next regular meeting thereafter.

Persons aggrieved, may appeal.

§ 3. Any person or persons deeming themselves aggrieved by such assessment, may appeal to the commissioners of appeal in cases of taxation, who are hereby authorized and required to hear and determine the same, at the same time, and in the same manner that they are now required by law to do in cases of appeals from the state or county assessments.

The collector, when to collect, &c.

§ 4. The collector, on receiving the transcript or duplicate, shall, within thirty days thereafter, proceed to collect the same, at the same time and in the same manner that he is now required by law to collect the state and county taxes, and make weekly payments of such collections to the city treasurer; provided that such weekly collections shall not amount to a less sum than fifty dollars, in which case he may retain the same in his hands till it shall amount to the said sum, or until the time he is required to make his return of the names of delinquents to the Common Council.

To make return of delinquents.

§ 5. The collector shall make a return of the delinquents, each year, at the time and in the manner prescribed by the fourth section of a supplement to an act of the legislature of this state, entitled "An act incorporating Jersey City," which supplement was passed March 9, 1839.

Unpaid taxes, lien, &c.

§ 6. The unpaid taxes on lands, tenements and real estate, shall be and remain a lien thereon, and shall be collected in the manner prescribed by the fifth section of the supplement aforesaid, passed March 9, 1839.

Passed June 28, 1839.

CHAPTER XXI.

A Law for the assessment and collection of Taxes, for 1840–41.

The Mayor and Common Council of Jersey City do ordain as follows:

To assess the sum of $3,000.

§ 1. The assessor of the city shall assess, for the use of the city, the sum of three thousand dollars, to be rated as follows: every free white male inhabitant of the age of twenty-one and upwards, shall be assessed the sum of fifty cents as a poll tax; every owner or possessor of a dog or dogs, shall be assessed the sum of one dollar for every such dog or dogs; and the remainder of said sum shall be assessed on the real and personal property within said city, according to the actual valuation thereof, at such rate per dollar as will be sufficient to produce the sum required.

Assessor to deliver duplicate.

§ 2. The said assessor shall, within fifteen days after the first Monday in September next, deliver to the collector of said city a transcript or duplicate of said assessment, and shall also, within the said time, deliver another such transcript or duplicate to the clerk of the city, who is hereby required to lay the same before the Common Council at its next regular meeting thereafter.

Persons aggrieved, may appeal.

§ 3. If any person or persons shall think himself, herself, or themselves aggrieved by the foregoing assessment, he, she or they may appeal to the commissioners of appeal in cases of taxation, who are hereby authorized and required to hear and determine the same in the same manner that they now are required to do on assessments for state and county taxes.

Collector, when to collect the same.

§ 4. The collector, on receiving the transcript or duplicate, shall, within thirty days thereafter, proceed to collect the same in the same manner that the state and county taxes are now collected, together with the state and county taxes. And whenever a sufficient sum shall have been collected, he shall pay unto the county collector the quota of state and county taxes, as shall be required to be paid by this city, and take his receipt therefor; after which he shall weekly and every week deposite with the treasurer of the said city such sums as he shall from time to time collect, taking the receipt of the treasurer for every such deposit. A copy of such re-

ceipt the said collector shall lay before the Common Council, at its next regular meeting thereafter.

§ 5. The said collector shall, on the twentieth day of December next, make return, under oath, of the names of the delinquents of the state and county taxes, and of the tax hereby created; and the same proceedings shall be had thereupon as is directed by the twelfth, thirteenth, fourteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first and twenty-second sections of an act of the legislature of this state, entitled "An act concerning taxes," passed June 10th, 1799. Make return of delinquents.

§ 6. The assessor and collector, for their services under this law, shall, severally and respectively, be entitled to the same compensation as is allowed them for assessing and collecting the state and county taxes. Compensation.

Passed June 5th, 1840.

CHAPTER XXII.

A Supplement to "A Law for the assessment and collection of Taxes for 1840–41 ;" *which law was passed June 5th,* 1840.

The Mayor and Common Council of Jersey City do ordain as follows:

§ 1. That the collector of the city taxes shall make a return of the delinquents, at the time and in the manner prescribed by the fourth section of a supplement to an act of the legislature of this state, entitled "An act incorporating Jersey City," which supplement was passed March 8, 1839. Collector, when to make return.

§ 2. That the unpaid taxes on lands, tenements, and real estate, shall be and remain a lien thereon, and shall be collected in the manner prescribed by the fifth section of the aforesaid supplement. Unpaid taxes a lien.

§ 3. That the fifth section of the ordinance to which this is a supplement, be and the same is hereby repealed. Repealed.

Passed July 3, 1840.

CHAPTER XXIII.

A Law to establise the grade of Newark Avenue.

The Mayor and Common Council of Jersey City do ordain as follows:

Grade of Newark Avenue established.

§ 1. That the map and profile made by Lucius F. Douglass, Esq., one of the surveyors of the city, dated the twenty-ninth day of November, one thousand eight hundred and thirty-nine, shall hereafter be taken as the grade of Newark Avenue, that the Mayor and Clerk of the Common Council shall affix their signatures thereto, and that it be added to the book of maps established by ordinance, passed the twenty-first day of December, one thousand eight hundred and thirty-eight.

Passed September 18, 1840.

CHAPTER XXIV.

A Law regulating the Fire Department.

The Mayor and Common Council of Jersey City do ordain as follows:

Who compose the fire department.

§ 1. The fire department of said city shall consist of a chief engineer and assistant engineer, twelve fire wardens, and such engine companies, hook and ladder companies, and hose companies as are now, or may be hereafter organized. Each company shall consist of a foreman, assistant foreman, and clerk, together with such firemen as now are, or may be from time to time accepted and approved by the Common Council, not exceeding thirty-two men to each engine company, and not exceeding twenty men to each hook and ladder company and hose company, of the age of twenty-one years and upwards.

Divided into companies.

§ 2. The firemen shall be divided into companies, to be denominated fire engine companies, hook and ladder companies, and hose companies, to attend to the fire engines, hooks and ladders, hose and hose carts, belonging, or that may hereafter belong to the corporation of this city. Each company shall elect by ballot its fore-

man, assistant foreman, and clerk, from among its own members, at such time as such company may appoint, who shall hold their respective offices for such time as the rules of the company shall direct, and until others are elected. No new member shall be added to the company without being of the qualified age, and having been ballotted for after being proposed, and no company shall have any supernumeraries attached to it; nor shall any meeting of any company be held, or any assemblage of its members, at the engine house on Sunday, except in case of fire. New members, with their age, occupation, and residence, shall be reported to the chief engineer, to be laid before the Common Council for approval and certificate.

Who act in absence of chief engineer or foreman.

§ 3. All the powers and duties specified in this law devolving on the chief engineer or foreman, shall, during any vacancy or absence, devolve on the assistants respectively; the senior foreman taking precedence in acting as chief engineer or assistant.

Chief and assistant Engineer, how elected.

§ 4. The chief engineer and assistant engineer shall be elected by ballot, by a majority of the votes of the members of the companies on the first Monday in May, annually, and at such other time as any vacancy may occur. The result to be reported by the senior foreman to the Common Council at its first meeting after such election, and if approved by them, shall be commissioned by, and hold their respective offices during the pleasure of the Common Council. And in case the companies shall neglect or refuse to elect such chief engineer and assistant on the first Monday in May, annually, or within fifteen days after any vacancy may occur, then the Common Council shall appoint such officers: *provided*, that if the fire department shall neglect, refuse, or fail within fifteen days after any vacancy may occur, to elect and report to the Common Council such person or persons for chief engineer and assistant engineer as the Mayor and Common Council may approve and commission, then the Common Council shall appoint said chief engineer and assistant, without any election by the fire department: *provided* also, if any person shall be elected to the office of chief engineer or assistant of the fire department, and shall not be approved by the Common Council, that he, the said person so elected, shall not be eligible to the same office for one year immediately thereafter. The

chief engineer and assistant shall be ex-officio members of the several companies, but they shall not be entitled to vote.

Chief engineer to have command, &c.

§ 5. The chief engineer shall, in all cases of fire, have the sole and absolute control and command over all the foremen and other persons connected with the fire department, and the engines and apparatus. It shall be his duty to make a report quarterly to the Common Council, of the condition of the engines, hose carts, buckets, houses, hooks and ladders, and other apparatus, and the number of feet of hose belonging to the fire department, and the names, occupation, age, and residence of the members of the respective companies. He shall also report, from time to time, all injuries by fires, that may happen in this city, with the causes thereof, as well as they may be ascertained, and the amount of loss, with the number and description of the buildings destroyed or injured, and the names of the owners and occupants. He shall also keep a register of all the false alarms of fire, and take all necessary measures to bring the wilful perpetrators thereof to punishment, and give an account of the same in his quarterly report aforesaid; shall cause the bell of the Town House, and all church and other public bells to be rung in case of fire in any part of the city; also cause all the apparatus of the fire department to be kept in good order, and when any repairs are required, to cause the same to be done, under the advice of the Committee of the Common Council on Fire and Water. He shall report to the Common Council the names, age, occupation, and residence of new members added to the respective companies, for approval, and receive therefrom the necessary certificates of appointment.

Keep register.

Cause bells to be rung.

Report new members.

Duty of foreman.

§ 6. It shall be the duty of the foremen to see that the several engines and apparatus committed to their care, and the several buildings in which the same are deposited, and all things in or belonging to the same, are kept neat, clean, and in order for immediate use. It shall also be their duty to preserve order and discipline at all times, in their respective companies, and require and enforce a strict compliance with the city ordinances, the rules and regulations of the fire department, and the orders of the engineers. They shall also keep, or cause to be kept by the clerks of their respective companies, fair and exact rolls, specifying the time of admission, discharge and age of each member, and accounts of all city

property entrusted to the care of the several members, in a book provided for that purpose by the city, which rolls or record books are always to be subject to the order of the Mayor. They are also to make, or cause to be made to the chief engineer true and accurate returns of all the members, with their ages, and the apparatus entrusted to their care, whenever called upon so to do.

Duty of firemen.

§ 7. It shall be the duty of the firemen, as often as any fire shall break out in this city, to repair immediately, upon the alarm thereof, to their respective engines, hooks and ladders, and hose carts, and convey them to or near the place where such fire shall happen, unless otherwise directed by the chief engineer, or the person acting in his place for the time being, and to work and manage the said engines or apparatus and implements, with all their skill and power.

Firemen neglecting duty to be expelled.

§ 8. If any fireman shall neglect to attend at any fire, or leave his engine, hose or hook and ladder company, while at any fire, unless by permission of the foreman or chief engineer, he may be expelled from his company by a vote thereof. Any foreman, assistant, or other fireman, disobeying the chief engineer, or the person for the time being acting in his place, shall, for such offence, be expelled from the fire department, and shall forfeit and pay the sum of five dollars.

Duty of all members of the fire department.

§ 9. It shall be the duty of all members of the fire department to prevent all persons, except the Mayor and members of the Common Council and its officers, from entering any engine house, or handling any engine apparatus or implements therein; and every person except the Mayor and members of the Common Council and its officers, who may be found in any engine house without the consent of the chief engineer or assistant engineer, or of the foreman or assistant foreman connected with the engine house in which such person shall be found, shall be subject, on conviction, to imprisonment for one day in the city prison.

Fire engine not to be placed on sidewalk.

§ 10. No fire engine, hook and ladder, or hose cart, shall, in going to or returning from any fire, or at any other time, be run, driven, wheeled, or placed on any side-walk, except by the special order of the chief engineer, under the penalty of ten dollars for each offence, to be paid by any and every person aiding or assisting in the violation of this section.

Engine, when not to be taken out of its house.

§ 11. No fire engine, hook and ladder, or hose cart, during any fire or report of fire in the city, or at any time, under any pretence whatever, shall be taken or removed out of its house, unless the foreman or assistant foreman, or at least one of the firemen of the company belonging thereto, or one of the aldermen of the city, shall be present and consent to such removal, nor taken beyond the limits of the city, without the consent of the chief engineer, or the committee on fire and water, or two of the aldermen, under the penalty of ten dollars for every such offence, to be forfeited and paid by, and recovered from any and every person aiding or assisting in the violation of this section.

Accounts to be certified by engineer.

§ 12. All accounts against the fire department shall be certified by the chief engineer, and examined and approved by the committee on fire and water before payment by order of the Common Council.

Engine may be taken from company.

§ 13. The committee of the Common Council on fire and water, with the advice of the chief engineer, are hereby authorized and empowered to take any fire engine, hook and ladder and hose truck, cart, apparatus, and implements, from any company, and place the same at the disposal of the Common Council.

Engine not to be hired out.

§ 14. No fire engine, hooks, ladders, or other fire apparatus shall be let out for hire, or lent in any case, without permission from the committee on fire and water, or in case they cannot be found, from at least three aldermen of the city.

Penalty for injuring any apparatus of the fire department.

§ 15. Any person or persons who shall at any time wilfully injure or mutilate any of the implements or apparatus appertaining to the fire department of said city, shall be liable, on every conviction therefor, to a penalty of fifty dollars.

Fire wardens to be appointed.

§ 16. The Common Council shall appoint twelve fire wardens, who shall hold their offices during the pleasure of the Common Council, and whose duty shall be as follows :

Their duty.

§ 17. The said fire wardens shall attend all fires within the city limits, and are hereby empowered and required to take charge of any building which may be on fire ; to admit only so many persons, not firemen, to said building, as they may deem necessary, to aid in the extinguishment of the fire and the preservation of property ; to give orders for, and superintend the removal of all furniture and other property exposed to destruction or damage by fire or the water used in extinguishing a fire ; and to take all necessary mea-

sures for the prevention of fires and preservation of property, without interfering with the prescribed duties of the chief engineer, or other officers of the fire department.

Dwelling-house to be furnished with buckets.

§ 18. Every dwelling-house shall be supplied by the owner or occupants thereof, with at least two fire buckets; the name of the street and the number of the house to which it belongs shall be painted on each bucket, and such buckets shall be either carried to any fire that may occur within the city, or placed on the side-walk in front of the house to which it belongs; and after the fire it shall be the duty of the marshal to collect the buckets and return them to the respective street and number where they belong.

Penalty for chimney taking fire.

§ 19. If any chimney, stove pipe, or flue within this city, shall take fire, the occupant or occupants of the premises where it takes place, shall forfeit and pay five dollars; and if not paid within forty-eight hours, it shall be the duty of the attorney for the corporation to prosecute for the same; *provided*, that nothing herein shall apply to any glass factory, bakery, foundry, or other factory having a chimney or flue constructed properly for the purposes of its business.

Shavings, how to be disposed of.

§ 20. All carpenters or others, making or using shavings, shall, respectively, at the close of each day, cause the same to be securely stowed in some place remote from fire, or from the danger of fire, under the penalty of five dollars for each neglect, to be recovered from the builder, owner, or occupant of the premises or yard where made or used.

Lighted candle or lamp, how used in stable.

§ 21. No owner or occupant of any stable, or any person therein employed, shall use therein any lighted candle or lamp, except the same shall be securely kept within a lantern, nor shall any fire be otherwise kept in any stable, under the penalty of ten dollars for every offence.

Penalty for giving false alarm of fire.

§ 22. Any person or persons knowingly and wilfully giving a false alarm of fire, or causing the same to be done, shall, on conviction, be imprisoned in the city prison twenty-four hours.

Duty of marshal and constables, on alarm of fire.

§ 23. It shall be the duty of the marshal and constables, with their staves, to repair immediately, on the alarm of fire, to the place where such fire may be, then and there to report themselves to the Mayor, or in his absence, to such alderman as may be present, and conform to such orders as they may receive for the preservation of

the public peace, and the removal of idle and suspected persons, or others not actually employed in aiding the extinguishment of such fire, or in the preservation of property in the vicinity thereof.

Clerk of the Common Council to make out certificates.

§ 24. The clerk of the Common Council shall make out and deliver to the chief engineer, the certificates required by this law without any charge therefor.

Duty of the Mayor.

§ 25. It is hereby made the especial duty of the Mayor to see that the provisions of this law are carried into full effect.

Repealed.

§ 26. All laws and ordinances inconsistent with any of the provisions of this ordinance are hereby repealed.

Passed July 28, 1843.

CHAPTER XXV.

A Law concerning Weights and Measures.

TITLE I.

Appointment and duty of Inspector and Sealer.

The Mayor and Common Council of Jersey City do ordain as follows:

Inspector and sealer to be appointed.

§ 1. There shall be appointed, by the Common Council, a competent person, who shall be known as the inspector and sealer of weights and measures for Jersey City, who shall hold his office during the pleasure of the Common Council.

To take oath.

§ 2. The said inspector and sealer of weights and measures, shall, before entering upon the duties of his office, take and subscribe an oath or affirmation, well and faithfully to execute the duties of his office.

Give bond.

§ 3. The said inspector and sealer shall, before entering upon the duties of his office, execute to the Mayor and Common Council of Jersey City, a bond in the penal sum of two hundred and fifty dollars, with one or more sufficient sureties, conditioned for the faithful performance of the duties of his office, and for the safe-keeping of all weights, measures, or instruments furnished him by the Common Council for the use of his office, or property belonging to said city, and for the due return of the same on the requisition of the Common Council.

§ 4. It shall be the duty of the said officer, and he is hereby authorized to inspect, examine, and seal, at least once in each and every year, and as much oftener as he may think proper, all weights, measures, scale-beams, patent balances, steelyards, and other instruments used in Jersey City in weighing or measuring any article intended to be purchased or sold in said city.

Duty to examine weights, measures, &c.

§ 5. Any person who shall, in weighing or measuring any article for purchase or sale in said city, use any weight, measure, scale-beam, patent balance, steelyard, or other instrument not sealed and marked by the officer appointed as aforesaid, shall forfeit and pay for every such offence the sum of ten dollars.

Penalty for using weights or measures not sealed or marked.

§ 6. No person shall refuse to exhibit or deliver, if necessary, any weights, measures, scale-beams, patent balances, steelyards, or other instruments used for weighing or measuring, to the aforesaid officer, for the purpose of being inspected, examined and sealed, under the penalty of fifty dollars.

Penalty for refusing to exhibit weights, &c.

§ 7. All weights, measures, scale-beams, steelyards, patent balances, and other instruments for weighing, to be sealed and adjusted by the aforesaid officer, shall be made conformable to the standard of this state, and shall be marked by him with the initials of his name, and the year in which the same shall be sealed and marked.

Weights, measures, &c., to be in conformity with state standard.

§ 8. It shall be the duty of the said officer to make a register of weights, measures, scale-beams, patent balances, steelyards, and other instruments used for weighing, inspected by him, in which he shall state the names of the owners of the same, and whether they are conformable to the standard of the state.

Inspector to make register of weights, &c.

§ 9. It shall also be the duty of the said officer, once in every three months, to deliver a copy of the register made or kept by him, as mentioned in the eighth section of this law, during the preceding quarter of the year, to the clerk of the Common Council, to be by him laid before the Common Council; and shall also report forthwith to the proper authorities the names of all persons who shall violate any of the provisions of this law.

To deliver copy to Clerk of the Common Council.

Passed July 28, 1843.

TITLE II.

Of the fees of Inspector and Sealer of Weights and Measures.

Fees.

§ 1. It shall be lawful for the said inspector and sealer of weights and measures, to demand and receive from the owner thereof the following fees for inspecting, examining, and sealing weights, measures, scale-beams, steelyards, patent balances, and other instruments used for weighing in Jersey City, viz :

For inspecting every weight of fourteen pounds or upwards, three cents.

For inspecting every weight of a smaller denomination, two cents.

For every liquid measure, two cents.

For every yard and dry measure three cents.

For every scale-beam, patent balance, steelyard, or other instrument used for weighing, three cents.

For sealing and marking every scale-beam, patent balance, steelyard, or other instrument used for weighing, excepting patent balances used for weighing coal, hay, or other articles of like bulk and weight, twelve and a half cents.

For inspecting, sealing, and marking every patent balance used for weighing coal, hay, or other articles of like bulk and weight, one dollar.

For sealing and marking every measure of extension, at the rate of ten cents per yard, and not to exceed, for any one measure, fifty cents.

For sealing and marking every weight not over seven pounds, three cents.

For sealing and marking every weight from seven to fourteen pounds inclusive, ten cents.

For sealing and marking every weight from fourteen to twenty-eight pounds inclusive, twenty cents.

For sealing and marking every weight from twenty-eight to fifty-six pounds inclusive, twenty-five cents.

For sealing and marking every liquid and dry measure under one gallon, three cents.

For one gallon and over, six cents.

For sealing and marking every measure of half a bushel, twelve cents.

For every measure of one bushel, twenty-five cents.

For every measure of two bushels, fifty cents.

For every measure of three bushels, seventy-five cents. The said inspector and sealer shall also be entitled to a reasonable compensation for making weights and measures conform to the standard established by the law of this state.

Fees to be charged.

§ 2. It shall not be lawful for the said officer to demand the aforesaid charges more than once in each year, unless such weights and measures, or instruments used in weighing, shall be found not to be conformable to the standard of weights and measures of this state. And in no case shall it be lawful for him to re-seal and charge for the same, unless they shall be found to be incorrect.

Passed July 28, 1843.

CHAPTER XXVI.

A Law concerning Inns and Taverns.

TITLE I.

Of License.

The Mayor and Common Council of Jersey City do ordain as follows:

Application for license, how made.

§ 1. No application for a license for any person to keep an inn or tavern in Jersey City, shall be entertained or considered by the Common Council, unless the person applying for such license shall be recommended by at least twelve freeholders of this city, who shall certify that the applicant is of good repute for honesty and temperance, and is known to them to have at least two spare beds more than are necessary for the family's use; and is well provided with house-room for guests, and stabling and provender for horses; and that such inn or tavern is necessary, and will conduce to the public good.

§ 2. The price of a license to keep an inn or tavern may be made and varied from time to time by resolution of the Common Council,

but in no case shall the charge be less than twenty dollars per annum, besides one dollar for the clerk's fees, for drawing the license and recognizance, which sum shall be paid on the delivery of the license.

Passed August 4, 1843.

TITLE II.

Of Tippling.

§ 1. It shall not be lawful for any person, not having a license, to keep an inn or tavern, to sell, or knowingly permit, or cause to be sold by less measure than one quart, any wine, rum, gin, brandy, cider spirits, or other ardent spirits, or any other liquid of which distilled spirits shall form a component part, except such as are used or compounded for medicine, under the penalty of ten dollars for every offence.

§ 2. Any person being once convicted of an offence under the first section of this ordinance, who shall again offend against the same, and be thereof convicted, shall be subject to a penalty of twenty dollars.

§ 2. If any person shall be found drunk within Jersey City, and shall be thereof convicted before any Justice of the Peace residing in said city, either upon the view of such justice, or upon the confession of the party offending, or the testimony of one or more witness or witnesses, he shall, by warrant of commitment, under the hand and seal of such justice, directed to the keeper of the city prison, be sent to the said city prison, there to be and stand committed for any space of time to be certainly expressed in said warrant not exceeding four days ; unless the offender shall immediately, upon such conviction, pay to the said justice, for the use of the Corporation of said city, the sum of one dollar, with the charges of such conviction, or give security to the satisfaction of the justice before whom such conviction is had for the payment thereof within three days.

§ 4. That if any person or persons possessing or occupying any house, building, room, cellar, or apartment of any kind within the limits of Jersey City, shall, on the Christian Sabbath, or first day of the week, called Sunday, sell, permit or cause to be sold

therein, any oysters, soup, or refreshments of any kind, or beer, ale, cider, porter, or liquors of any kind, mixed or unmixed, or shall keep open any establishment for the sale of such articles, or shall permit any number of persons other than his, her, or their own family to come together therein, and to remain drinking, tippling or misbehaving themselves, he, she, or they shall forfeit and pay the sum of five dollars; provided that the provisions of this section shall not be construed to apply to persons licensed to keep inns or taverns, or to apothecaries, or to persons furnishing meals to day boarders or travellers.

§ 5. It shall not be lawful for any person not having a license to keep an inn or tavern, to put or keep up on or near his dwelling house within Jersey City, any sign or other device usually employed to designate an inn or tavern, or any other sign indicating a house licensed to retail spirituous liquors; and every person so offending shall forfeit and pay five dollars for each and every month that the sign or device aforesaid shall be kept up.

Passed August 4, 1843.

CHAPTER XXVII.

A Law for the impounding of Animals.

The Mayor and Common Council of Jersey City do ordain as follows:

§ 1. A keeper of the public pound shall be appointed by the Common Council to hold his office during their pleasure, and who shall have charge of the pound, and shall keep a register of all animals impounded, and an account of all fees received by him, and shall make quarterly returns of the same to the clerk of the Common Council.

Pound keeper appointed.

§ 2. All swine, horses, goats, and neat cattle, (except milch cows, between sunrise and sunset,) found running at large in this city, may be taken by any person to the public pound, to be there received and confined by the keeper or his assistant, who shall pay such person twenty-five cents for each animal so delivered,

Animals at large taken to pound.

and all animals so impounded shall be held until they shall be lawfully sold or redeemed.

How redeemed.

§ 3. If the owner of any animal so impounded shall apply to the keeper for the redemption thereof, and shall tender to the keeper one dollar for each animal, in addition to twenty-five cents per day for feeding and keeping such animal, except pigs of less weight than forty pounds, for which half price shall be charged, then such animal shall be delivered to the owner thereof.

Animals not redeemed to be sold.

§ 4. All impounded animals not redeemed by the owner thereof, shall be sold, at public auction, at the pound, by the keeper, to the highest bidder, on not less than twenty-four hours notice of sale, which notice containing a brief description of the animal, shall be conspicuously posted on or near the pound ; excepting that for the sale of any horse or neat cattle, three days notice shall be given, by posting the same in printed handbills, in ten public places in the city.

Proceeds of sale paid in to city treasurer.

§ 5. The keeper shall, on application of the owner, pay over the avails of the sale of any animal sold, deducting therefrom the fees named in section three of this law, and twenty-five cents for selling the same, together with all expense of advertisement ; and provided such avails shall not be called for within thirty days, the same shall be paid into the city treasury.

Penalty for breaking open or attempting to open pound.

§ 6. If any person shall break, or open, or attempt to open the public pound, or take or let out any animal therein impounded, he she or they so offending, shall, for each offence, be imprisoned in the city prison forty-eight hours.

Penalty for rescuing or attempting to rescue animals going to the pound.

§ 7. If any person shall rescue or attempt to rescue any animal from the custody of any person who shall be driving or taking it to the pound, he, she or they so offending, shall for each animal so rescued or attempted to be rescued, be punished by imprisonment in the city prison forty-eight hours.

Duty of superintendant of streets.

§ 8. It shall be the special duty of the superintendant of streets, and the keeper of the public pound, to cause all swine running at large to be taken to the pound.

How to place hog-sty or pen.

§ 9. No hog-sty or pen shall be placed within three feet of any lot owned by another person, without the consent of the owner or occupant, under a penalty of five dollars, and the further penalty of five dollars for every week the same shall remain in that situa-

tion; and every pen or sty shall be cleaned out at least once a week, under the penalty of two dollars.

§ 10. All ordinances heretofore passed relating to swine, neat cattle and horses, are hereby repealed. Repealed.

Passed July 28, 1843.

CHAPTER XXVIII.

A Law for the assessment and collection of an annual Tax.

The Mayor and Common Council of Jersey City do ordain as follows:

§ 1. The assessor of Jersey City shall assess, for the use of the said city, for the year 1841, the sum of three thousand dollars, to be rated as follows: To assess the sum of $3,000.

Every inhabitant shall be assessed the sum of seventy-five cents as a poll tax.

Every owner or possessor of a dog or dogs, shall be assessed the sum of one dollar for every such dog or dogs.

Every owner or possessor of a slut or sluts, shall be assessed the sum of two dollars for every such slut or sluts.

And the remainder of the said sum shall be assessed on the real and personal property within said city, according to the actual valuation thereof, at such rate as will be sufficient to produce the sum required.

§ 2. The said assessor shall, within fifteen days after the first Monday of September of each year, deliver to the collector of the said city a transcript or duplicate of the said assessment, and shall also, within the said time, deliver another such transcript or duplicate to the clerk of the said city, who is hereby required to lay the same before the Common Council at its next regular meeting thereafter. Assessor to deliver to collector and clerk a duplicate.

§ 3. Any person or persons deeming themselves aggrieved by such assessment, may appeal to the commissioners of appeal in cases of taxation, who are hereby authorized and required to hear and determine the same, at the same time, and in the same manner that they are now required by law to do in cases of appeals from state and county assessments. Persons aggrieved, may appeal.

When collector collect taxes.

§ 4. The collector, on receiving the transcript or duplicate, shall, within thirty days thereafter, proceed to collect the same, at the same time and in the same manner that is now required by law to collect the state and county taxes, and make weekly payments of such collections to the city treasurer, provided that such weekly collections shall not amount to a less sum than fifty dollars, in which case he may retain the same in his hands until it amounts to the said sum, or until the time he is required to make his return of the names of delinquents to the Common Council.

Make return of delinquents.

§ 5. The collector shall make a return of the delinquents each year, at the time and in the manner prescribed by the fourth section of a supplement to an act of the legislature of this state, entitled "An act incorporating Jersey City," which supplement was passed March 8, 1839.

Unpaid taxes a lien.

§ 6. The unpaid taxes on lands, tenements and real estate, shall be and remain a lien thereon, and shall be collected in the manner prescribed by the fifth section of the supplement aforesaid, passed March 8, 1839.

Passed August 20, 1841.

CHAPTER XXIX.

A Law authorizing the raising by loan the sum of five thousand dollars.

The Mayor and Common Council of Jersey City do ordain as follows:

Treasurer to issue bonds.

§ 1. That it shall be lawful for the treasurer of the said city to issue bonds or certificates of debt, in sums of not less than one hundred dollars, until the same shall amount in the aggregate to the total sum of five thousand dollars, and to dispose of the same in such manner as to produce into the treasury of said Jersey City, a sum equal at least to the nominal amount of all the bonds or certificates of debt so issued.

How signed.

§ 2. and they do further ordain that the said bonds or certificates of debt shall be signed by the Mayor and Treasurer of said city, there being affixed thereunto the corporate seal of said Com-

mon Council, and said bond or certificate shall be in purport as follows:

"Be it known that the Corporation of Jersey City owe to ——————— or ——— assigns, the sum of ——————— dollars, bearing interest at the rate of six per cent. per annum, from the ——————— day of ———————, payable half yearly, on the first days of the months of January and July, being stock created in pursuance of an ordinance passed by the Mayor and Common Council, the twentieth day of August, 1841; the principal of which stock is redeemable on the first day of January, 1847. Form of bond or certificate.

"In testimony whereof, I, ———————, Mayor of Jersey City, have hereunto subscribed my name, and affixed the seal of the Corporation, the day and year before mentioned.

———————, Mayor.

Countersigned by ———————, Treasurer."

§ 3. And they do further ordain that it shall be the duty of the said treasurer to enter in a book to be kept by him for that purpose, credits to the respective purchasers of the said stock, for the sums to which they shall be respectively entitled; to transfer, without expense, the said credit from time to time, as shall be requisite to pay the interest due thereon as the same shall become due; and generally to observe and perform such regulations concerning the same as the Common Council may from time to time prescribe. And the said certificate of stock shall be transferable only on the books of the said treasurer, by the owner or owners of the same, or his, her, or their attorney, for that purpose duly authorized. Treasurer to keep book of transfer stock, &c.

§ 4. And they do further ordain that the faith of the Corporation of the said Jersey City, shall be and is hereby pledged for the final payment of the said stock, and the interest on the same, and that all and singular the revenues, property, estate, real and personal, belonging to the said Corporation, be and they are hereby appropriated and held liable for the final redemption of the said stock, and the payment of the interest on the same. Faith of Corporation pledged for payment.

Passed August 20, 1841.

CHAPTER XXX.

A Law regulating Guagers in Jersey City.

The Mayor and Common Council do ordain as follows:

Guager to be appointed.

§ 1. There shall be appointed, by the Common Council, so many persons as the said Common Council shall from time to time deem proper, who shall be known as guagers of Jersey City, who shall hold their office during the pleasure of said Common Council, but whose commissions shall expire on the 1st Friday of May in each year.

Penalty for acting without appointment.

§ 2. No person shall exercise the office of guager by guaging any hogshead, cask or other vessel, for any person or persons, without having received an appointment from the Common Council, under the penalty of twenty-five dollars.

Guager to make return, &c.

§ 3. It shall be the duty of every guager, when required, to make a return of the several hogsheads, casks, or other vessels guaged by him, to mark such vessel with his own initials, and the quantity which may be contained therein, or the capacity thereof, in legible and durable figures and characters cut or branded upon the same, and to keep accurate accounts of the number of hogsheads, casks, and other vessels guaged, and of the quantity, quality and description of the contents, which he shall report to the Common Council when required so to do.

Fees.

§ 4. The guagers of Jersey City shall be entitled to demand and receive the following fees for their services. For guaging and marking every hogshead, or large cask, and making the return required in the preceding section, twelve and a half cents; and for every other cask or vessel eight cents, to be paid by the owner or seller thereof.

Penalty for neglect of duty and overcharging.

§ 5. If any guager shall neglect to attend, in person, to the duties of his office, (except in case of sickness or other disability) or shall demand or receive any greater compensation for his services than is allowed in and by the fourth section of this law, he shall forfeit and pay for every such offence the sum of twenty-five dollars.

Guager to take oath.

§ 6. The said guagers shall, severally, take and subscribe an oath or affirmation, well and truly to perform the duties of their respective offices during their appointment.

Passed February 18, 1842.

CHAPTER XXXI.

A Law relative to the appointment of Auctioneers in and for Jersey City, to regulate sales by Auction.

The Mayor and Common Council of Jersey City do ordain as follows:

Auctioneer to be appointed.

§ 1. There shall be appointed, by the Common Council, one or more persons as auctioneers in and for Jersey City, who shall be residents of said city, and who shall hold their offices during the pleasure of the Common Council, but whose commission shall expire on the first Friday of May in each and every year.

To take oath and to execute bond.

§ 2. Every person so appointed shall take and subscribe an oath, faithfully to perform the duties of his office, and execute a bond with two sufficient sureties, in such sum as the Common Council may from time to time direct, conditioned for the faithful performance of the same, upon the approval of which bond by the Common Council, the Mayor shall issue a commission under the seal of the city, authorizing the said person to execute the duties of auctioneer within the limits of Jersey City.

No person but auctioneer to sell, &c.

§ 3. No other person than an auctioneer, appointed and commissioned as aforesaid, his clerk or agent, shall sell or attempt to sell by auction, within the limits of the city, under the penalty of twenty-five dollars for every offence, to be sued for and recovered from the owner of the goods sold or attempted to be sold, or from the agent or person selling or attempting to sell by auction as aforesaid; provided that nothing herein contained shall be taken as prohibiting sales by auction by any marshal, sheriff, coroner, constable or other officer by virtue of legal process.

Duty on goods &c., sold.

§ 4. All goods, wares, and merchandize, and other personal property, which shall, at any time after the passage of this law, be sold at public auction within the limits of Jersey City, shall be subject to a duty of one per cent.; provided that all goods and chattels otherwise liable to this duty, shall be exempt therefrom, if they shall belong to the United States or to this state, or if they shall be sold under any judgment or decree of any court of law or equity, or under a seizure by any public officer for or on account of any forfeiture or penalty, or under a distress for rent, or if they shall belong

to the estate of a deceased person, and sold by his executors and administrators, or if they shall be the effects of an insolvent or bankrupt, and be sold by his assignees, appointed pursuant to the laws of this state, or of the United States.

Fees of auctioneer.

§ 5. No auctioneer, appointed and commissioned as aforesaid, shall demand or receive a higher compensation for his services than a commission of two and a half per cent. upon the amount of sales, unless by agreement previously made with the owner, consignee or agent of the goods, under the penalty of twenty-five dollars for each and every offence.

His duty to collect the duties imposed by law.

§ 6. It shall be the duty of the auctioneer to collect and receive from the owners of the goods sold, the duties imposed by this law; and he shall make out and deliver to the clerk of the Common Council, under oath or affirmation, semi-annual statements, on the first days of May and November, of the total amount of goods sold, together with the amount of duties accrued and collected, which last he shall pay immediately to the treasurer of the city, and in case no sale shall have been made by him during the time limited for making up his accounts, he shall make and deliver to the clerk an affidavit of the fact, which shall be filed with the papers of the Common Council.

Passed February 18, 1842.

CHAPTER XXXII.

A Law to regulate the sale and inspection of Fire-wood.

The Mayor and Common Council of Jersey City do ordain as follows:

Wood, how to be sold.

§ 1. No fire-wood shall be sold otherwise than according to the following regulations, that is to say—

The stanchions of each cart or sled which shall be employed in the carrying of such wood shall be five feet four inches high from the floor of the cart or sled, and the breadth of such cart or sled between the two foremost stanchions, shall be two feet five inches, and between the two hindmost stanchions, two feet nine inches and no more; in which space, between the said stanchions, every

cartman who shall cart any wood, shall stow as much and as close together as it can conveniently be put, or as much of it as will amount to thirty-seven feet ten inches and two-thirds of an inch, cubic measure, which shall constitute and be deemed by the inspectors a load, and shall and may be bought and sold accordingly.

§ 2. If any person shall at any time sell a quantity less than above specified for a load, he shall forfeit and pay for each offence one dollar; and if any person shall cart and deliver a load of wood without it shall have been previously inspected by an inspector appointed by the Common Council, he shall forfeit and pay one dollar for each load so carted and delivered.

Penalty for selling less than specified quantity for load.

§ 3. No crooked wood shall be stowed in any cart or sled constructed in manner aforesaid, with other wood, but the same may be sold or disposed of as refuse wood, not subject to the above regulation; and if any cartman who shall cart fire-wood shall put, or suffer to be put into his cart, any such crooked wood as will prevent his cart from containing a full load between the stanchions thereof, he shall, for every load so carted, forfeit the sum of one dollar.

Crooked wood not sold with other wood.

§ 4. The Common Council shall appoint one or more inspectors, whose term of office shall expire on the first Friday of May in each year, whose duty it shall be to inspect the loading of all fire-wood sold in this city by the cartman's load. The inspectors shall be duly sworn to execute their offices with fidelity and impartiality; their respective judgments shall be conclusive, and they shall be entitled to receive from the seller three cents for every load so inspected.

Inspectors to be appointed.

Their duty.

§ 5. A cord of wood shall contain one hundred and twenty-eight cubic feet, and in any sale of fire-wood by the cord, either the purchaser or seller may call an inspector to inspect the same, whose judgment of quantity shall be conclusive, and he shall be entitled to receive six cents for every cord of wood so inspected, one half from each party.

A cord shall contain 128 ft.

§ 6. It shall be the duty of the inspector to report to the attorney of the Corporation all violations of this law which may come under his cognizance.

Duty of Inspector, &c.

Passed July 28, 1843.

CHAPTER XXXIII.

A Law to prevent public Shows and Exhibitions.

The Mayor and Common Council of Jersey City do ordain as follows:

Shows not exhibited without license.

§ 1. From and after the passing of this ordinance, it shall not be lawful for any person or persons to show forth, exhibit, act, represent, or perform, or cause to be shown forth, exhibited, acted, represented or performed on any public stage, or in any public house or other place whatever within Jersey City, any interludes, farces or plays of any kind, without having first obtained license for that purpose as is hereinafter mentioned.

Nor menageries, &c.

§ 2. That from and after the passage of this ordinance, it shall not be lawful for any person or persons to show forth or exhibit in any place whatever in Jersey City, for any price, gain, or reward, any menagerie or collection of beasts or animals, without having first obtained license for that purpose as is hereinafter mentioned.

Not lawful to show tricks, juggling, &c.

§ 3. That from and after the passage of this ordinance, it shall not be lawful for any person or persons to show forth, exhibit, act, represent, or perform in any place in Jersey City, for any price, gain, or reward, or otherwise, or with or without license from any authority whatever, any games, tricks, juggling, slight-of-hand, bear baiting or bull baiting, or any feats of uncommon dexterity and agility of body, or any such like shows or exhibitions whatsoever.

Show, &c., how licensed.

§ 4. That the mayor and any two of the aldermen, or in the absence or inability of the mayor to act, any three aldermen of Jersey City, shall and may at their discretion, on application for that purpose made to the mayor, or in his absence or inability to act, to one of the aldermen, give license in writing for such interlude, farce, play, menagerie, or collection of beasts or animals mentioned in the first and second sections of this ordinance, and that before any such license shall take effect, the applicant or applicants for the same shall be required to pay into the hands of the treasurer of Jersey City such sum of money as the said mayor and aldermen, or the said aldermen, shall deem proper, not less

than ten nor more than one hundred dollars, for each day said interlude, farce, play, menagerie, or collection of beasts or animals shall be licensed to continue—and that all licenses given under this ordinance shall set forth the place or places in which such exhibition or show shall be authorized to be made, the time or number of days it may be continued, and the price or prices which may be demanded for admission to the same.

§ 5. That every person offending against the provisions of this ordinance, and being thereof convicted, shall forfeit and pay the sum of fifty dollars, for the use of the Corporation of Jersey City. Penalty for offending provisions of this ordinance.

Passed August 7, 1843.

CHAPTER XXXIV.

A Law concerning the recovery of Penalties.

The Mayor and Common Council of Jersey City do ordain as follows:

That all fines, penalties, forfeitures and amercements imposed by any ordinance or by-law of the Common Council, shall, and may be prosecuted for and recovered in an action of debt, and in the name of the treasurer of Jersey City, for the use of the Corporation of said city, without specifying the individual name of the treasurer of said city for the time being, before any justice of the peace residing within said city. Penalties, how sued for.

Passed July 28, 1843.

CHAPTER XXXV.

A Law for the assessment and collection of an annual City Tax.

The Mayor and Common Council of Jersey City do ordain as follows:

§ 1. There shall be assessed and collected for the year eighteen hundred and forty-four, and for every year thereafter, upon the persons and property of residents, and the property of non-residents within Jersey City, such sum and sums of money, and for such Annual tax, how assessed and collected.

purposes as the Mayor and Common Council shall, and by law have a right to ordain.

Assessor to deliver to collector and clerk of the Common Council a duplicate of assessment.

§ 2. The assessor of the said city shall, within fifteen days after the first Monday in September in each and every year, deliver to the collector of the said city a transcript or duplicate of the said assessment, and shall also, within the said time, deliver another such transcript or duplicate to the clerk of the Common Council, who is hereby required to lay the same before the Common Council at its next regular meeting thereafter.

Persons aggrieved, may appeal, &c.

§ 3. Any person or persons deeming themselves aggrieved by such assessment, may appeal to the commissioners of appeal in cases of taxation, who are hereby authorized and required to hear and determine the same at the same time and in the same manner that they are now required by law to do, in cases of appeals from the state and county taxes.

Collector, when and how to collect and pay taxes.

§ 4. The collector, on receiving the said transcript or duplicate, shall, within thirty days thereafter, proceed to collect the same in the same manner that the state and county taxes are collected, and make weekly payments of such collections to the city treasurer; provided, that when such weekly collections shall not amount to the sum of fifty dollars, he may retain the same in his hands till it shall amount to that sum, or until he is required to make his return of the names of delinquents to the Common Council.

To make return of delinquents.

§ 5. The collector of the city taxes shall make return of the delinquents at the time and in the manner prescribed by the fourth section of a supplement to the act of the Legislature of this state, entitled "An act incorporating Jersey City," passed 22d February, 1838, which supplement was passed March 8, 1839.

Passed August 4, 1843.

CHAPTER XXXVI.

A Law relative to Lamps and Lamp-lighters.

The Mayor and Common Council of Jersey City do ordain as follows:

§ 1. That a fit and suitable person or persons shall be appointed by the Common Council, to hold their appointment during the pleasure of the Common Council, as lamp-lighters, whose duty it shall be to light the lamps of said city within the limits assigned him or them respectively, every night between the third night after and the fifth night before each full moon, and on any other night that the chairman, or in his absence any member of the committee on streets may direct, and shall commence lighting half an hour after sunset; and for every neglect of duty, and for every lamp neglected to be lighted, the lamp-lighter in default shall forfeit the sum of twelve cents; provided no single recovery shall exceed the sum of five dollars. Lamplighters to be appointed, and duty of.

§ 2. The lamp-lighters shall keep the lamps, glasses, and posts cleaned, and in good order, and when any lamp shall be broken or injured, shall immediately make report thereof to the committee on streets, and shall diligently inquire for the name of the person who may have occasioned the injury, and give notice thereof to a member of the Common Council; but if such injury shall have been occasioned by the neglect or inattention of the lamp-lighter, he shall repair the same at his own expense, or the expense of repairing the same shall be deducted out of his wages; and the lamp-lighters shall, each morning, while the lamps are required to be lighted, supply each lamp with the necessary quantity of spirit gas, or oil, whichever may be directed by the said Common Council to be used for lighting said lamps, and shall preserve from waste and unnecessary consumption any oil or other materials entrusted to their care. Further duty of lamplighters.

§ 3. The compensation of the lamp-lighters shall be regulated by the Common Council; and it shall be lawful for the said lamplighters, in case of their sickness or necessary absence from the city, and with the consent of the committee on streets, to employ an agent to perform their duties, for whose acts and omissions they shall be responsible in like manner as for their own acts and omissions. Compensation of.

§ 4. If any person or persons shall break, pull down, or in any manner injure any lamp or lamp-post, or extinguish the light therein, he shall forfeit for each offence the sum of ten dollars. Penalty for injuring lamp, &c.

Additional lamps, how applied for.

§ 5. Whenever it shall become necessary to place any additional lamps, application shall be made to the Common Council, who shall direct the committee on streets as to any such location.

Passed July 28, 1843.

CHAPTER XXXVII.

A Law to regulate the height of Wooden Buildings.

The Mayor and Common Council of Jersey City do ordain as follows:

Height of wooden buildings.

§ 1. No person shall erect or cause to be erected, or aid or assist in the erection of any wooden building in Jersey City, which shall exceed in front or rear twenty-six feet in height from the level of the curb-stone regulation in front to the top of the wall-plate, nor with a roof which shall exceed nine feet from the level of said wall-plate to the peak of the roof, under the penalty of fifty dollars for each offence; provided, that any wooden building which shall be covered with a metal roof may extend to a height not exceeding twenty-nine feet from the level of the curb-stone regulation to the highest part of the roof.

Building injured by fire, when and how to be rebuilt.

§ 2. Any wooden building in Jersey City which shall be damaged by fire to an amount equal to one half of the value thereof, and which shall be rebuilt or repaired, shall be rebuilt or repaired in conformity with the regulation of the preceding section, under the penalty of fifty dollars.

Disagreement as to amount of damage, how decided.

§ 3. If any disagreement shall arise as to the amount of damage any wooden building may have sustained by fire, it shall be decided by two disinterested freeholders of this city, one of whom shall be chosen by the owner or owners of such building, and the other by the mayor, or in his absence by the committee on fire and water, which two persons so chosen, if they cannot agree, may choose a third, the decision of any two of whom, rendered in writing, shall be final and conclusive as to the amount of damage such building has sustained by fire.

What buildings may be erected.

§ 4. The Common Council may give permission, in special cases, to erect any wooden building or buildings for manufacturing

or other purposes, of such height as may be deemed expedient, having regard to the location thereof.

Passed July 28, 1843.

CHAPTER XXXVIII.

A Law to regulate the setting of poles for fishing within the limits of Jersey City.

The Mayor and Common Council of Jersey City do ordain as follows:

§ 1. From the shores of Jersey City to the middle of the Hudson river, no pole or poles for fishing shall be set within two hundred and fifty yards north or south of a direct line, running from the centre of the ferry slip at Jersey City to the centre of the slip at the foot of Courtlandt street in the city of New-York, under the penalty of five dollars for each pole so set, and a further penalty of five dollars for every twenty-four hours that such pole or poles shall remain within the said limits. Fishing poles, where not to be set.

§ 2. No pole or poles for the purpose aforesaid, shall be set within two hundred and fifty yards of any dock or wharf of Jersey City, under the penalty of five dollars for each pole so set, and a further penalty of five dollars for every twenty-four hours that such pole or poles shall remain within the distance aforesaid. Not within 250 yards of any wharf.

Passed July 28, 1843.

CHAPTER XXXIX.

A Law to repeal the laws therein named.

The Mayor and Common Council of Jersey City do ordain as follows:

§ 1. That the several laws, entitled and dated as follows, viz: "A law to regulate the setting of any pole or poles for fishing within the waters of Jersey City; passed April 27, 1838." "A law creating the office, and prescribing the duties of superintend- Certain laws repealed.

ant of streets, and for other purposes; passed May 11, 1838; and the supplement thereto, passed February 4, 1842." "A law relative to public wells and pumps; passed May 25, 1838." "A law regulating slaughter-houses, privies, and hog-stys, and for the removal of nuisances and preventing the same; passed June 15, 1838." "A law relating to drains and sewers; passed June 22, 1838." "A law to prevent indecent exposures; passed June 22, 1838." "A law to prevent the running at large of dogs within the limits of Jersey City; passed August 13, 1838." "A law creating the office of clerk of the Common Council, and describing his duties; passed September 21, 1838." "A law to regulate the collection of assessments; passed October 26, 1838." "A law supplemental to a law entitled a law creating the office, and prescribing the duties of superintendant of streets, which supplement was passed November 23, 1838." "A law appointing a city physician, and prescribing his duties; passed December 21, 1838." "A law relating to wharves and the rates of wharfage; passed January 4, 1839." A law for the support of the city public schools; passed April 5, 1839." "A law for regulating and paving streets; passed May 24, 1839." "A law relating to slaughter-houses; passed June 14, 1839." "A law to regulate the building of partition fences and walls; passed June 14, 1839." "A law regulating the fire department, and for the prevention of fires; passed December 4, 1840, and the supplement thereto, passed March 19, 1841." "A law respecting weights and measures; passed January 15, 1841, and the supplement thereto; passed March 26, 1841, and August 20, 1841." A law concerning inns and taverns; passed April 30, 1841." "A law regulating the impounding of animals; passed May 7, 1841." "A law to regulate the sale and inspection of fire-wood; passed March 18, 1842," be and the same are hereby repealed.

CHAPTER XL.

A Law in relation to Blocks, Streets, Docks and Slips, which may be made into the water surrounding Jersey City.

Whereas, the Common Council, by the supplement to the charter of Jersey City, passed March 8, 1839, are authorized to cause a map of the blocks, streets, docks and slips, which may from time to time be made into the waters surrounding said city, to be filed with the clerk, and a copy thereof to be recorded,

Now therefore,

The Mayor and Common Council of Jersey City do ordain as follows:

Map to be made.

§ 1. That the Common Council shall order and direct a map to be made of the blocks, streets, docks and slips, which they from time to time shall reclaim, and which shall be made into the waters surrounding Jersey City, which said map shall be filed in the office of the clerk of said city, and a copy thereof duly recorded.

Blocks, streets, &c., under control of the Common Council.

§ 2. When the said map shall be made, filed and recorded as set forth in the preceding section, the said blocks, streets, docks and slips, described and laid down on said map, shall be under the direction and control of the Common Council, and they shall regulate, protect and improve the same.

CHAPTER XLI.

A Law in relation to Manufactories dangerous in causing and promoting fires, and the keeping of Gunpowder.

Whereas, several manufactories for the making of gas, varnish and turpentine, have been erected within the limits of this city, and whereas they are peculiarly dangerous in causing and promoting fires, are noxious and offensive, and will prove a nuisance to the neighborhood in which the same are carried on,

Now therefore,

TITLE I.

Of Manufactories dangerous in causing fires.

The Mayor and Common Council of Jersey City do ordain as follows:

§ 1. That it shall not be lawful for any person or persons, from and after the first day of May next, to carry on any manufactory or mannfactories, or any establishment for the purpose of making, producing, distilling, or in any manner generating spirits of turpentine, gas, varnish, or any other article dangerous in causing or promoting fires within the limits of this city, without the consent of the Common Council first had and obtained, under a penalty of fifty dollars for each and every day that the same shall be carried on.

Factory not to be erected without consent of Common Council.

§ 2. It shall not be lawful for any person or persons, from and after the first day of May next, to carry on any manufactory or establishment for the making and production of fireworks within the limits of this city, without the consent of the Common Council first had and obtained, under the penalty of fifty dollars for each and every day the same shall be carried on.

Nor, factory for production of fireworks.

TITLE II.

Gunpowder, how to be kept.

§ 1. It shall not be lawful for any person to have or keep any quantity of gunpowder exceeding twenty-eight pounds in weight, in any house, store, building or other place within the limits of this city.

Gunpowder, in what quantity and where kept.

§ 2. All gunpowder which shall be kept in this city, shall be kept in stone jugs or tin cannisters, which shall not contain more than seven pounds each.

In what to be kept.

CHAPTER XLII.

A Law to license and regulate Chimney Sweepers.

The Mayor and Common Council of Jersey City do ordain as follows:

Mayor to license chimney sweepers.

§ 1. It shall be lawful for the Mayor of the said city to grant licenses under his hand and seal of said city, to such persons as shall produce to him satisfactory evidence of their good character, to be sweepers of chimneys in the said city; and each person so licensed shall pay therefor the sum of two dollars.

Licensed sweep may employ boys, &c.

§ 2. Any person so licensed, may keep and employ so many boys, apprentices or servants, to assist him in his said business as he may think proper, provided they are comfortably clad, and sufficiently provided with good and wholesome food, and not under eleven years of age.

Duty of licensed sweep.

§ 3. No person so licensed as aforesaid, shall employ any boy under the age of eleven years as a chimney sweeper, or shall omit or neglect to feed or clothe any of the boys, apprentices, or servants in his employ, as above directed; nor require or compel any such apprentice or servant to go into any chimney which shall be less than twelve inches square in the clear, under the penalty of five dollars, and the forfeiture of his license for every such offence.

Penalty, &c.

No person without license to be chimney sweeper.

§ 4. No person, without such license as aforesaid, or after the forfeiture thereof as aforesaid, shall carry on the business of a chimney sweeper, or shall suffer or permit any boy, apprentice or servant, belonging to him or in his employ, to sweep any chimney in this city, under the penalty of five dollars.

Subject to penalty if chimney takes fire.

§ 5. Every person so licensed shall be subject to all penalties that may be incurred by any chimney taking fire within one month after having been swept by them respectively; or by any boy, apprentice, or servant in their employ.

Fees for sweeping chimneys.

§ 6. The licensed chimney sweepers of said city shall be authorized to demand and receive the following sums for each and every chimney swept by them or by their boys, apprentices or servants respectively; that is to say—for every chimney from the uppermost floor of any house, twelve and a half cents; for every chim-

ney from the next floor below, fifteen cents; for every chimney from the next floor below, eighteen cents; for every chimney from the next floor below, twenty-one cents; for every chimney from the next floor below, twenty-eight cents; for every chimney from the next floor below, thirty seven and a half cents; and where a Franklin stove, coal grate, or jack is used in any fire place, twelve and a half cents may be demanded and received in addition to the above mentioned sums.

Register to be kept.

§ 7. A register shall be kept in the office of the clerk of the Common Council, of the name and place of residence of every person licensed as aforesaid.

Extends to persons using machines.

§ 8. The provisions of this ordinance shall apply to those persons who use machinery in sweeping chimneys for hire, as well as to those who sweep by other methods.

Passed February 2d, 1844.

INDEX.

PAGE.

A

Ardent Spirits, &c., not to be sold from booth, shed, &c., - - 9
penalty for selling, - - - - *ib.*
Area, how far to extend in the street, - - - 6
to be inclosed with railing, &c., under penalty, - - - *ib.*
Awning Posts, how placed, - - - *ib.*
penalty, &c., - - - - *ib.*
where placed, and height of, - - - 6
penalty for hanging loosely down, - - - *ib.*
Assessments, interest to be charged on, - - - *ib.*
collector of, appointed, - - - 30
" to give bond, - - - *ib.*
" deposit monies, - - - 31
" demand payment, when, - - - *ib.*
" return delinquents, - - - *ib.*
" compensation of, - - - *ib.*
Attorney, City, his appointment, - - - 16
" duty, - - - - *ib.*
" compensation, - - - *ib.*
when to account, - - - *ib.*
" to pay over monies, - - - *ib.*
Auctioneers, how appointed, - - - 61
to take oath, - - - *ib.*
execute bond, - - - *ib.*
no other persons to sell at auction except, - - - *ib.*
duty on articles sold, how collected, - - - *ib.*
fees of, - - - 62

B

Bathing and indecent exposures—not to bathe in certain limits, - - 23
persons not to be exposed, - - - *ib.*
Bow window, not to extend into the street, - - - 5
penalty for, - - - - *ib.*
Blocks, streets, docks and slips—map of to be made, when, - - 71
Building not to be moved in public street, - - - 9
penalty for moving, - - - *ib.*
when under control of Common Council, - - - *ib.*
Butcher, see Slaughter house.

C

Carriage-way, width of in street, - - - 4
when and by whom repaired, - - - *ib.*
private carriage-way, how made, - - - *ib.*
Cattle not to go on side-walk, - - - 7
Chimney sweeper, how licensed, - - - 73
may employ boys, &c., - - - *ib.*
duty of licensed sweep, - - - *ib.*
penalty if chimney takes fire, - - - *ib.*
fees, &c., - - - - *ib.*
not to be without license, - - - *ib.*
register to be kept, - - - 74
extends to persons using machines, - - - *ib.*
Cistern not constructed in street without consent of Common Council, - 7
how constructed, - - - - *ib.*
penalty, - - - - *ib.*
left uncovered to be lighted, - - - *ib.*
Clay not to be removed from streets, - - - 8
penalty for removing, - - - *ib.*

Cross-walk not to be obstructed, - - - 7
Candle, lighted, how used in stables, - - - 49
Chimney taking fire—penalty, - - - *ib.*
Constable—duty on alarm of fire, - - - *ib.*
Cistpools—see privies, sinks and cistpools.
Collector of assessments—see Assessments.
Clerk of Common Council, how appointed, - - - 13
to keep and affix seal, - - - *ib.*
attend meetings and keep minutes, - - *ib.*
keep books, papers, maps, &c., - - *ib.*
enter laws and resolutions, - - - *ib.*
notify persons appointed to office, - - *ib.*
to cause laws to be printed, - - *ib.*
to furnish chairman of committee with names, 14
to furnish Mayor with name of chairman, - *ib.*
to allow books and papers to be examined, *ib.*
to attend sales, and furnish certificates, *ib.*
to subscribe oath, - - - *ib.*
compensation of, - - - *ib.*
give certificates to firemen, - - - 50
keep register of chimney sweepers, - 74

D

Dogs not to run at large, - - - 26
Mayor may authorize destruction of, - - - *ib.*
" appoint persons to destroy, - - - *ib.*
their compensation, - - - *ib.*
penalty, &c., - - - *ib.*
Dead body not to be deposited within the limits of Jersey City, - 20
Driving—no person to drive faster than six miles per hour, - - 9
nor faster than a walk on turning a corner, - - - *ib.*
penalty, &c., - - - *ib.*
Drains and sewers, notice of application for, - - - 22
cost of constructing, how assessed, - - - *ib.*
assessments, when collected, - - - *ib.*
drain not made without permission, - - - *ib.*
leading to public drain, how constructed, - - *ib.*
penalty, &c., - - - 23
not used to carry off contents of privy, - - *ib.*

E

Earth not to be removed from street, - - - 8
penalty for, - - - *ib.*
Engine not to go on side-walk, - - - 47
penalty for, - - - *ib*

F

Fence, iron or any other, not to be injured, &c., - - - 8
penalty for, - - - *ib.*
Fence, Partition—see Partition Walls and Fences.
Fire department—who to compose, - - - 44
firemen divided into companies, - - - *ib.*
in absence of chief engineer or foreman, who to act, - - 45
chief engineer and assistant, how elected, - - - *ib.*
chief engineer to have command, - - - 43
" keep register, - - - *ib.*
" cause bells to be rung - - - *ib.*
" report new members, - - - *ib.*
" certify accounts, - - - 48
foreman, duty of, - - - 47
" when may be expelled, - - - *ib.*
members of fire department, duty of, - - - *ib.*
engine not to go on side-walk - - - *ib.*
penalty for, - - - *ib.*
engine, when not taken out, or beyond city limits, - - 48
" may be taken from company when, - - *ib.*
" not to be hired out, - - - *ib.*
apparatus of the fire department, penalty for injuring, - - *ib.*
fire wardens appointed, - - - *ib.*
their duty, - - - *ib.*
fire buckets, houses to be supplied with, - - - 49

Fire department—chimney taking fire, penalty for, - - - - 49
shavings, how disposed of, - - - - *ib.*
lighted candle or lamp, how used in stable, - - - *ib.*
false alarms of fire, penalty for, - - - - *ib.*
marshal and constable, duty of on alarm of fire, - - - 69
Fishing poles, where to be set, - - - - 62
Fire-wood, how to be sold, - - - - *ib.*
penalty for selling less than specified quantity for a load, - - 63
crooked not sold with other wood, - - - - *ib.*
inspectors of, appointed, - - - - *ib.*
their duty, - - - - *ib.*
to report violations of law, - - - - *ib.*
how many feet a cord, - - - - 9

G

Gun not to be fired unless, - - - - *ib.*
penalty for firing, - - - - 72
Gunpowder, how and where kept, - - - - *ib.*
in what, - - - - 60
Gaugers, how appointed, - - - - *ib.*
to make return, - - - - *ib.*
fees of, - - - - *ib.*
to take oath, - - - - *ib.*
penalty for neglect of duty, - - - - *ib.*
" for overcharging, - - - - *ib.*
" for acting without appointment, - - - 7

H

Horses or cattle not to go on side-walks, - - - - 56
Hog sty or pen, how placed, - - - - 57
when cleaned, - - - - *ib.*
penalty for neglect, - - - - 55

I

Impounding animals—pound keeper appointed, - - - - *ib.*
animals, when taken to pound, - - - - 56
" how redeemed, - - - - *ib.*
" not redeemed to be sold - - - - *ib.*
proceeds paid to treasurer, - - - - *ib.*
breaking pound, penalty for, - - - - *ib.*
attempting to break, penalty, - - - - *ib.*
rescuing or attempting to rescue animals going to the pound, - - - - *ib.*
whose duty to cause swine, &c., to be taken to the pound, - - - - *ib.*
Inns and taverns—application for license, how made, - - - - 53
price of license, - - - - *ib.*
ardent spirits, &c., not sold without license, - - - 54
penalty on conviction of second offence, - - - *ib.*
person found drunk, penalty, - - - - 55
Sabbath, how kept, - - - - *ib.*
tavern sign not put up, &c., - - - - *ib.*
Indecent exposures—see Bathing, &c. - - - 51
Inspector of weights and measures to make register, &c. - - *ib.*
to deliver copy to clerk of Common Council, - - - 52
fees of, - - - - 67

L

Lamps and lamp-lighters, how appointed, - - - - *ib.*
" their duty, - - - - *ib.*
" compensation, - - - - *ib.*
" penalty for injuring lamp, - - - 68
" how applied for, - - - - 49
Lighted lamp, how used in stable, - - - - 26

M

Mayor to authorize the destruction of dogs, - - - - *ib.*
appoint persons to destroy, - - - - *ib.*
their compensation, - - - - *ib.*
penalty for opposing ordinance, - - - 50
duty under law of fire department, - - - - 73
to license chimney sweepers, - - - - 49
Marshal, duty of on alarm of fire,

Manure not to be cast in street, - - - 9
penalty for, - - - *ib.*
Manufactories dangerous in causing fire, not erected without consent of Common Council, - - - 72
nor for production of fireworks, - - - *ib.*

O

Overseer of the poor—his duty to direct city physician, - - - 15
to keep record, &c., - - - *ib.*

P

Pumps, see wells and pumps.
Pound, see impounding animals.
Paving streets, notice to be given of, - - - 37
costs assessed on lots, - - - 38
notice of assessment, - - - *ib.*
new assessment may be made - - - *ib.*
assessments a lien, - - - *ib.*
Penalties, how sued for, - - - 65
Partition walls and fences, who to make, - - - 39
who to decide in case of dispute, - - *ib.*
when cannot be divided how made and repaired, 40
when occupant of adjoining ground to repair, *ib.*
costs on, when occupants to pay, - - *ib.*
Physician, City—his appointment, - - - 15
his duty, - - - *ib.*
his further duty, - - - 16
how paid, - - - *ib.*
Privies, sinks and cistpools not to be constructed within 30 feet of pump, 21
penalty for, - - - *ib.*
three feet of earth, &c., left between sink and lot, under penalty, *ib.*
contents of cistpool, when to be removed, - - - *ib.*
penalty, &c., - - - 22
vegetable substance not deposited in sink, - - - *ib.*

S

Sidewalks, width of, - - - 3
to be raised, - - - *ib.*
how paved, - - - *ib.*
not to be taken up, - - - 4
penalty for taking up, - - - *ib.*
penalty for injuring, - - - 9
snow and ice to be cleaned from, - - - 10
penalty for neglect, - - - *ib.*
when to be strewed with sand, - - - *ib.*
penalty for neglect, - - - *ib.*
notice given to repair, - - - 39
Superintendant of streets may repair, - - *ib.*
costs of repair a lien, - - - *ib.*
who to assess and collect assessment, - - *ib.*
engine not to go on, - - - 47
penalty for, - - - *ib.*
School, Public, how supported, - - - 35
teacher, how appointed, - - - *ib.*
his duty, - - - *ib.*
when to be opened, - - - 36
for what scholars, - - - *ib.*
children, when admitted free, - - - *ib.*
township committee to make report, &c., - - *ib.*
Sewers—see drains and sewers.
Sinks—see privies, sinks and cistpools.
Shavings, how disposed of, - - - 49
Shows and exhibitions, not exhibited without license, - - 64
nor menagerie, - - - *ib.*
nor juggling tricks, &c., - - - *ib.*
how licensed, - - - *ib.*
penalty, &c., - - - *ib.*
Slaughter houses—not to slaughter animals in Jersey City, except, &c., 20
to be cleaned, - - - 21
offals to be destroyed - - - *ib.*
penalty for neglect, - - - *ib.*

Streets, not to be obstructed unless by permission, . . . 4
penalty for obstructing, . . . 4
obstructions, how removed, . . . 5
dead carcass or rubbish, not to be cast in, . . . 10
penalty for, . . . 10
when to be swept, . . . 11
no filth to be cast in except on sweeping days, . . . 11
penalty for, . . . 11
Superintendant of streets order removal of obstructions, . . . 5
sell articles not claimed, . . . 5
account for, . . . 5
how appointed, . . . 11
his duties, . . . 11
to repair streets, . . . 11
remove manure, rubbish, &c., . . . 11
give notice of days of sweeping the streets, . . . 12
examine and remove nuisances, . . . 12
direct removal of nuisances, . . . 12
penalty for neglecting directions, . . . 12
with advice, &c., cause nuisance to be abated, . . . 12
further penalty for neglect, . . . 12
authorized to enter on premises, and examine building, . . . 12
penalty for disturbing superintendant in his duties, . . . 12
to repair sidewalk, . . . 39
duty as to swine, &c., . . . 56
Surveyors, City, how appointed, . . . 17
take oath, . . . 17
lay out ground for building, . . . 17
fees, . . . 17
give notice to remove building projecting beyond street, . . . 17
Sunken lots, notice of application to fill in, . . . 36
not drained, Common Council may drain, . . . 37
assess cost of draining, &c., . . . 37
assessments not paid, lots to be leased, . . . 37
Slips, dead carcass not to be cast into unless, . . . 10
Stoops not to extend in street, . . . 6
penalty for, . . . 6
not apply to stoops heretofore erected unless, . . . 6

T

Trees, penalty for injuring, . . . 8
Treasurer of city to receive money and keep accounts, . . . 14
account for all monies, . . . 15
keep bonds, give bond, . . . 15
receive purchase money, . . . 15
Tax, annual city, interest to be charged on, . . . 30
how assessed and collected, . . . 65
assessor to deliver to collector and clerk of Common Council duplicate of assessment, . . . 66
persons aggrieved may appeal, . . . 66
collector, when to collect and pay taxes, . . . 66
make return of delinquents, . . . 66

V

Vault not constructed without consent of Common Council, . . . 7
how constructed, . . . 7
penalty, . . . 7
left uncovered to be lighted, . . . 7
under penalty, &c., . . . 7
grate not to be removed from, . . . 7
penalty for removing, . . . 8
penalty for leaving vault hole open, . . . 8
aperture during removal of grate to be enclosed with box, . . . 8
holes, how to be covered, . . . 8
penalty, &c.,
Vessels, see wharves and rates of wharfage.

W

Water, filthy, not cast in street, . . . 9
penalty for, . . . 9
Wheelbarrow not to go on sidewalk, . . . 7

Wells and pumps are city property, . . . 18
application for, . . . 18
notice given, . . . 18
costs of assessed on lots in vicinity, . . . 18
how kept in repair, . . . 18
penalty for injuring, . . . 18
Weights and measures, inspector and sealer of appointed, . . . 50
" to take oath, . . . 50
" to give bond, . . . 50
" duty of, . . . 51
penalty for using weights and measures not marked, 51
penalty for refusing to exhibit, . . . 51
to be in conformity with standard, . . . 51
inspector to make register, &c., . . . 51
" to deliver copy to clerk, . . . 51
fees of inspector, . . . 52

REFERENCE TO PARTICULAR LAWS.

PAGE.
Assessment and collection of taxes for 1838–39, - - - 18
Do. do. do. 1839, - - - - 40
Do. do. do. 1840, - - - - 42
Do. do. do. 1841, - - - - 57
Supplement to act of 1840, - - - - - - - 43
Filling in certain streets, - - - - - - - 24
Filling in and regulating certain streets, - - - - 27
Filling in Sussex street, - - - - - - - 28
Filling in certain streets to established grade, - - - - 29
Establishing maps, &c., - - - - - - - - 23
Establishing streets, - - - - - - - - 24
Establishing grade of Newark Avenue, - - - - - 44
Authorizing loan of $5000, - - - - - - - 58
Repealing certain laws, - - - - - - - - 69

7640 25