

ACTS

SESSION No. 32991

OF THE

LEGISLATURE

CATALOGUED

SEVENTY-SECOND LEGISLATURE

OF THE

STATE OF NEW JERSEY,

AND

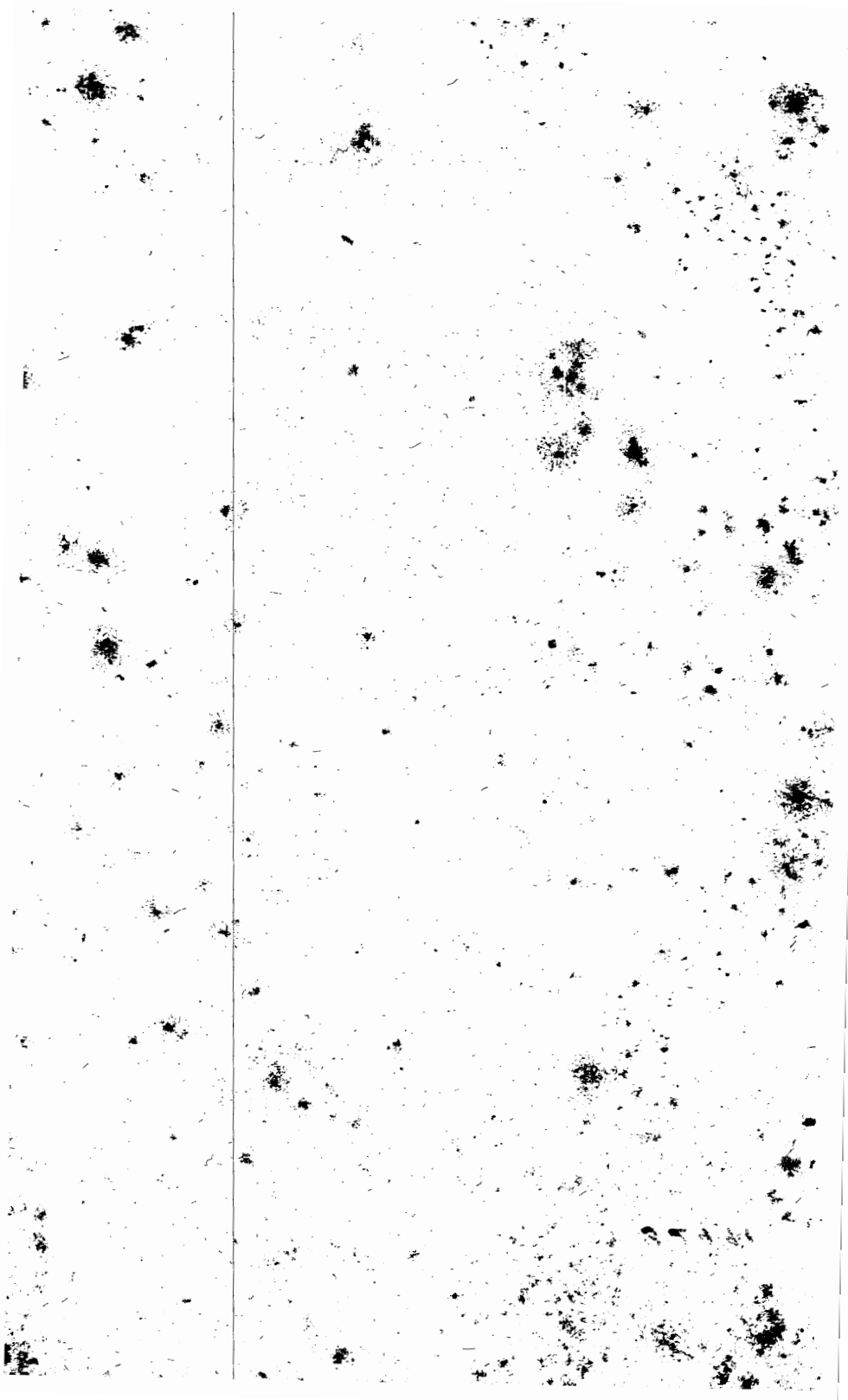
FOURTH SESSION UNDER THE NEW CONSTITUTION.



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1848.



ACTS

OF THE

SEVENTY-SECOND LEGISLATURE

OF THE

STATE OF NEW JERSEY.

AN ACT to authorize the board of chosen freeholders of the county of Essex to erect a bridge over Elizabethtown creek.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of chosen freeholders of the county of Essex be, and they are hereby authorized to erect and maintain a good and sufficient bridge, without a draw, over Elizabethtown creek, at the place where the public market-house stands, or as near thereto as is practicable, in the borough of Elizabeth.

Freeholders authorized to erect bridge.

2. *And be it enacted*, That if any person or persons shall cut, remove, or destroy any piece of timber or any plank belonging thereto, on any part of said bridge, posts, or piles appertaining thereto, or shall remove any iron work or stone work belonging to said bridge, or otherwise wilfully damage or do any act which may have a tendency to injure said bridge unnecessarily, he, she, or they so offending shall, for each and every offence, forfeit and pay the sum of twenty dollars, over and above the damage done to said bridge, to be recovered in an action of debt before any court having competent jurisdiction, with costs of suit, by any person who shall sue for the same, one half of the said sum to be for the use of the prosecutor, and the other half to be paid into the hands of the county collector of the county of Essex, to and for the use of said county.

Penalty for injuring works.

Approved January 26, 1848.

AN ACT to renew the charter of the Mechanics Bank at Newark.

Charter re-
newed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled, "An act to incorporate the Mechanics Bank at Newark," passed January twenty-fifth, in the year of our Lord one thousand eight hundred and thirty-one, be, and the same is hereby continued and extended for and during the term of twenty years from and after the time by the said act limited for its continuance.

Act, when to
take effect.

2. *And be it enacted*, That this act shall take effect immediately upon the expiration of the term, in and by the said act entitled, "An act to incorporate the Mechanics Bank at Newark," limited for the continuance thereof.

Approved January 26, 1848.

A supplement to the act entitled, "An act to incorporate the Mutual Benefit Life Insurance Company," passed January thirtieth, eighteen hundred and forty-five.

Part of for-
mer act re-
pealed.

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

Act may be
repealed, &c.

2. *And be it enacted*, That it shall be lawful for the legislature at any time hereafter to alter, amend, modify, or repeal the act to which this is a supplement.

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

Approved January 27, 1848.

AN ACT to incorporate the trustees of the East Newark Company.

WHEREAS Richard Dey, on the eighth day of July, eighteen hundred and forty-five, became the purchaser of all the real estate at East Newark, formerly belonging to the East Newark Land Company, remaining unsold at a public sale of the same, made by the trustees of the said company, and on the first day of October, in the same year, conveyed the same, at the solicitation of Anthony Dey, to James R. Dey and Jacob C. Dey in trust, among other things, to sell the same, and pay a portion of the proceeds, to the extent of about thirty-five thousand dollars, to certain creditors of the said Anthony Dey, from whose debts he had been discharged under the bankrupt act of the United States. Preamble.

And whereas two sales have been made of the said property by the trustees, which have not been perfected on the part of the contractors, and it is found difficult to make any sale of the same, for the reason that the property requires to have expended upon it large sums of money for banking, ditching, wharfing, and filling in the same with upland earth to a reasonable extent, and the present trustees have no means or authority by which they can act in the premises: and whereas the parties in interest have prayed, for relief in the premises, to have the said property invested in new trustees, and power given them to raise money for the purposes aforesaid, to render the property available, and with power to offer inducements to manufacturers and other persons to locate and settle on the same—therefore,

IT BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Henry Young, David Selden, Joseph Howland Bill, Samuel P. Williams, Benjamin W. Bonney, Richard Dey, James R. Dey, Jacob C. Dey, Edward C. Richards, and Anthony Dey, their present and future associates, their successors and assigns, be, and they are hereby created a body corporate and politic, in fact and in name, by the name of "the Trustees of the East Newark Company," for the purpose of purchasing and holding the real estate formerly belonging to "the East Newark Land Company," in the county of Hudson, and improving the same, by building wharves, dyking and ditching the land, and filling in and regulating the low land with earth from the surrounding high land, to a necessary and advisable extent; and to purchase, hold, sell, and convey such other of the high land thereto adjoining, not however to exceed forty acres, as may be deemed necessary to effect the object contemplated, and to mortgage or sell the same, or any part or parts thereof, with all such powers Names of corporators.

Objects of incorporation.

and privileges, and subject to such restrictions, limitations, and conditions, as are specified and contained in the act entitled, "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, except where otherwise granted in and by this act of incorporation.

Amount of
capital stock.

2. *And be it enacted*, That the estate and property of the said company shall be divided into fifteen hundred shares, of the par value of one hundred dollars per share; that the shares shall be deemed and considered personal estate: it shall be lawful for this company to grant certificates of full stock, in whole or in part payment of the consideration of the land that may be purchased; and in payment also, in whole or in part, of the debts secured to be paid by the trust deed aforesaid; and to grant certificates of shares, and, by the by-laws, to compel the payment of instalments, not exceeding five dollars at any one time, required on any shares not deemed or declared full stock, and to forfeit the same and all previous payments made thereon, giving at least sixty days' previous notice of such call and demand, and subject always to the provisions for payment in the fifth section of the act concerning corporations, herein before referred to: and it is hereby declared and to be understood, that the respective parties secured to be paid in and by the trust deed aforesaid, shall be paid in the order and according to the trusts therein declared, after payment of all expenses incurred and to be incurred in relation to, or in the management of the concern.

First directors.

3. *And be it enacted*, That David Selden, James R. Dey, Samuel P. Williams, Joseph H. Bill, and Anthony Dey shall be the first directors to organize and manage the affairs of the said company, and shall continue in office until the second Thursday in May next, or until five persons shall, at some convenient time and place, before or on the day last mentioned, be elected in their stead.

When company can commence business.

4. *And be it enacted*, That as soon as three hundred shares of the stock of the said company shall have been subscribed for, and certificates granted, either of full stock in payment of the land, in whole or in part, or in the payment of the debt secured to be paid by the trust deed or certificates of stock on which the sum of five dollars per share has been paid into the hands of the treasurer, to be appointed by the directors of this company, and a certificate thereof, duly sworn to before any person authorized to take affidavits in this state, shall be filed with the clerk of the county of Hudson, and a true copy thereof, certified by the said clerk, and deposited in the office of the secretary of state, it shall be lawful for the said company to commence business.

5. *And be it enacted*, That on the first election for directors there shall be five persons, being stockholders, chosen to conduct and manage the affairs of the company; that the annual election for directors shall take place, after the first election, on the second Thursday in May, in every year, at some convenient place at Jersey City or on the premises at East Newark, between the hours of twelve o'clock at noon, and two o'clock in the afternoon of that day; all elections shall be by ballot, and each share entitled to one vote; that ten days' previous notice of such election shall be given in some newspaper to be published in the city of Newark and in the county of Hudson; and if, from any cause, an election for directors shall not take place at the appointed time, it shall not therefore work a forfeiture of this charter, but a new election shall be ordered.

Time and mode of annual election of directors.

6. *And be it enacted*, That it shall be lawful for the directors of this company to offer inducements to manufacturers to settle on the premises, by giving them land, or selling them land at a moderate price; *provided*, that no land shall be given by the directors, without compensation therefor, without the consent of a majority in interest of the stockholders.

Directors may offer inducements, &c.

7. *And be it enacted*, That it shall be lawful for the directors to take the proceeds of the sales of land sold, and improve the property therewith: and no dividends of proceeds arising from sales of lands shall be declared and paid until the debts of the company then existing are all paid; and in case any dividend shall be declared and paid, when there are debts due and owing by the company, the directors who consented to such dividend shall be held responsible personally for the payment of the debts remaining unpaid.

Dividends, when to be made.

8. *And be it enacted*, That the office and records of this company shall be kept in the township of Harrison, in the county of Hudson; and the president and a majority of the directors thereof, shall at all times be residents of this state.

Place of business.

9. *And be it enacted*, That this act shall take effect immediately upon the passage thereof, and shall continue in operation twenty years therefrom.

Limitation.

Approved January 27, 1848.

AN ACT to authorize and require Robert Laird, of the township of Howell, in the county of Monmouth, to pay Sarah Purdun certain moneys, therein named and specified.

Preamble.

WHEREAS Andrew Purdun, late of the county of Monmouth, died possessed of certain personal estate, amounting, after the payment of his debts, to the sum of one hundred and forty-seven dollars and thirty-one cents, as appears by the account of Robert Laird, administrator of the deceased, on file in the surrogate's office of the county of Monmouth, and duly allowed, one half of which sum the said administrator has authority to pay to Sarah Purdun, the widow of said deceased; and whereas the said Andrew Purdun died without leaving issue or lawful heirs to claim the balance of said sum, and it appearing right and proper that the said Sarah Purdun should be benefited by the estate of her deceased husband, and receive that part in the hands of his administrator unclaimed by any person—therefore,

Administrator authorized to pay over certain moneys.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That Robert Laird, administrator of Andrew Purdun, deceased, late of the township of Howell, in the county of Monmouth, be authorized and required to pay to Sarah Purdun the sum of seventy-three dollars and sixty-five cents, with the interest thereon, being the amount remaining in his hands of the estate of the said Andrew Purdun, deceased, unclaimed by any person.

Approved February 2, 1848.

AN ACT to exempt burying grounds from sale by creditors.

Burying grounds not liable to be taken in execution.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That all lands lying within the bounds of any cemetery or burying ground belonging to or used by any religious society in this state, shall be reserved, for the use of the owners thereof, against all causes of action arising after this act takes effect, and shall not be liable to be seized, taken, or sold by virtue of any judgment, decree, order, execution, or other process made or rendered by or issued out of any court in this state; *provided*, the cause of action upon which such judgment,

certificate, by making a supplemental certificate of such increase, under the hands and seals of the stockholders, or of their legal representatives; which shall be proved or acknowledged and recorded in the manner prescribed for the original certificate in the act to which this is a supplement; *provided*, that for all stock issued under such supplemental certificates, such company, its directors and stockholders, shall be entitled to all the benefits, and subject to all the liabilities and restrictions, contained in the act to which this is a supplement; *and provided also*, that the capital stock issued under such supplemental certificates shall not in the aggregate exceed the amount of stock specified in the original certificate.

Provisions
of the act
extended.

2. *And be it enacted*, That the provisions of this act and the act to which this is a supplement shall be extended to mining companies.

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

Approved February 4, 1848.

AN ACT to authorize the establishment of union district schools within the city of Burlington.

Union dis-
trict trustees

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the trustees of the school district composed of the city of Burlington, and "the managers of the school fund for the education of youth in the city of Burlington," to unite their care and labour, and the funds under their control, respectively, for the purpose of promoting, in the most effectual manner, the good education of youth in said district; and that the bodies so united shall be known by the name of "the Union District Trustees."

Organization
and powers
of trustees
and officers.

2. *And be it enacted*, That the said the Union District Trustees shall organize themselves by the appointment, from their own bodies, of a president, secretary, and treasurer, and shall have power to make such by-laws, for their own government and the regulation of the school, as they may deem expedient, not incompatible with the laws of the United States or of this state; the secretary, under the direction of the board, shall keep regular minutes of the proceedings of the trustees;

the treasurer shall enter into bond to the mayor, recorder, aldermen, and commonalty of the city of Burlington, with one or more securities, to be approved by the mayor, for the faithful performance of his duties, and he shall receive all moneys arising from or belonging to the consolidated fund created by this act; and all which moneys shall be appropriated by the board of trustees, and shall be drawn for by the president, by order of the board; and a regular account of the money so received, drawn for, and paid shall be kept by the treasurer; and, to enable the town superintendent to perform the duties required of him by the thirteenth section of the act entitled, "Act to establish public schools," he may, at all proper times, have access to such accounts, and, if he shall require it, be furnished with copies of the same.

3. *And be it enacted,* That the town superintendent for the township of Burlington, or whatever person or persons may be hereafter by law appointed to perform like duties, shall pay over to the said treasurer all moneys which shall come into his hand which shall be appropriated to the district composed of the city of Burlington, and such payment shall discharge him from any further liability for said moneys; the superintendent shall advise and consult with the board of trustees and with the teachers of the school in relation to the condition and management of the schools, and see that all teachers employed are licensed according to law, and shall make his report thereof in the manner prescribed, as to other district schools, by the act herein before mentioned.

Moneys to be paid over to treasurer of the board of trustees.

4. *And be it enacted,* That the Union District Trustees shall have power, if they think proper to do so, to require from each pupil in any of the schools (except the lowest grade or primary school, which shall be free,) such tuition fee, not exceeding two dollars per quarter, as they shall deem requisite to sustain the school, as herein provided for.

Fees for tuition may be demanded.

5. *And be it enacted,* That so much of the act entitled, "An act to establish public schools," as is incompatible with this act, be void and of no effect within the district composed of the city of Burlington as aforesaid, but that all other parts of the said act are continued in full force.

Part of former act to be void in said district.

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

Approved February 4, 1848.

AN ACT to incorporate the Commercial Transportation Company.

Names of
corporators.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey,* That William Grant, Samuel S. Stryker, Courtland Yardley, and their associates, proprietors of the line of transportation barges plying through the Delaware and Raritan Canal between Philadelphia and Albany, called "the Commercial Line," be, and they are hereby made and created a body politic and corporate in-law, by the name of "the Commercial Transportation Company," for the purpose of transportation, by land and water, to, from, and between ports and places in this state, and beyond the limits thereof.

Style of in-
corporation.Amount of
capital.

2. *And be it enacted,* That the vessels and other property of said proprietors now belonging to said line, and those now being constructed, shall constitute the capital stock with which said company may commence business; said stock may be divided into shares of five hundred dollars each, which shall be deemed personal property, and be transferable as the by-laws may direct; the company may, from time to time, increase their capital stock to an amount not exceeding in the whole one hundred thousand dollars.

What real
and personal
property
may be held.

3. *And be it enacted,* That, for carrying out the purpose mentioned in the first section, the said company may use the vessels and other property they now have, and may, from time to time, procure and use such additional vessels and such vehicles, motive power, and other personal property, as may be needed for carrying on the transportation business aforesaid; they may also purchase, hold, and convey so much real estate as may be necessary for the proper transaction of their business.

Officers,
how elected.

4. *And be it enacted,* That the business of the company shall be under the control of a board of five directors, who shall be elected by the stockholders at such times and places, and for such terms, as the by-laws may provide; the directors shall elect a president, secretary, and treasurer; all other officers and agents shall be appointed in such manner and for such terms as the by-laws may direct; in all elections and other questions each stockholder shall have one vote for every share of stock belonging to him, which vote may be given in person or by proxy.

Place of bu-
siness.

5. *And be it enacted,* That the office and records of the company shall be kept at the city of Trenton; that the directors shall at all times keep, or cause to be kept, at their office proper books of account, in which shall be entered the trans-

actions of said corporation, which books shall at all times be subject to the inspection of the stockholders of the company; and the president and a majority of the directors thereof, shall at all times be residents of this state.

6. *And be it enacted*, That this act shall have all the powers ^{Conceded powers.} and privileges, and be subject to the restrictions, limitations, and conditions, as are specified and contained in the act entitled, "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six.

Approved February 4, 1848.

A further supplement to the act entitled, "An act to incorporate the New Jersey Railroad and Transportation Company," passed the seventh of March, one thousand eight hundred and thirty-two.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That the capital stock of the New Jersey Railroad and Transportation Company be, and the same is hereby increased five hundred thousand dollars; and the additional capital hereby created shall be part of the capital stock of said corporation, divided into shares of fifty dollars each, held and transferred in the same manner, entitled to the same privileges and benefits, and subject to the same annual tax, as the capital stock created by the act to which this is a supplement is now or may hereafter be subject to. ^{Capital stock increased.}

2. *And be it enacted*, That the said additional stock shall be allotted ratably among the stockholders of said company, in proportion to the number of shares held by them respectively, thirty days prior to the time for subscribing for such new stock; *provided always*, that nothing in this act contained shall be so construed as to extend or enlarge any of the privileges or franchises mentioned in the act to which this is a supplement, except only so as to increase the capital stock of said company to the amount aforesaid. ^{Additional stock to be allotted ratably.}

3. *And be it enacted*, That this act shall not go into effect until the board of directors of the New Jersey Railroad and Transportation Company shall certify their acceptance of the same, as a supplement to and part of the charter of said company, under the hands of the president and secretary, and the ^{Act, when take effect.}

corporate seal of said company, and file the same in the office of the secretary of state, a certified copy of which acceptance the secretary of this state shall cause to be published, in connection with this act, among the laws of this state; which publication shall be deemed competent and plenary evidence of such acceptance.

Approved February 4, 1848.

AN ACT to appoint commissioners to make partition of the real estate of John Bennet, late of Somerset county, deceased.

Preamble.

WHEREAS it has been represented to the legislature, by the petition of Henry Bennet and Marquis Bennet, that John Bennet, by his last will and testament, devised the one half of his real estate, in fee-simple, to his son Henry Bennet, and the possession of the other half to his son Marquis, during his natural life, and after his death to descend to his heirs for ever; and whereas, it has been represented further, that no partition can be made of said real estate, between the said Henry Bennet and Marquis Bennet, that will be permanent and binding upon the heirs of the said Marquis; but, upon his death, his heirs may require and obtain a new and different division of said land, in consequence whereof the said Henry and Marquis are restrained from building and otherwise improving said lands; and whereas it is considered equitable and just, and for the best interest of a persons concerned in said real estate, that the said partition should be permanent and conclusive upon the devisees of the fee-simple—therefore, pursuant to the prayer of the said petition,

Commissioners to divide real estate.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That Caleb C. Brokaw, Henry V. Demott, and Joseph Van Doren be, and they are hereby appointed commissioners to make partition of the real estate of the said John Bennet, deceased, into two equal shares or parts, having due regard to the situation, quantity, quality, and advantages of each part or share, so that they may be equal in value as nearly as may be; and the said commissioners shall make a true field-book, specifying the bounds of each part or share; and when the same shall be made and completed, shall

proceed to assign, by ballot, the said parts or shares to the said Henry Bennet and Marquis Bennet, respectively.

2. *And be it enacted*, That the said partition so to be made by said commissioners, or any two of them, shall be as binding upon the said Henry Bennet and Marquis Bennet, and upon their and each of their heirs, respectively, as if the same had been so expressly declared by the said testator in his said last will and testament; *provided*, that nothing in this act contained shall in any wise affect or alter the rights of the devisees under said will, further than that the said lands, by virtue of the said partition, shall be held in severalty, and not in common, according to their respective estates under said will.

3. *And be it enacted*, That the said commissioners, before they proceed to the execution of the powers vested in them by this act, shall be severally sworn or affirmed, before one of the judges of the court of common pleas of the said county of Somerset; that they will honestly, faithfully, and impartially make the partition intended by this act to the best of their skill, knowledge, and judgment.

4. *And be it enacted*, That the said commissioners shall transmit a copy of this act and their oath or affirmation, and the field-book and their accounts, and all their proceedings, to the judge of the circuit court of said county of Somerset, who, after inspecting the same, shall order the same (excepting the account of expenses) to be recorded in the clerk's office of said county, which shall be good evidence of such partition.

Approved February 4, 1848.

A supplement to "An act to incorporate the Rocky Hill Mining and Manufacturing Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fourth section of the act to which this is a supplement, approved the fourth of March, A. D. eighteen hundred and forty-six, is hereby altered and amended, in such a manner as to authorize the president and directors of said company to issue certificates of stock to the number of ten thousand shares, at twenty-five dollars per share, instead of twenty-five hundred shares, at one hundred dollars per share.

Assessment
to be made
on each
share of
stock.

2. *And be it enacted,* That the president and directors shall be authorized to assess, from time to time, upon each share of the stock of said corporation a sum not exceeding the gross amount of five dollars, in sums not exceeding one dollar at any one time, and at intervals of not less than thirty days, of which assessment at least thirty days' notice shall be given in one newspaper published in the county in which the mine is located, and in at least one newspaper published in the cities of New York and Philadelphia; any stockholder refusing to pay an assessment regularly laid, and of which notice shall have been given as heretofore provided for, shall forfeit to said corporation each and every share of stock upon which such assessments remain unpaid for the period of thirty days after notice shall have been given, in such form as the directors may ordain in the by-laws, to the stockholders that such assessment was due and unpaid.

Approved February 4, 1848.

A supplement to an act entitled, "An act to authorize the inhabitants of the townships of Bedminster and Warren, in the county of Somerset, and of the townships of Randolph, Chester, and Rockaway, in the county of Morris, and of the township of West Windsor, in the county of Mercer, and of the township of Washington, in the county of Bergen, and of the townships of Hope, Hardwick, and Knowlton, in the county of Warren, and of the townships of Dover and Millstone, in the county of Monmouth, to vote by ballot at their town meetings," approved the fourteenth day of March, eighteen hundred and forty-six.

Officers to
be elected by
ballot.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the inhabitants, who are or shall be qualified to vote at town meetings, of the township of Washington, in the county of Bergen, shall have full power, at their annual town meetings, in addition to the officers required to be elected by the act to which this is a supplement, to elect, in the same manner, all such other officers as are authorized to be elected by the "Act incorporating the inhabitants of townships, designating their powers, and regulating their meetings," approved April fourteenth, eighteen hundred and forty-six.

Approved February 4, 1848.

A supplement to an act entitled, "An act for the preservation of sheep," approved the fourteenth day of April, one thousand eight hundred and forty-six.

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

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

Approved February 4, 1848.

A supplement to the act entitled, "An act to incorporate the Washington Mining Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the directors of the Washington Mining Company shall hereafter be annually elected on the first Wednesday in June; that the next election of directors shall be on the first Wednesday in June, in the year of our Lord eighteen hundred and forty-eight; and that the persons constituting the board of directors on the first day of January, in the year of our Lord eighteen hundred and forty-eight, shall hold their offices until the said first Wednesday in June, with all the powers vested in the board of directors by the act to which this is a supplement. Time of annual election

2. *And be it enacted*, That it shall and may be lawful for a majority in interest of the stockholders in said company, at any annual meeting, or at a special meeting called for the purpose, the same notice being given of the time, place, and object of such meeting as is required for the annual meeting, to increase the number of shares to any amount not exceeding ten thousand; *provided*, there shall be no increase of the amount of the capital stock, and that, thereafter, each share shall represent an equal proportionate amount of the capital stock, as it is now fixed by the act to which this is a supplement. Capital may be increased.

3. *And be it enacted*, That so much of an act entitled, "An act to incorporate the Washington Mining Company," as is inconsistent herewith, be, and the same is hereby repealed. Part of former act repealed.

Approved February 4, 1848.

AN ACT to authorize the inhabitants of the township of Plainfield, in the county of Essex, the inhabitants of the township of Vernon, in the county of Sussex, and the inhabitants of the township of Independence, in the county of Warren, to vote by ballot at their town meetings.

Officers to
be elected by
ballot.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the inhabitants of the township of Plainfield, in the county of Essex, the inhabitants of the township of Vernon, in the county of Sussex, and the inhabitants of the township of Independence, in the county of Warren, are, in each of the said townships, hereby authorized and required to elect by ballot, and not otherwise, at their annual town meetings, the following officers, until otherwise required by law, whose qualifications shall be the same as are or may be fixed by law, that is: a township clerk, a judge of election, an assessor, a collector, two chosen freeholders, two surveyors of the highways, three commissioners of appeal, one or two overseers of the poor, as many overseers of the highways and pound-keepers as they may deem necessary and convenient, a town committee consisting of five persons, a town superintendent of common schools, as many justices of the peace as the said inhabitants of townships may be constitutionally entitled to elect, and one or more constables; and shall also, upon the same ballot, vote for the amount of money to be raised for support of the poor, for school purposes, for the repair of the roads, the amount of dog tax, and for places of holding the next annual town meeting, and the election of state and county officers.

Officers of
election.

2. *And be it enacted,* That in each of the said townships the judges of election elected at the last or any future town meeting shall preside at and conduct the election at the next ensuing annual town meeting, and the clerk of the said township shall be clerk thereof; and the officers of said election shall be eligible to any office at said election, except that of justice of the peace.

Elections,
how con-
ducted.

3. *And be it enacted,* That in each of the said townships the election shall open at eight o'clock in the morning, and close at four o'clock in the evening of the same day, and be conducted in the same manner, and be subject to the same rules, as elections for state and county officers are or shall be; and the same duties shall devolve upon the judge of election and the clerk, as are to be performed by the board of election and the clerk in other elections; they shall take the same oath or affirmation, as far as may be applicable, be invested with

the same powers, and be liable to the same penalties, the same qualifications for voters shall be required, and the result ascertained in the same manner, and stated according to law.

4. *And be it enacted*, That in each of the said townships a plurality of votes shall be sufficient to elect any officer, or to fix the place of holding the town meeting or the state and county election, but a majority of the whole number shall be required to determine an amount of money to be raised or specified; and in case there shall be a neglect or failure to elect any officer by the town meeting, or to fix the place of holding the next town meeting or state and county election, or in case of the refusal of any person elected to accept the appointment, or a vacancy occurs from any other cause, or in case two or more persons have an equal number of votes for the same office, or in case a majority shall not vote for the same sum or amount, or for any amount, the town committee shall, at their next meeting thereafter, fill such vacancy, determine upon such place, elect between those having an equal number of votes, and determine the amount or sum to be raised or specified, unless they shall deem a special town meeting for those purposes advisable.

Duties of town committee in cases of vacancy, &c.

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

Clerk to keep book of minutes.

6. *And be it enacted*, That in each of the said townships the reports of the town committee, the overseer or overseers of the poor, and the town superintendent of common schools, shall be filed and preserved by the town committee; in posting up the lists of officers elected, as required by law, the clerk shall add thereto the results of the election in other particulars; the first election under this act shall be held at the place appointed at the last town meeting, and all special town meetings at the place of holding the last preceding annual town meeting; the same ballot box shall be used at the town meeting, and provided by the clerk, which is used at the state and county elections; the judge of election and clerk shall receive the same compensation for attending any town meeting as for attending a state or county election; and the town committee shall allow the clerk such compensation for the additional duties required by this act as they may deem reasonable.

First election, when and where held.

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

Approved February 9, 1848.

AN ACT to incorporate the Odd Fellows Hall Association of Paterson.

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Keenan, Walter E. Stephens, Benjamin White, Andrew Derrom, William Wait, William Bradley, Thomas McNab, Cornelius D. Vreeland, John S. Fayerweather, David J. Board, Cornelius W. Campbell, Josiah P. Huntoon, and their associates and successors, be, and they are hereby incorporated and made a body corporate and politic, in fact and in law, by the name of "the Odd Fellows Hall Association of Paterson," for the purpose of erecting and building a hall in the town of Paterson, and for the transaction of all such business as may be necessarily connected with the erecting, building, conducting, leasing, or otherwise disposing of such hall; and they shall have power to raise, by subscription, a capital not exceeding twenty thousand dollars, in shares of ten dollars each; and, by the same name, shall have power to purchase, have, take, receive, possess, and enjoy all such lands, tenements, property, goods, chattels, and effects, as may be required for the purposes of the said corporation, and the same to grant, bargain, sell, alien, convey, demise, mortgage, charge, encumber, and dispose of at their will and pleasure.

When to
commence
operations.

2. *And be it enacted*, That the said corporation shall not go into operation until five thousand dollars of the capital stock of said corporation shall be subscribed and paid in, and an oath or affirmation thereof shall be made by some one of the associates named in the first section of this act, and filed in the office of the clerk of the county of Passaic.

Stock trans-
ferable.

3. *And be it enacted*, That the capital stock of said corporation shall be deemed personal estate, and shall be transferable upon the books of said corporation; and no part of said stock shall be, at any time or under any pretence, withdrawn or refunded to the stockholders until all debts and liabilities of the corporation are fully paid; and each stockholder, at all elections for managers or directors, shall be entitled to one vote.

for each share of capital stock held by such stockholder, which vote may be given in person or by proxy.

4. *And be it enacted*, That John Keenan, Walter E. Stephens, Benjamin White, Andrew Derrom, William Wait, William Bradley, Thomas McNab, Cornelius D. Vreeland, John S. Fayerweather, David J. Board, Cornelius W. Campbell, and Josiah P. Huntoon, or a majority of them, may open books and take subscriptions for the capital stock, in such manner as they may deem expedient; and whenever such subscriptions amount to five thousand dollars, the stockholders having had two weeks' notice in writing, or in a newspaper published in the town of Paterson, in which said notice shall be specified the time, place, and object of the meeting, shall proceed to elect such directors and officers, and make such by-laws, as they may deem necessary for conducting the affairs of the said corporation; *provided*, such by-laws shall not conflict with the laws of this state or of the United States; and such directors shall hold office until their successors shall be elected; and the remainder of the stock, if any, shall be disposed of by the directors of said corporation, as shall be provided for by the by-laws of said corporation.

Commissioners to open books of subscription.

Proviso.

5. *And be it enacted*, That in the month of May annually, the directors shall submit to the stockholders of said corporation a written statement, under the oaths or affirmations of said directors, of the amount of capital stock paid in, the amount of all existing debts against the corporation, as well as the receipts and credits of said corporation; and no dividend shall be declared or paid to the stockholders, except from the net profits of the said corporation.

Annual statement to be made.

6. *And be it enacted*, That this act shall continue in force thirty years, unless sooner altered, amended, or repealed by the legislature of this state.

Limitation.

Approved February 9, 1848.

A further supplement to the act entitled, "An act to incorporate the Hackensack and Fort Lee Turnpike Company, in the county of Bergen," passed the twenty-third day of January, eighteen hundred and twenty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time in which the president

Time for completion of road extended.

and directors of the Hackensack and Fort Lee Turnpike Company, in the county of Bergen, are required to complete the whole of their road, by the act to which this is a supplement, and by the former supplements thereto, be extended to ten years from and after the passage of this act; and that all requirements and provisos in said act and supplements, whereby said company are required to complete said road before said time herein extended, be, and the same are hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately after the passage thereof.

Approved February 9, 1848.

A supplement to an act entitled, "An act to incorporate the Eagle Life and Health Insurance Company, in the county of Hudson."

Number of
directors.

1. *BE IT ENACTED, by the Senate and General Assembly of the State of New Jersey*, That the stock, property, and affairs of the Eagle Life and Health Insurance Company shall be managed and conducted by seventeen directors, a majority of whom shall be residents of this state.

Married women may ensure.

2. *And be it enacted*, That it shall and may be lawful for any married woman, by herself, and in her name, or in the name of any third person, with his assent, as her trustee, and with the consent of her husband, to cause to be ensured, for her sole use, the life of her husband, for any definite period or for the term of his natural life; and in case of her surviving her husband, the sum or net amount of the insurance becoming due and payable by the terms of this insurance shall be payable to her, to and for her own use, free from the claims of the representatives of her husband, or of any of his creditors; but such exemption shall not apply when the amount of premium annually paid shall exceed three hundred dollars.

In case of death, insurance payable to heirs.

3. *And be it enacted*, That in case of the death of the wife before the decease of the husband, the amount of the insurance may be made payable, after death, to her children, for their use, and to their guardians, if under age.

Approved February 9, 1848.

AN ACT to incorporate the Burlington and Mount Holly Railroad and Transportation Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William R. Allen, Samuel W. Earl, George Gaskill, Thomas Milnor, Thomas Dugdale, Matthew McHenry, John C. Ten Eyck, Thomas R. Lacy, Robert D. Spencer, Daniel Deacon, and Benjamin Ridgeway, and such other persons as may hereafter be associated with them, shall be, and are hereby ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "the Burlington and Mount Holly Railroad and Transportation Company; and, by that name, they and their successors shall and may have continued succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and shall have power to make and use a common seal, and the same at pleasure to alter; and they and their successors, by the same name and style, shall be capable of purchasing, holding, and conveying any real or personal estate necessary or expedient to the objects of this incorporation.

Names of corporators.

Style of incorporation and general powers.

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

Amount of capital stock.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times and place or places, within the county of Burlington, as they or a majority of them may think proper, giving twenty-days' notice of the same in two of the newspapers published in the county of Burlington; and that, at the time of subscribing, ten per cent. shall be paid upon each share subscribed for, to the commissioners, or some one of them; and as soon as one half of the capital stock shall be subscribed, such commissioners shall give like publication for a meeting of the stockholders to choose nine directors, a majority of whom shall be residents of this state; and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the said above named persons, or any three of them, shall be inspectors of the first election of direc-

Commissioners to open books of subscription to capital stock.

Election of directors.

tors of the said incorporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscriptions, books, and money paid in, deducting a reasonable compensation for their own services, to the said directors; and the time and place of holding the first meeting of said directors shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at such meeting, or at the annual election of said corporation, shall, as soon as may be after every election, choose, out of their own number, a president, who shall be a resident of this state; and in case of the death, resignation, or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year in which they may happen by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

Corporation
not dissolved
for failure to
elect on day
prescribed.

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

Duties and
powers of
directors.

5. *And be it enacted*, That five directors of said corporation shall be competent to transact all business of the said corporation; and they shall have power to call in the remaining capital stock of said company, by such instalments and at such times as they may direct, by giving thirty days' previous notice in two of the newspapers of the county of Burlington; *provided*, that no such instalment shall exceed five dollars upon each share, and that no two instalments shall be required within thirty days of each other; and in case of the non-payment of said instalments, or any one of them, they shall have power to forfeit such share or shares upon which such defaults shall arise to and for the use of the said company, and to make and prescribe such by-laws, rules, and regulations, not inconsistent with the constitution or laws of this state or of the United States, as to them shall appear needful and proper for the management and regulation of the affairs, stock, property, estate, and effects of the said corporation, and also shall have power to appoint a secretary, a treasurer, and so many clerks, agents, superintendents, and workmen, as to them shall seem meet, and the same at pleasure to remove, and to establish and

fix such salaries to them, and also to the president, as to the said directors shall seem proper.

6. *And be it enacted*, That the president and directors of the said company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct a railroad from some suitable point on the river Delaware, within the city of Burlington, to some point in the town of Mount Holly, not exceeding seventy-five feet wide, with as many sets of tracks and rails as they deem necessary; and it shall be lawful for the said president and directors, their agents, engineers, superintendents, or others in their employ, to enter at all times upon all lands or water, for the purpose of exploring, surveying, levelling, or laying out the route of such railroad, and of locating the same, and to do and erect all necessary works, buildings, and appendages thereof, doing no unnecessary injury to private or other property; and when the route of such road shall have been determined upon, and a survey of such route deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy, and excavate any such lands, and to erect embankments, bridges, and all other works necessary to lay rails, and to do all other things which shall be suitable or necessary for the completion or repair of the said road, subject to such compensation as is herein after provided; *provided always*, that the payment, or tender of the payment, of all damages for the occupancy of lands through which the said railroad may be laid out, be made before the said company, or any person under their direction or in their employ, shall enter upon or break ground in the premises, except for the purpose of surveying or laying out said road, unless the consent of the owner or owners of such lands be first had and obtained.

Company authorized to construct railroad.

Directors, &c., may enter upon lands.

7. *And be it enacted*, That if the said company or its agents cannot agree with the owner or owners of such required lands, for the use or purchase thereof, or if, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land so required for the use of the said company in the construction of said road shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the judges of the inferior court of common pleas of the said county, who shall cause the said company to give notice thereof to the persons interested,

Proceedings in case company and owners of land cannot agree.

if known and in this state, or if unknown or out of this state, to make publication thereof, as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of the commissioners herein after named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial, and judicious freeholders, resident in the county of Burlington, commissioners to examine and appraise the said lands and to assess the damages, upon such notice, not less than twenty days, to be given to the persons interested, as shall be directed by the judge making such appointment; and it shall be the duty of the said commissioners, (having first taken an oath or affirmation, before some person duly authorized to administer the same, faithfully and impartially to examine the matter in question, and make a true report, according to the best of their skill and understanding,) to meet at the time and place appointed, and proceed to view and examine the said lands, and to make a just and equitable estimate or appraisal of the value of the same, and assessment of damages, which shall be paid by the company for such land and damages aforesaid; the said commissioners are also directed and required to assess the damages which any individual or individuals may sustain by the said road, arising from the removing, making, and maintaining the fencing on the line of the route of said road, through any improved lands over which the same may run; which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land and the appointment and oaths and affirmations aforesaid, in the clerk's office of said county, to remain of record therein; which report, or a copy thereof, certified by the clerk of the said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess, and enjoy the said land, or of the said owner or owners to recover the amount of said valuation, with interest and costs, in action of debt, in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall from time to time constitute a lien upon the property of the company, in the nature of a mortgage; and either of the judges of the said court shall, on application of either party, and on reasonable notice to the others, tax and allow such costs, fees, and expenses, to the judges of said court, commissioners, clerks, and other persons performing any of the duties prescribed in this section of the act, as he shall think equitable and right, and to order and direct to whom the same shall be paid by the said company.

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

Parties dissatisfied may have trial by jury.

9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over or under the said railroad, where any public or other road shall cross the same, so that the passage of carriages, horses, and cattle on the said road shall not be impeded thereby; and also, where the said road shall intersect any farm or lands of any individual, to provide and keep in repair suitable and convenient wagon ways over or under said railroad, so that they may be passable.

Company to make and repair bridges.

10. *And be it enacted*, That the president and directors of the said company shall have power to have constructed, or to purchase with the funds of the company, and to place on the said railroad, all machinery, engines, cars, wagons, carriages, or vehicles for the transportation of persons, or any species of property, as they may think reasonable, expedient, or right; and they are hereby authorized to demand and receive such sum or sums of money for the transportation of persons, and every species of property whatsoever thereon, as they from time to time shall think reasonable and proper; *provided*, that

Rates for transportation of passengers and property.

they shall not charge more than at the rate of five cents per mile for carrying each passenger, nor more than ten cents per ton per mile for the transportation of every species of property on said road in the carriages of the said company, or three cents per mile per ton for property, or three cents per mile for each passenger carried on said road in the carriages of others, and three cents per mile for each empty carriage; and that the road authorized by this act shall be, and is hereby declared a public highway, and free for the passage of any railroad carriage thereon with passengers or property, upon payment of the tolls prescribed by this act; *provided always*, that the said carriages so used thereon shall be of the same description, in the formation of the wheels and length of axle, as those used by the company, and shall be regulated, as to the time of starting and rates of travelling, by the company in the same manner as the carriages of the company are; and the said railroad and its appendages, and the land over which the same shall pass, and all the works and improvements, and all other property whatsoever belonging to the company, are hereby vested in the said company and their successors for and during the continuance of the charter; *provided always*, that in case the said company, after the same is completed, shall abandon the said road, or cease to use and keep the same in repair, at any time for three successive years, that then and in that case this charter shall be annulled, and the title to the lands over which the said road shall pass shall be re-vested in the person or persons from whom the lands were taken by concession or by inquisition as aforesaid; but that the superstructure of the said railroad, and the materials of which the same is composed, shall in such case be deemed and taken to be the personal property of the said company, and shall be by the said company removed and disposed of to and for the use of the said incorporation.

Semi-annual
dividend to
be made.

11. *And be it enacted*, That the president and directors shall, within one year after the said railroad shall have been completed, declare and make such dividend of the net profits thereof, and shall in like manner semi-annually thereafter declare such dividends, and pay the same to the stockholders of the said company, or to their legal representatives, in proportion to the number of shares held by them respectively, as they may deem prudent and proper.

What real
estate com-
pany may
hold.

12. *And be it enacted*, That the said company may have and hold real estate, at or near the commencement and termination of the said road, not exceeding three acres at each place; and may erect and build thereon houses, warehouses, and such other buildings and improvements as they may deem expedient for the safety of their property and other necessary uses appertaining to their business.

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

14. *And be it enacted*, That as soon as the said railroad, with its appendages, shall be finished, so as to be used, the president of the said company shall file, under oath or affirmation, a statement of the amount of the cost of said road, including all expenses, in the office of the secretary of state, and annually thereafter he shall, under oath or affirmation, make a statement to the legislature of this state of the proceeds of said road; and whenever the net proceeds of said road shall amount to six per centum per annum upon its cost, the said corporation shall pay to the treasurer of this state a tax of one half of one per centum on the cost of said road, to be paid annually, on the first Monday in January in each year; *provided*, that no other tax or impost for the use of this state shall be levied or assessed upon the said company. Statement of cost to be filed.

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

vided, that the said valuation shall in no case exceed the first cost of said road, with the appendages thereof.

Road, when
to be com-
menced and
completed.

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

Public act.

17. *And be it enacted*, That this act shall be deemed and taken as a public act, and shall at all times be recognized as such in all courts and places whatsoever.

Capital not
to be em-
ployed in
banking.

18. *And be it enacted*, That no part of the capital stock or moneys of the company shall be used for banking or other purposes not plainly indicated in this act, under penalty of forfeiting this charter; and that it may be lawful for the legislature at any time hereafter to alter, modify, or amend the same, whenever the public good shall require it.

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

Approved February 11, 1848.

AN ACT to incorporate the Red Bank Association and Ferry Company.

Names of
corporators.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That John C. Smallwood, Joseph W. Reeves, Benjamin C. Tatem, Charles Whitall, William C. Bridges, George R. Graham, and A. H. Simmons, and such other persons as they may associate with them, their successors and assigns, be, and they are hereby created and made a body politic and corporate in law, by the name of "the Red Bank Association and Ferry Company," for the reception and transhipment of coal, and the establishment of a line or lines of steam vessels for the conveyance of passengers, cattle, and all other kinds of live stock, wagons or other vehicles, merchandise, and all other kinds of articles of produce, to and from the New Jersey shore, at or about Red Bank, in Gloucester county, on said shore, to League island, opposite, or the city of Philadelphia, or any point between League Island and the city of Philadelphia.

Objects of
incorpora-
tion.

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of the said company shall not exceed one hundred thousand dollars, to be subscribed for in shares of fifty dollars each, which shall be

deemed personal property, and be transferable as the by-laws may direct.

3. *And be it enacted*, That the business of the company shall be under the control of a board of seven directors, who shall be elected by the stockholders, at such times and places, and for such terms, as the by-laws may provide; the directors shall elect a president, secretary, and treasurer; all other officers and agents shall be appointed in such manner and for such terms as the by-laws may direct; in all elections and other questions, each stockholder shall have one vote for every share of stock belonging to him, which vote may be given in person or by proxy. Directors to elect officers.

4. *And be it enacted*, That as soon as twenty dollars on each share subscribed of the capital stock of said company shall have been paid in, and an affidavit thereof shall be made by some one of the associates named in the first section of this act, and filed in the office of the clerk of the county of Gloucester, it shall be lawful for the said corporation to go into operation. When company can commence business.

5. *And be it enacted*, That John C. Smallwood, Joseph W. Reeves, Benjamin C. Tatem, Charles Whitall, William C. Bridges, George R. Graham, and A. H. Simmons, or a majority of them, may open books and take subscriptions for the capital stock, in such manner as they may deem expedient; and whenever such subscriptions amount to twenty-five thousand dollars, the stockholders, having had two weeks' notice in writing, or in a newspaper published in the county of Gloucester, in which said notice shall be specified the time, place, and object of the meeting, shall proceed to elect such directors and officers, and make such by-laws, as they may deem necessary for conducting the affairs of the said corporation; and such directors and officers shall hold office until their successors shall be elected; and the remainder of the stock, if any, shall be disposed of by the directors of said corporation in such manner as shall be provided for by the by-laws of said corporation. Commissioners to open books of subscription.

6. *And be it enacted*, That the company shall be empowered to build wharves and such appurtenances as shall be necessary for the reception of coal and other merchandise, and for the sale and transhipment thereof, together with such buildings as may be required for the transaction of the business appertaining thereto; *provided*, the right of navigation shall not be affected thereby. Company to build wharves, &c.

7. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, proper books of account, in which shall be regularly entered all the transactions and business of Books of account to be kept.

said corporation; which book shall, at all times during business hours, be open to the inspection of the stockholders of the said company.

Place of
business.

8. *And be it enacted*, That the office and records of the company shall be kept at Red Bank, and the president and a majority of the directors thereof shall, at all times, be residents of this state.

Limitation.

9. *And be it enacted*, That this act shall have all the powers and privileges, and be subject to the restrictions, limitations, and conditions, as are specified and contained in the act entitled, "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six.

Approved February 11, 1848.

AN ACT to renew the charter of the Belvidere Bank, and increase the capital thereof.

Charter ex-
tended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled, "An act to incorporate the Belvidere Bank," passed February thirteenth, in the year of our Lord one thousand eight hundred and thirty, and the supplements thereto, be, and the same are hereby continued and extended for and during the term of twenty years from and after the time by the said act limited for its continuance, except that the president of said bank shall, at all times hereafter, be a resident of the county of Warren, in the state of New Jersey; and the provisions of this act, so far as relates to the continuance of the charter, shall take effect immediately upon the expiration of the term, in and by the said act entitled, "An act to incorporate the Belvidere Bank," limited for the continuance thereof.

Capital stock
may be in-
creased.

2. *And be it enacted*, That if the stockholders of said company shall, at any time hereafter, deem it expedient, it shall be lawful for them to increase the amount of their capital stock to two hundred thousand dollars, in the same manner and under the same provisions as are directed in the original act, and the supplements thereto.

Approved February 11, 1848.

A further supplement to the act entitled, "An act to incorporate the city of Newark."

1. *BE IT ENACTED by the Senate and General Assembly of* ^{Boundaries.} *the State of New Jersey,* That all that part of the city of Newark, beginning at the Passaic river, at the middle of the present outlet of the Morris canal; thence extending along the said river and Newark bay, the several courses thereof, to the division line between the city of Newark and the township of Elizabeth; thence westwardly, along the said division line, to the middle of the Essex and Middlesex turnpike road; thence northeasterly, along the middle of said turnpike road, until it intersects the New Jersey Railroad avenue; thence eastwardly, along the middle of said avenue, the whole length thereof; thence from the eastwardly termination of said avenue, along the middle of Market street, until it intersects River street; thence in a straight line to the place of beginning, at the Passaic river, shall be, and the same is hereby erected into and constituted a new ward, to be called the Fifth Ward of the said city.

2. *And be it enacted,* That the inhabitants of the said ward, by ^{Rights and privileges of ward.} this act created, shall be vested with and entitled to all the rights, powers, authorities, privileges, and advantages, and subject to the same regulations, government, and liabilities, to which the inhabitants, respectively, of the other wards of the said city are or may be entitled or subject.

3. *And be it enacted,* That an election by ballot shall be ^{Time and mode of annual elections.} held in the ward hereby constituted, on the second Monday in April next, and on the second Monday in April in every year thereafter, at such place as the common council shall appoint, of which the common council shall cause public notice to be given and published, as prescribed in the fifth section of the act to which this is a supplement; at which election four aldermen, (except as is herein after provided) one assessor, one collector, one judge of elections, one commissioner of appeal in school cases of taxation, one person to be clerk of the ward, two committeemen, and three constables, shall be chosen in the ward hereby created, from among the citizens residing therein, and entitled to vote at such elections; and the common council shall appoint a judge and two inspectors of election, and one person to be a clerk of such board of election, under whose direction the first election in said ward, on the second Monday in April next, shall be held; and the said election shall be conducted in the same manner and be subject to the same rules as are prescribed with respect to the elections in the wards of the said city heretofore constituted; and the provisions of the tenth

section of the act to which this is a supplement, shall apply and be extended to the judges and clerk of the board, for the first election to be held under this act; and the person appointed clerk of such board shall procure an election box for said ward, in like manner as therein prescribed.

Aldermen,
how elected.

4. *And be it enacted*, That at the first, or a subsequent meeting of the common council, after the election to be held on the second Monday in April next, the members elected for the ward hereby created shall be divided into two equal classes, one of which shall go out of office at the expiration of the first year, and the other at the expiration of the second year; and that on the second Monday in April, of the year eighteen hundred and forty-nine, and every year thereafter, the ward hereby constituted shall elect two persons as aldermen of said ward, who shall hold such office for two years; and in case of the death, resignation, or other disability of any alderman for said ward, a person shall be duly elected to fill the vacancy, who shall hold for the unexpired term only.

Special po-
lice justices.

5. *And be it enacted*, That there shall be in the ward hereby created two special police justices, who shall be appointed by the Senate and General Assembly in joint meeting, and shall hold their offices for the like term, and have the like powers and authority, as the other special police justices in and for said city.

Part of for-
mer act re-
pealed.

6. *And be it enacted*, That so much of the third section of the act to which this is a supplement, as limits the number of aldermen in and for said city to sixteen, the number of assessors and of collectors, respectively, to four, and of constables to twelve, and so much of said act, or of any supplement thereto, as is inconsistent with the provisions of this act, be, and the same are hereby repealed.

Act, when to
take effect.

7. *And be it enacted*, That this act shall take effect on the second Monday of April next, except so far as the provisions of this act provide for or imply an earlier period for the performance of any acts or duties by this required or enjoined; and it shall be lawful for the joint meeting, at any time before said second Monday of April, to appoint two special police justices in said ward, who shall enter on the duties of their office on the second Monday in April next; and the common council of the city of Newark shall, before that period, take such proceedings as are hereby set forth and enjoined for the purpose of the organization of the said ward and the due conducting of the first election under this act; and the clerk of the board for such election shall also provide in due season, before the said second Monday in April, a proper election box for the use of the ward, as is herein before enjoined.

Approved February 11, 1848.

AN ACT to incorporate the Mount Holly and Camden Railroad Company.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That John Black, George Haywood, John R. Slack, Abraham Browning, Lewis R. Ashurst, Richard Feters, Amos Stiles, Benjamin H. Lippincott, Samuel Shreve, Samuel N. Haines, Joseph W. Cooper, Samuel F. Levis, Richard C. Shreve, John L. N. Stratton, James S. Hulme, and such other persons as may hereafter be associated with them, shall be, and are hereby ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "the Mount Holly and Camden Railroad Company;" and, by that name, they and their successors shall and may have continued succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and shall have power to make and use a common seal, and the same at pleasure to alter; and they and their successors, by the same name and style, shall be capable of purchasing, receiving, holding, and conveying any real and personal estate necessary or expedient to the objects of this incorporation.

Names of
corporators.

Style of in-
corporation
and general
powers.

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

Amount of
capital.

3. *And be it enacted*, That the above named persons shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times, and place or places, as they, or a majority of them, may think proper, and keep the same open at least one day in each place, giving twenty days' notice of the same in two of the newspapers published in the county of Burlington, two in the city of Camden, and one in the city of Philadelphia; and that at the time of subscribing ten per centum shall be paid upon each share subscribed for, to the commissioners, or some one of them; and as soon as two-thirds of the capital stock shall be subscribed, such commissioners shall give like publication for a meeting of the stockholders to choose nine directors, a majority of whom shall be residents of this state; and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock enti-

Commission-
ers to open
books of sub-
scription.

giving the holder thereof to one vote ; and the said above named persons, or any three of them, shall be inspectors of the first election of directors of the said incorporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books and money paid in, deducting a reasonable compensation for their own services, to the said directors ; and that annually thereafter, upon like notice being given by the directors for the time being, the stockholders shall, in the same manner, elect the same number of directors ; and the time and place of holding the first meeting of said directors shall be fixed by the said persons named in the first section of this act, or a majority of them, and the directors chosen at such meeting, or at the annual election of said corporation, shall, as soon as may be after every election, choose out of their own number a president, who shall be a resident of this state ; and in case of the death, resignation, or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen by the said board of directors, or a majority of them ; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

Corporation
not to be dis-
solved for
failure to
elect on day
prescribed.

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

Duties and
powers of
directors.

5. *And be it enacted*, That five directors of said corporation shall be competent to transact all business of the said corporation ; and they shall have power to call in the remaining capital stock of said company, by such instalments and at such time as they may direct, by giving thirty days' public notice in one or more newspapers published in Mount Holly and Camden ; *provided*, that no such instalment shall exceed five dollars on each share, and that no two instalments shall be required within thirty days of each other ; and in case of the nonpayment of said instalments, or any one of them, they shall have power to forfeit such share or shares upon which such default shall arise to and for the use of the said company ; and to make and prescribe such by-laws, rules, and regulations, not inconsistent with the laws of the United States or of this state, as to them shall appear needful and proper for the management and regulation of the stock, property, estate, and effects of the said corporation ; and, also, shall have power to ap-

point a secretary, a treasurer, an engineer, and so many clerks, agents, superintendents, and workmen, as to them shall seem meet; and the same at pleasure to remove, and to establish and fix such salaries to them, and also to the president, as to the said directors shall seem proper.

6. *And be it enacted*, That the president and directors of the said company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct a railroad, from some suitable point in or near the town of Mount Holly, to pass on a line, as direct as the nature of the country will admit, through or near the village of Moorestown, to some point on the Delaware river within the limits of the city of Camden, not exceeding sixty-six feet wide, with as many sets of tracks or rails as they may deem necessary; and it shall be lawful for the said president and directors, their agents, engineers, superintendents, or others in their employ, to enter at all times upon all lands or water, for the purpose of exploring, surveying, levelling, or laying out the route of such railroad, and of locating the same, and to do and erect all necessary works, buildings, and appendages thereof, doing no unnecessary injury to private or other property; and when the route of such road shall have been determined upon, and a survey of such route deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy, and excavate any such lands, and to erect embankments, bridges, and all other works necessary to lay rails, and do all other things which shall be suitable or necessary for the completion or repair of the said road, subject to such compensation as is herein after provided; *provided always*, that the payment, or tender of the payment, of all damages for the occupancy of lands through which the said railroad may be laid out, be made before the said company, or any person under their direction or in their employ, shall enter upon or break ground in the premises, except for the purpose of surveying or laying out said road, unless the consent of the owner or owners of such lands be first had and obtained.

7. *And be it enacted*. That if the said company or its agents cannot agree with the owner or owners of such required lands, for the use or purchase thereof, or if, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land so required for the use of the said company, in the construction of the said railroad, shall be given in writing under the oath or affirmation of some engineer or proper agent of the company,

and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the judges of the inferior court of common pleas of the county where the lands may be situated, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or, if unknown or out of this state, to make publication thereof, as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of the commissioners herein after named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial, and judicious freeholders, resident in the county where the lands may be situated, commissioners to examine and appraise the said land and to assess the damages, upon such notice, not less than twenty days, to be given to the persons interested as shall be directed by the judge making such appointments; and it shall be the duty of the said commissioners (having first taken and subscribed an oath or affirmation, before some person duly authorized to administer the same, faithfully and impartially to examine the matter in question, and to make a true report according to the best of their skill and understanding,) to meet at the time and place appointed, and proceed to view and examine the said lands, and to make a just and equitable estimate or appraisal of the value of the same, and assessment of damages, which shall be paid by the company, for such land and damages aforesaid; the said commissioners are also directed and required to assess the damages which any individual or individuals may sustain by the said road, arising from the removing, making, and maintaining the fencing on the line of the route of the said road, through any improved lands over which the same may run; which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county where such land is situated, to remain of record therein; which report, or a copy thereof, certified by the clerk of the said county, shall, at all times, be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess, and enjoy the said land, or of the said owner or owners to recover the amount of said valuation, with interest and costs, in action of debt, in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall from time to time constitute a lien upon the property of the company, in the nature of a mortgage; and either of the judges of the said inferior court of common

pleas shall on application of either party, and on reasonable notice to the others, tax and allow such costs, fees, and expenses to the judges of the said court, commissioners, clerks, and other persons performing any of the duties prescribed in this section of the act, as he shall think equitable and right, and to order and direct by whom the same shall be paid, under the circumstances of the case.

8. *And be it enacted*, That in case the said company, or owner or owners of the said land, shall be dissatisfied with the report of the commissioners named in the preceding section, the party so aggrieved may appeal to the judges of the inferior court of common pleas of the county, at the first or second term after the filing of the said report, by proceeding in the form of petition to the said court; which proceeding shall vest in the said court of common pleas full right and power to hear and adjudge the same, and thereupon to direct a proper issue for the trial of the said controversy to be formed between the said parties, and to order a jury to be struck, and a view of the premises to be had, and the said issue to be tried at the next term of the said court to be holden in the county where such land may be situated, upon the like notice, and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land and damage sustained, and if they shall find a greater sum than the said commissioners shall have awarded in favour of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the owner or owners, and shall find the same or a less sum than the company shall have offered, or the said commissioners awarded, then the said costs to be paid by the said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the said court shall direct; but such application shall not prevent the company from taking the said land upon filing the aforesaid report.

Parties dissatisfied may have trial by jury.

9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges over or under the said railroad, where any public or other road shall cross the same, so that the passage of carriages, horses, and cattle on the said road shall not be impeded thereby; and, also, where the said road shall intersect any farm or lands of any individual, to provide and keep in repair suitable and convenient wagon ways over or under said road, so that the way be passable; and that it shall be lawful for said company to construct the said railroad across any navigable waters within the line of said road, and they shall be at liberty to erect and build bridges over the same;

Company to make and repair bridges.

so as not to obstruct the free passage of such boats and vessels as usually navigate the same; and further, if the said company shall build a bridge over the Rancocas creek, they shall put a draw in it of at least thirty-two feet wide in the narrowest part, and to be placed in a line with the courses of the creek, over the best channel of the stream, in such a position as to do the least injury to the navigation thereof, and shall at all times during the night time, from dark until daylight, keep a constant light at such bridge, and keep a suitable person to attend to the said draw, to hoist and lower the same for the free passage of all vessels with standing masts; and for each and every neglect to light the said lamp or lamps for one night, and to open the said draw, the directors of the said company shall forfeit and pay the sum of ten dollars, to be recovered, with costs, in any court having jurisdiction thereof, by any person who shall sue for the same within six months after the time of such neglect.

Rates for transportation of persons and property.

10. *And be it enacted*, That the president and directors of said company shall have power to have constructed, or to purchase with the funds of the company, and to place on the said railroad, all machines, engines, wagons, cars, carriages, or vehicles, for the transportation of persons or any species of property, as they may think reasonable, expedient, or right; and they are hereby authorized to demand and receive such sum or sums of money for the transportation of persons and every species of property whatsoever thereon, as they from time to time shall think reasonable and proper; *provided*, that they shall not charge more than at the rate of five cents per mile for the carrying of each passenger, nor more than ten cents per ton per mile for the transportation of every species of property, on said road, in the carriages of the said company, or three cents per mile per ton for property, or three cents per mile for each passenger, carried on said road in the carriages of others, and three cents per mile for each empty carriage; and that the road authorized by this act shall be, and is hereby declared a public highway, and free for the passage of any railroad carriage thereon, with passengers or property, upon payment of the tolls prescribed by this act; *provided always*, that the said carriages so used thereon shall be of the same description, in the formation of the wheels and length of axle, as those used by the company; and shall be regulated, as to the time of starting and rates of travelling, by the company, in the same manner as the carriages of the company are; and the said railroad and its appendages, and the land over which the same shall pass, and all the works and improvements, and all other property whatsoever belonging to the company, are hereby vested in the said company and their successors, for

and during the continuance of the charter; *provided always*, that in case the said company, after the same is completed, shall abandon the said road, or cease to use and keep the same in repair, at any time, for five successive years, that then and in that case this charter shall be annulled, and the title to the lands over which the said road shall pass shall be re-vested in the person or persons from whom the lands were taken by concession or by inquisition as aforesaid.

11. *And be it enacted*, That the president and directors shall, within one year after the said railroad shall have been completed, declare and make such dividend of the net profits thereof, as they may think proper; and shall in like manner, semi-annually thereafter, declare such dividends, and pay the same to the stockholders of the said company, or to their legal representatives, in proportion to the number of shares held by them, respectively, as they may deem prudent and proper.

Semi-annual dividends to be made.

12. *And be it enacted*, That the said company may have and hold real estate at or near the commencement and termination of the said road, or at any other point on the line of the said road where the directors may think proper to establish a depot, not exceeding two acres at each place, and may erect and build thereon houses, warehouses, and such other buildings and improvements as they may deem expedient for the safety of their property and other necessary uses appertaining to their business.

What real estate company may hold.

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

Penalty for injuring works.

14. *And be it enacted*, That as soon as the said railroad, with its appendages, shall be finished, so as to be used, the president of the said company shall file, under oath or affirmation, a statement of the amount of the cost of said road, including all expenses, in the office of the secretary of state, and annually thereafter he shall, under oath or affirmation, make a statement to the legislature of this state of the proceeds of said road; and whenever, after the net proceeds of said road shall amount to six per centum per annum upon its cost, the said corporation shall pay to the treasurer of this state a tax of one half of one per centum on the cost of said road, to be paid annually on the first Monday in January, in each year; *provided*, that no other tax or impost shall be levied or assessed upon the said company for the use of this state.

Statement of cost to be filed.

Time for
completion
of road.

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

Capital not
to be em-
ployed in
banking.

16. *And be it enacted*, That no part of the capital stock or moneys of the company incorporated by this act shall be used or employed by said company for banking or any other purposes not clearly indicated by the provisions of this act, under penalty of forfeiting their charter; and that it may be lawful for the legislature, at any time hereafter, to alter, modify, or amend this charter, whenever, in their opinion, the public good shall require it; and that this act shall be deemed and taken as a public act, and shall at all times be recognized as such in all courts and places whatsoever.

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

Approved February 11, 1848.

AN ACT to vest in the United States jurisdiction over the island called Tuckers, or Short Beach.

Jurisdiction
in certain
lands vested
in U. States.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the jurisdiction in and over all that portion of the island called and known as Tuckers, or Short Beach, in the county of Burlington, which is now owned, or may hereafter be owned, by the United States, be, and the same is hereby ceded to the United States, for military and public purposes; and the United States shall retain such jurisdiction, so long as the said portion or tract shall be applied to the military or public purposes of United States, and no longer.

Execution of
process, &c.,
not to be
prevented.

2. *And be it enacted*, That the jurisdiction ceded in the first section of this act, shall not prevent the execution on the said tract of land of any process, civil or criminal, under the authority of this state, except so far forth as such process may affect any of the real or personal property of the United States within said district; nor shall it prevent the operation of the public laws of this state within the bounds of the said tract, so far as the same may not be incompatible with the free use and enjoyment of the said premises by the United States, for the purposes above specified.

3. *And be it enacted*, That all the said lands, with the tenements, shall be and remain exempted from all taxes, assessments, and other charges which may be imposed under the authority of this state, so long as the same shall continue the property of the United States, and be used for the purposes expressed in this act. Lands to be exempt from taxes.

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

Approved February 15, 1848.

A supplement to the act entitled, "An act declaring when the death of persons absenting themselves may be presumed."

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case the heirs or devisees of any person, who is or may be presumed to be dead, pursuant to the provisions of the act to which this is a supplement, shall desire to sell any land or real estate to which said person would be entitled, if living, it shall be lawful for said heirs or devisees to present a petition to the court of chancery; and thereupon the said court, upon being satisfied of the truth of the facts, that it will be just and equitable, and upon proper security being given, by bond, to the state of New Jersey, for double the value of said land or real estate, that the proceeds of the sale shall be paid on demand, with interest, to the said person presumed to be dead, or to his or her lawful issue, in case he, she, or they shall appear and claim the same, to order the said land or real estate to be sold, as the court may deem advisable; and that the said person so presumed to be dead, and his or her lawful issue, if he, she, or they shall prove to be living, shall be for ever thereafter barred from any claim or title to said land or real estate, and entitled only to the proceeds thereof; and in such case the purchaser shall hold and be seized of as good and perfect estate in the said land or real estate, as if the said person presumed to be dead had conveyed the same. Proceedings in case of supposed death.

Approved February 15, 1848.

AN ACT to confirm certain acknowledgments of deeds and other instruments, taken by Samuel Cooley, esquire.

Preamble. WHEREAS it appears to the legislature of this state, that Samuel Cooley, esquire, was duly appointed and commissioned one of the judges of the inferior court of common pleas in and for the county of Hunterdon, on the twenty-eighth day of October, eighteen hundred and forty-two, for the term of five years, which said commission expired on the twenty-eighth day of October, eighteen hundred and forty-seven; and whereas, the said Samuel Cooley, esquire, did, under a misapprehension of the continuance of the said commission, continue to take and certify acknowledgments, as he had been authorized to do by virtue of the said commission as judge, until the twenty-ninth day of December last past—therefore,

Certain acknowledgments by S. Cooley declared valid.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the several acknowledgments of deeds and other instruments, taken and certified by Samuel Cooley, esquire, as one of the judges of the inferior court of common pleas of the county of Hunterdon, between the twenty-eighth day of October, eighteen hundred and forty-seven, and the twenty-ninth day of December, of the same year, be, and the same are hereby confirmed and declared valid and effectual, in like manner as though the same had been taken and certified by the said Samuel Cooley, esquire, during the continuance of his said commission as judge.

Approved February 15, 1848.

A supplement to the act entitled, "An act respecting public schools in the township of Bridgeton, in the county of Cumberland," approved February nineteenth, eighteen hundred and forty-seven.

Powers of superintendents, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the superintendents of the townships of Deerfield and Bridgeton, with the consent of a majority of the trustees of the first school district, established by the act to which this is a supplement, shall have power to annex such part or parts of the adjacent township of Deerfield to the said first district, as they shall think proper.

2. *And be it enacted*, That the taxable inhabitants of the said first district in the township of Bridgeton, at the next election of trustees, may elect six trustees for said district; which said trustees, at their next meeting thereafter, shall arrange themselves by lot into three classes, one class to hold their offices for one year, one class for two years, and one class for three years; and afterwards two trustees shall be annually elected by said taxable inhabitants, to hold their offices for three years; and in case of any vacancy, the same shall be filled by the election of a trustee to hold for the unexpired term; *provided*, that the board of trustees may fill a vacancy by electing a trustee to hold his office, until the next annual election after such vacancy occurs. Trustees,
how elected.

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

Approved February 15, 1848.

AN ACT relative to land devised by Joseph Doron, deceased, to his son Charles Doron.

WHEREAS Joseph Doron, late of the county of Gloucester, deceased, did, in and by his last will, devise certain land and real estate to his son Charles Doron, which said Charles had, before the death of his father, absented himself from this state for more than seven years, successively, and is presumed to be dead; and the heirs of the said Joseph Doron and of the said Charles Doron are desirous of selling the said land and real estate, but by reason of the possibility that the said Charles Doron may prove to be alive, or to have left lawful issue, who may return and claim the same, and thus defeat and annul the sale, they cannot obtain a fair price therefor; and the said heirs are willing to secure to the said Charles Doron or his lawful issue, in case they shall return, the full value of said premises—therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case the heirs of the said Joseph Doron, or their lawful assignees, shall sell and convey any land or real estate which was, by the will of said Joseph Doron, devised to his son Charles Doron, for a fair price to them paid or secured, the purchaser or purchasers thereof, to whom the same shall be conveyed by the said heirs or their Heirs of Joseph Doron
to make conveyances.

Proviso.

assignees, shall hold and be seized thereof, of as good and perfect an estate therein, as if the said Charles Doron was living, and had conveyed the same to said purchasers, his or their heirs and assigns; *provided*, that before any conveyance shall be delivered to said purchasers by said heirs or their assignees, they, the said heirs or assignees, shall severally make and deliver to the surrogate of the county of Gloucester bonds to the state of New Jersey, with sufficient sureties, to be approved by the said surrogate, in double the amount of each heir's share of said land and real estate so sold, with condition that in case the said Charles Doron, or his legal issue, shall at any time hereafter appear and claim the money for which said land and real estate was sold, the said heirs or assignees, his, her, or their executors or administrators, shall forthwith pay the same, with legal interest, to the said Charles Doron, or his said issue; and the said surrogate shall endorse on the conveyance or conveyances a certificate, by him signed, setting forth that the said bonds had been duly made, and by him filed in his office pursuant to this act.

Surrogate of Gloucester to deliver bond on demand.

2. *And be it enacted*, That it shall be the duty of the surrogate of the county of Gloucester for the time being to deliver the said bonds to the said Charles Doron, or his lawful issue, in case he or they shall at any time demand the same; and the said Charles Doron, or his lawful issue, may prosecute the same, in the name of the state, at his or their risk and expense, for his and their benefit.

Approved February 15, 1848.

A supplement to "An act relative to insurance companies," approved April fifteenth, eighteen hundred and forty-six.

What companies are taxable.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the tax imposed on the agents of foreign insurance companies, by the act to which this is a supplement, shall only be imposed on the agents of insurance companies chartered by states whose laws impose a tax on the agents of companies chartered by the laws of the state of New Jersey.

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

Approved February 15, 1848.

AN ACT to prevent the exercise of banking powers by the New Hope Delaware Bridge Company.

WHEREAS the New Hope Delaware Bridge Company have, in the exercise of banking powers assumed by them, failed several times to redeem the bank notes issued by said company, whereby loss has resulted to the citizens of this and other states, and discredit and doubt have been thrown upon the banks of this state; and whereas the said company have at different times, in direct violation of their charter, borrowed money, upon which to carry on banking operations, and have in many instances otherwise departed from the true and legitimate construction of their act of incorporation—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the New Hope Delaware Bridge Company be, and is hereby restrained from hereafter issuing, or causing to be issued, and that it shall not be lawful for said company to issue, or cause to be issued, any bank note or other evidence of debt to be circulated as money, nor to discount any note, bond, bill, or other obligation, as a banking institution.

2. *And be it enacted*, That if any officer, director, manager, or stockholder of the New Hope Delaware Bridge Company, or any other person or persons connected directly or indirectly with said company, shall issue, or cause to be issued, the notes or bank bills of said company, or shall establish any banking house or office of discount and deposit within this state, or shall discount any note, bond, bill, or other obligation, under the powers assumed by said company, such person or persons shall be liable to the penalties prescribed in the first section of the act entitled, "An act to prohibit unincorporated banks and the passing of tickets," approved April fifteenth, eighteen hundred and forty-six.

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

Approved February 16, 1848.

AN ACT to set off from the township of Freehold, in the county of Monmouth, a new township, to be called the township of Marlborough.

Boundaries
of township.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That all that part of the township of Freehold, in the county of Monmouth, lying within the following boundaries, that is to say: beginning at the northwest corner of the said township of Freehold, in the line between the counties of Middlesex and Monmouth, and at the point where the line of the townships of Middletown and Freehold meet; thence, running along the line between the said townships of Freehold and Middletown, in a southeasterly direction, until it comes to the line of Atlantic township, in said county of Monmouth, at the point in said line where the lines of the townships of Freehold, Middletown, and Atlantic meet; thence, along the line of Atlantic township, in a southwesterly direction, till it comes to a point opposite the house of William I. Sickles; thence, leaving the said Atlantic line and running westwardly, in a straight line, to the brook near John Grigg's distillery; thence, down said brook, its various courses, till it comes to a point four hundred yards west of David R. Vanderveer's house; thence northerly, in a straight line, to a point one chain north of John F. Barricklo's house; thence westerly, in a straight line, to a point in the line of Middlesex county, lying one chain south of Richard Magie's house; thence, down said line to the beginning, is hereby set off from the said township of Freehold, and erected into a separate township, to be called and known by the name of "the Township of Marlborough."

Inhabitants
of township
incorporated

2. *And be it enacted*, That the inhabitants of the said township of Marlborough are hereby constituted a body politic and corporate in law, and shall be styled and known by the name of "the Inhabitants of the Township of Marlborough, in the county of Monmouth," shall be vested with and entitled to all the rights, powers, authority, privileges, and advantages, and subject to the same regulations, government, and liabilities, as the inhabitants of other townships in the said county of Monmouth.

First annual
town meet-
ing.

3. *And be it enacted*, That the inhabitants of the township of Marlborough shall hold their first annual town meeting at the public house now kept by John J. Sutphen, in the village of Marlborough, on the day appointed by law for holding the annual town meetings in the other townships of the county of Monmouth, and afterwards, at such places in the township of

Marlborough, as the inhabitants thereof shall determine, in the manner prescribed by law.

4. *And be it enacted*, That all paupers who may be chargeable to the said township of Freehold at the time when this act shall go into operation, shall hereafter be chargeable to and supported by that township within the bounds of which they have acquired their settlements, respectively, or in which the said paupers may have resided at the time of acquiring their respective settlements; and all persons whose present settlements are in the said township of Freehold, and who shall hereafter become chargeable as paupers, shall be supported by that one of the said townships of Freehold and Marlborough, within the bounds of which they respectively resided at the time of acquiring their settlements.

5. *And be it enacted*, That all the real and personal property now belonging to the township of Freehold shall hereafter belong to the said townships of Marlborough and Freehold, in proportion to the taxable property and ratables, as valued and assessed by the assessor within the respective limits of the said township at the last assessment, and shall be owned and held by them in common.

6. *And be it enacted*, That the township committees of Marlborough and Freehold shall meet on the second Tuesday of April next, at ten o'clock in the forenoon, at the house of John I. Thompson, in the village of Freehold in said township of Freehold, and shall then and there proceed by writing, to be signed by a majority of those present, to allot and divide between the said townships all the property and money on hand, due, or to become due, in proportion to the taxable property and ratables, as valued and assessed by the assessors within the respective limits of the said townships at the last assessment; and shall also ascertain and determine which of the paupers now supported by the township of Freehold shall have their residence in that part of said township hereby set off as the township of Marlborough, and may adjourn the said meeting from time to time, and to such time and place, as a majority of those present may think proper; and the township of Marlborough shall be liable to pay her just proportion of the debts, if any there be, and to support and maintain the paupers so allotted to the said township of Marlborough; and if any of the members of the said township committees shall neglect or refuse to meet as aforesaid, those present may proceed to make such division, and their decision, or a decision of a majority of them, shall be final and conclusive.

7. *And be it enacted*, That the township committee of the said township of Marlborough shall have power, and they are

hereby authorized and empowered to sell and release to the said township of Freehold all the right, share, and interest of the said township of Marlborough in and to the property, both real and personal, now belonging to the said township of Freehold, or any part thereof, for such sum or sums as may be agreed upon by the committees of the townships interested, and to make and deliver good and sufficient deed or deeds for the same.

Rights of township in surplus revenue not to be affected.

8. *And be it enacted*, That nothing in this act contained shall be construed to impair or in any wise affect the rights of the said township of Marlborough in and to any portion of the surplus revenue of the general government, to which the said township may now or at any time hereafter be entitled in the distribution of said surplus revenue.

Act, when to take effect.

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

Approved February 17, 1848.

AN ACT to incorporate the Mount Hope Cemetery Association at Lambertville.

Names of incorporators.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That Ancel St. John, Louis S. Paxson, John H. Wakefield, Jacob S. Gary, John H. Anderson, Amasa Ely, and their associates, and all persons who now are or may hereafter become members of the association styled the Mount Hope Cemetery Association at Lambertville, and their successors, shall be, and they are hereby created and declared a body corporate, by the name and style of "the Mount Hope Cemetery Association at Lambertville," and by that name shall have perpetual succession, and shall be capable in law to hold and dispose of lands, not exceeding five acres, to sue and be sued, plead and be impleaded, in any court of law or equity, to ordain, pass, and put into execution all such by-laws, rules, and regulations, not contrary to the constitution and laws of the United States or of this state, as shall be necessary and convenient for carrying into effect the object of the association, and generally to do all and singular the matters and things which shall lawfully appertain to them to do for improving and ornamenting the grounds, and the due management and regulation of the affairs thereof.

Style of incorporation and general powers.

2. *And be it enacted*, That the affairs of the association shall be under the control of five managers, to be elected from among and by the stockholders and lot owners of the association, in such manner and at such times as the by-laws made in pursuance of this act shall specify, the first election to take place on the first Monday of April, eighteen hundred and forty-eight.

Five directors to be elected.

3. *And be it enacted*, That the lands of the association, and the burial lots that may be made out of the same, shall be forever exempt from, and shall not be liable to be seized or taken by virtue of any process issued out of any court in this state, on account of any claim or claims which may arise after such lands have been converted into a cemetery.

Lands not to be seized by process, &c.

Approved February 17, 1848.

A supplement to the act entitled, "An act to incorporate the Cumberland Mutual Fire Assurance Company, at Bridgeton, Cumberland county," approved February twenty-third, eighteen hundred and forty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of "the Cumberland Mutual Fire Assurance Company" shall be "the Cumberland Mutual Fire Insurance Company," by which last mentioned name the said company shall have perpetual succession, and have power to sue and be sued, and to hold and dispose of property, as fully, to all intents and purposes, as if the said last mentioned name had been contained in the act to which this is a supplement; and all policies, notes, contracts, and engagements, heretofore had and made by and with the said company, either by the one name or the other, shall be good and effectual by, for, and against the said company, and may be sued for in and by the name of "the Cumberland Mutual Fire Insurance Company."

Style of incorporation changed.

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

Approved February 17, 1848.

AN ACT to incorporate the Central Mining Company at Flemington.

Names of
corporators.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That John G. Reading, Edward Remington, Jonathan Ogden, William H. Sloan, and such others as are or may hereafter be associated with them, shall be, and hereby are ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "the Central Mining Company at Flemington."

Time and
mode of an-
nual election
of directors.

2. And be it enacted, That the stock, property, concerns, and affairs of the said corporation shall be managed and conducted by seven directors, a majority of whom shall be residents of this state, who shall be annually elected on the second Tuesday of January, at such time of the day, and at such place in the county of Hunterdon, state of New Jersey, as the by-laws of the said corporation shall direct; and public notice shall be given of the time and place of holding such election, not less than thirty days previous thereto, in one of the newspapers printed at Flemington, and in one of the newspapers printed in the city of Philadelphia; and the election shall then and there be made by such of the stockholders as shall attend for that purpose in person or by proxy; and all elections shall be by ballot, each share having one vote; and the persons who shall have the greatest number of votes shall be the directors; and the said directors, so soon as may be after their election, shall proceed, in like manner, to elect, by ballot, one of their number to be their president, who shall be a resident of the state of New Jersey; and if any vacancy or vacancies shall at any time happen among the directors elected by the stockholders, by death, removal, resignation, or otherwise, such vacancy or vacancies shall be filled, for the remainder of the year in which they may happen, by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint; *provided*, that the first election shall be held within ninety days after the passage of this act, twenty days' notice in the papers aforesaid to be given of said election, by the persons named in the first section of this act; and the directors so elected shall serve until the second Tuesday of January, A. D. eighteen hundred and forty-nine.

Corporation
not to be dis-
solved for
failure to
elect on day
prescribed.

3. And be it enacted, That in case it should at any time happen that an election of directors should not be made on the day that pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved; but it shall and may be lawful to hold such election on such

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

4. *And be it enacted*, That the capital stock of the said corporation shall consist of the tracts of land, mines, mining privileges, minerals and ores, engines, smelting furnaces, and all the improvements thereon, belonging to the above named corporators, or which they or the said company may hereafter acquire in the county of Hunterdon, in the state of New Jersey, not exceeding in value the sum of one hundred thousand dollars, which shall be divided into ten thousand shares, of ten dollars each; and it shall be lawful for the directors of said corporation to assess, from time to time, upon each share of the stock of said corporation, a sum not exceeding the gross amount of five dollars, in sums not exceeding one dollar at any one time, and at intervals of not less than thirty days; and it shall be lawful for the directors to assess a still further sum of five dollars on each share of the capital stock; *provided*, that two-thirds in interest of the stockholders of said corporation shall advise and consent thereto, at a meeting of the stockholders called for this purpose, and notice given of the same, as provided for in the second section relating to election of directors; any stockholder refusing to pay an assessment regularly laid, and of which notice shall have been given, as heretofore provided for, shall forfeit to said corporation each and every share of stock upon which such assessment remains unpaid for the period of thirty days after notice shall have been given, in such form as the directors may ordain in the by-laws, to the stockholders, that such assessment was due and unpaid.

Amount of capital stock.

5. *And be it enacted*, That a majority of the directors for the time being shall form a board or quorum for the transacting of the business of the said corporation.

Quorum.

6. *And be it enacted*, That the stock of the said corporation shall be deemed personal estate, and be transferable in such manner as shall be prescribed by the by-laws of the said corporation.

Stock personal estate.

7. *And be it enacted*, That no transfer of stock of said corporation shall be valid or effectual, until such transfer shall be entered or registered in the book or books to be kept by the president and directors for that purpose, which book shall at all times be open to the inspection of the stockholders.

Transfer to be registered.

8. *And be it enacted*, That this act shall continue in force for the term of twenty years, and the said corporation shall possess the general powers, and be subject to the restrictions and liabilities, contained in the act entitled, "An act concerning corporations," approved the fourteenth day of February,

Limitation.

one thousand eight hundred and forty-six, so far as the same are applicable.

Approved February 17, 1848.

AN ACT to authorize George Bloomer and Anderson Bloomer to erect a wharf in front of their land on the Hudson river, in the county of Bergen.

Preamble.

WHEREAS George Bloomer and Anderson Bloomer, of the township of Hackensack, in the county of Bergen, in this state, have represented that they are the owners of lands situate between Fort Lee and Closter, in said township, and which border on and are bounded by the Hudson river, on one side of the same; and it having also been represented by the said George Bloomer and Anderson Bloomer that they have no convenient landing at their said shore for boats and vessels, on account of the shallowness of the water and the difficulty of access to the same, and that they are therefore desirous of obtaining the right and privilege of extending a pier from their said shore into Hudson river,

G. and A.
Bloomer au-
thorized to
build docks.

1. BE IT ENACTED, by the Senate and General Assembly of the State of New Jersey, That it may and shall be lawful for George Bloomer and Anderson Bloomer, their heirs and assigns, to erect and build a wharf upon and in front of their land in the township of Hackensack, in the county of Bergen, on the western shore of Hudson river, to extend into such river a sufficient distance to accommodate such vessels as usually navigate the same; *provided*, the said wharf shall not obstruct the navigation of the said river, and shall not extend more than one hundred and fifty feet beyond low water mark; *and provided further*, that this act shall not be construed to confer any ferry privileges, or claim of right of ferry, upon the owner or owners of said dock or wharf.

Penalty for
injuring
works.

2. *And be it enacted*, That if any person or persons shall wilfully destroy or in any way injure the said wharf, such person or persons shall be responsible for and shall make good all damage which the owner or owners may sustain thereby.

Vessels using
wharf to
make com-
pensation.

3. *And be it enacted*, That it shall be lawful for all vessels to touch, make fast, load, and unload at such wharf; and it

shall be lawful for the said George Bloomer and Anderson Bloomer, their heirs and assigns, to demand, receive, and collect reasonable compensation therefor.

Approved February 17, 1818.

AN ACT to incorporate the Camden Gas Light Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jesse Richards, Abraham Browning, Thomas H. Whitney, Stephen Colwell, Richard Fetters, and George Browning, and all and every person or persons who may become subscribers, according to the mode herein after prescribed, and their successors, are hereby created a body politic and corporate in fact, by the name of "the Camden Gas Light Company;" and, by said name, the said corporation shall have power and authority to manufacture, make, and sell gas, to be made of bituminous coal or other materials, for the purpose of lighting the streets, buildings, manufactories, and other places situate within the corporate limits of the city of Camden; and to enter into and execute contracts, agreements, or covenants in relation to the objects of this corporation; and be capable of purchasing, taking, and holding any estate, real or personal, necessary to give effect to the specified purposes of this corporation for the accommodation of their business and concerns, or which it may be necessary for the said corporation to acquire and hold for the purpose of securing debts which have become due or owing to them in the regular business of said corporation; *provided*, that the said real estate shall not exceed what may be necessary for the purpose mentioned; and no private lands shall be in any way injured or defaced, without permission in writing first obtained from the owner or owners thereof.

2. *And be it enacted*, That so long as this act shall continue in force, the said corporation shall have exclusive power to lay down gas pipes, and to erect gas posts, burners, and reflectors in the streets, roads, alleys, lanes, avenues, and public grounds of the city of Camden; and the said company shall have power to do all other things necessary to light the said city of Camden, and the dwellings, stores, factories, and other places situate therein; *provided*, that the public travel shall at no time be unnecessarily affected or impeded by the laying of

the said pipes or the erection of the said posts; and the streets, roads, side and cross walks, public grounds, lanes, and avenues shall not be injured, but all be left in as good and perfect condition as before the laying of the said pipes or the erection of the said posts.

Commissioners to open books of subscription.

3. *And be it enacted,* That the said Jesse Richards, Abraham Browning, Thomas H. Whitney, Stephen Colwell, Richard Feters, and George Browning are hereby appointed commissioners for receiving subscriptions for the sum of one hundred thousand dollars, to constitute the capital stock of the said corporation, in shares of one hundred dollars each; and the said commissioners, or any three of them, shall open a book or books for that purpose, at such time and in such place or places within this state as they shall designate by a public advertisement, to be previously inserted, for at least three weeks, in a public newspaper printed in the city of Camden, and shall continue the same open until the said capital stock shall be subscribed, or, at their discretion, close the same after it shall have remained open one day, and again open the same at some other time or times, place or places, giving public notice thereof, as aforesaid; and the sum of five dollars upon each share so subscribed shall be paid by each subscriber, at the time of subscription, to the said commissioners, or such of them as may open said subscription book or books; and each subscriber shall be entitled to receive a certificate for such stock from said commissioners; and the amount so received at the time of subscription shall be, by the commissioners so receiving the same, paid over to the directors of the said company, to be appointed as herein after directed; and all the powers of said commissioners shall cease and determine on the appointment of such board of directors; and the said board, when so appointed, shall have power, and they are hereby authorized from time to time, to open the books for the further subscription of stock, until the whole stock subscribed amounts to the sum of one hundred thousand dollars; and are also authorized to call upon the said subscribers for the payment of further instalments, in such sum or sums, at such time or times, and under such forfeiture or forfeitures, as they may deem expedient, until the whole amount of said shares so subscribed shall have been fully paid.

Time and mode of annual election of directors.

4. *And be it enacted,* That the management of the concerns of said company shall be vested in five directors, to be selected from the stockholders, three of whom shall be residents of the county of Camden, in the state of New Jersey; and the said directors shall choose, by plurality of votes, a president from among themselves; and as soon as conveniently may be after thirty thousand dollars shall have been sub-

scribed, the before named commissioners, or any three of them, shall convene the said stockholders by public notice, to be given as aforesaid, and at such time and place as they shall designate in said notice, to choose the first board of directors, who shall hold their offices until the first Monday in June next thereafter and until their successors shall be chosen; and there shall be an annual election of directors by the stockholders on the first Monday in June of every year thereafter, at such time and place as the board of directors for the time being shall appoint, of the time and place of holding which election, at least ten days' public notice shall be given in a newspaper published in the city of Camden; and any vacancy in the said board of directors may be supplied by appointments, to be made by the board of directors, until the next annual election; and all elections of directors shall be by ballot of the stockholders, or their proxies, allowing one vote for each share which they shall have held, in his, her, or their name or names, at least fourteen days before the time of voting; and the board of directors for the time being shall have power to take from any treasurer, secretary, or other officers or agents appointed by them, such security for the faithful performance of their respective duties as they may think proper.

5. *And be it enacted*, That if, at any time, an election of directors be not held on the day herein appointed for that purpose, the corporation shall not be dissolved for that cause, but an election shall be held thereafter, at such time and place as the directors, by their by-laws or other mode, may appoint. Corporation not dissolved for failure to elect on day prescribed.

6. *And be it enacted*, That the directors for the time being shall form a board, and they, or a majority of them, shall be a quorum for transacting business; but any less number thereof may have power to adjourn. Quorum.

7. *And be it enacted*, That the stock of the corporation shall be transferable, according to the by-laws and regulations of the corporation, and shall be considered as personal property; and the stock and transfer books shall be open at all times to the inspection of the stockholders. Stock transferable.

8. *And be it enacted*, That if any person or persons shall wilfully do, or cause to be done, any act or acts whatever, thereby to injure any conduit, pipe, cock, machine, or structure whatsoever, or any other thing appertaining to the works of the said corporation, or whereby the same may be stopped, obstructed, or injured, the person or persons so offending shall be considered guilty of a misdemeanor, and, being thereof convicted, shall be punished by fine not exceeding three hundred dollars, or imprisonment at hard labour not exceeding two years, or both; *provided*, such criminal prosecution shall not Penalty for injuring works.

in any wise impair the right of action for damages by a civil suit, hereby authorized to be brought for any such injury as aforesaid, by and in the name of said corporation, in any court having cognizance of the same.

Books of ac-
counts to be
kept.

9. *And be it enacted*, That the said company shall cause to be kept at their office proper books of accounts, in which shall be fairly and truly entered all the transactions of the company, which books shall be, at all times, open for the inspection of the stockholders.

Limitation.

10. *And be it enacted*, That this act shall be deemed a public act, and shall continue in force for thirty years.

Approved February 17, 1848.

AN ACT to incorporate the Protection Insurance Company of New Jersey, in the county of Somerset.

Style of in-
corporation.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become stockholders to the capital stock herein after mentioned, their successors and assigns, shall be, and are hereby constituted and made a body politic and corporate, by the name and style of "the Protection Insurance Company of New Jersey;" and the office of the said company shall be located in Somerville, in the county of Somerset, in said state.

Amount of
capital stock.

2. *And be it enacted*, That the capital stock of said company shall not exceed two hundred thousand dollars, and shall be divided into shares of fifty dollars each; and there shall be paid into the treasury of said corporation, by each subscriber to the capital stock, at the time of subscription, an instalment of five per centum on the stock by him subscribed, and the remainder shall be paid, or amply secured to be paid, in such securities as the president and directors may deem sufficient; and that the said company shall not commence business until fifty thousand dollars shall be paid in, or secured to be paid as aforesaid.

Time and
mode of an-
nual election
of directors.

3. *And be it enacted*, That the stock, property, and affairs of said corporation shall be managed and conducted by nine directors, a majority of whom shall be citizens of this state, who may respectively hold their offices for one year and until others are chosen in their stead; the annual election for direc-

tors shall be held on the second Monday of January in each year, at the office of the company in Somerville, notice of which shall be given in one or both of the papers published in Somerville, at least ten days previous to said election; such election shall be held under the direction of three stockholders, to be appointed by the directors; and such election shall be by ballot, and by a plurality of the votes of the stockholders and their proxies, allowing one vote for every share of the said stock.

4. *And be it enacted*, That it shall be the duty of the directors, on organizing the company, and annually thereafter, to choose out of their number a president; and they may also elect a vice president in the same manner, both of whom shall be residents of this state; and the vice president shall perform the duties of the president, in case of death, absence, or inability to act.

Directors to choose officers.

5. *And be it enacted*, That William Thomson, Peter I. Stryker, James Taylor, William G. Steele, and Allan Clark be commissioners to receive subscriptions to the capital stock of said company; and that as soon as one thousand shares of said stock shall be subscribed, the commissioners shall call a meeting of the stockholders by an advertisement, published at least ten days previously, in one or both of the newspapers published in Somerville, stating the time and place at which such meeting of the stockholders shall be held, and they shall, by ballot, elect the first directors of said company; said commissioners shall appoint three inspectors, being stockholders, of said election; but it is *provided nevertheless*, that if there should be any deaths or resignations among the commissioners above appointed, then the remainder shall select others to supply the vacancies so occasioned.

Commissioners to receive subscription to capital stock.

6. *And be it enacted*, That the said company shall have power to make insurance upon vessels, freights, goods, wares, and merchandise, and to make all and every insurance connected with marine risks and the risks of transportation and inland navigation; to make insurance upon dwelling-houses, stores, and all kinds of buildings, and upon household furniture, merchandise, and other property, against loss or damage by fire; and to cause themselves to be re-insured when deemed expedient.

What property may be insured.

7. *And be it enacted*, That all policies of insurance or other contracts authorized by this act, which shall be made and entered into by the said corporation, may be with or without the seal thereof, and shall be subscribed by the president or vice president, and attested by the secretary, and being so signed, executed, and attested, shall be binding and obligatory upon the

Policies, how made.

said corporation, according to the true intent and meaning of said policies and contracts; and all such policies and contracts may be so made, signed, executed, and attested without the presence of the board of directors.

What property company may hold.

8. *And be it enacted*, That it shall and may be lawful for the said company to take and hold any real estate or securities, bona fide mortgaged or pledged to the said company to secure the payment of any debt which may be contracted with the said company, and to foreclose the same; and also to purchase, on sales made by virtue of any judgment at law, or any order or decree of any court of equity, or any other legal proceedings, or otherwise to receive and take any real estate in payment or satisfaction of any debt previously contracted and due to the said company, and to hold it until they can conveniently sell the same, and invest the capital stock, or so much of the surplus profits of the said company as they may deem fit, in such manner as the directors may decide; and no money shall be loaned on real estate, unless the same be situated in this state; and to call in, and reinvest the same, so often as it shall be deemed necessary for the interests of the company; *nevertheless*, no part of the capital, or surplus, or profits of this company shall be used for banking purposes.

Stock transferable.

9. *And be it enacted*, That the capital stock of said corporation shall be transferable, according to the rules and regulations prescribed by the directors; and every subscriber of any share or shares of said stock, who shall neglect to pay the instalments aforesaid, or to secure the residue of the share or shares by him subscribed, shall forfeit the same to the said corporation, and all payments made thereon, and all profits that may have arisen thereon.

Dividends, how made.

10. *And be it enacted*, That it shall and may be lawful for the directors of said company to make dividends of so much of the profits of the said company as shall appear advisable; and the said dividends shall be paid to the stockholders or their representatives; but the dividends shall not at any time exceed the amount of clear profits made by the company, but the capital stock shall be and remain unimpaired; and if the said directors shall at any time knowingly make a dividend of the capital as aforesaid, they shall be individually liable for the proportion of the stock so divided, and an action of debt may be brought against them, their heirs, executors, or administrators, or any of them, in any court of record of this state, by any creditor of said company, and may be prosecuted thereon to judgment and execution; and each director present when such dividend shall be declared, shall be adjudged to be consenting thereto, unless he forthwith protest against such dividend, and request the president or secretary of the corporation for the

time being to enter his protest on the minutes of the company, which protest shall forthwith be entered by the president or secretary on the said minutes; and give further notice to the stockholders of the declaring of such dividend, by advertising his said protest, within ten days thereafter, in one or both of the newspapers published in Somerville.

11. *And be it enacted*, That the said company shall pay into the treasury of this state one-quarter of one per centum per annum on the capital stock paid in, to commence three years after the said company shall go into operation; which amount shall be paid in under the oath or affirmation of the president and secretary thereof. Tax on capital stock to be paid to state.

12. *And be it enacted*, That this act shall continue in force for the term of twenty years, and the said corporation shall possess the general powers, and be subject to the restrictions and liabilities, contained in the act entitled, "An act concerning corporations," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same are applicable. Limitation.

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

Approved February 17, 1848.

AN ACT to incorporate the Evergreen Cemetery Company, in the county of Camden.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That Richard Fetters, William J. Hatch, and such other persons as shall become holders of burial lots in the cemetery herein after named, be, and they are hereby made and constituted a corporation and body politic, by the name of "the Evergreen Cemetery Company;" and by that name shall have perpetual succession, and shall be capable in law to hold and dispose of property, to sue and be sued, to plead and be impleaded, in any court of law or elsewhere, to ordain, pass, and put in execution all such by-laws and regulations; not contrary to the constitution and laws of the United States and of this state, as shall be necessary and convenient for carrying into effect the object of the association, and generally to do all and singular the matters and things which shall lawfully ap- Style of incorporation and general powers.

pertain to them to do for the improvement and ornament of the grounds, and the due management and regulation of the affairs thereof.

Objects of association.

2. *And be it enacted*, That the object for which this association is created is to establish a cemetery or burial place for deceased human beings, in a lot of ground situated in the township of Newton, lying between the public roads leading from Camden to Haddonfield and Mount Ephraim, adjoining the Camden Cemetery, and extending northwardly to a street called Spruce street, containing about four acres, or such other tract of land as the said association may purchase, lay out, and appropriate to the same purpose, not exceeding thirty-five acres in the whole.

Time and mode of election of directors.

3. *And be it enacted*, That the said Richard Fetters and William J. Hatch shall take the proceeds from the sale of said lots to their own proper use and behoof; and the affairs of the association shall be under their control for the term of one year from the twenty-fifth day of March, next ensuing, and until a sufficient number of lots shall be disposed of to constitute a board of five members, who shall be elected from among and by the lot holders, in such manner and at such times as the by-laws made in pursuance of this act shall specify; *provided*, that at such election the holder or holders of each lot shall be entitled to one vote; and the said Richard Fetters and William J. Hatch, and their heirs and assigns, shall be entitled to as many votes as they may have lots undisposed of.

Approved February 23, 1848.

AN ACT to incorporate the Camden and Philadelphia Steamboat Ferry Company.

Names of incorporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Richard Fetters, John K. Cowperthwaite, Jesse Smith, Jacob P. Stone, Charles S. Garret, John W. Mickle, and David M. Davis, and their associates, and all other persons who shall become subscribers and owners of the capital stock hereby created, shall be, and they and their successors and assigns are hereby made and declared to be a corporation and body politic, by the name of "the Camden and Philadelphia Steamboat Ferry Company;" and by that name shall have continued succession, and shall be able

Style of incorporation and general powers.

to sue and be sued, implead and be impleaded, in all courts of law and equity, and to purchase, have, hold, and receive, possess, retain, and enjoy, to them their successors and assigns, lands, tenements, hereditaments, rents, goods, chattels, and effects, of whatever kind, nature, or quality necessary to carry into effect this act, and no more, and the same from time to time to sell, grant, demise, alien, or dispose of at pleasure; to make and have a common seal, and the same to alter and change; to appoint all such officers, agents, and servants, and to employ all such engineers, workmen, and labourers, as shall be necessary; and may exercise all such other powers as shall be essential to carry into effect the provisions and privileges by this act vested in the said corporation; to make by-laws, not contrary to law or to the constitution of this state or the United States.

2. *And be it enacted*, That the capital stock of the said corporation shall consist of one hundred thousand dollars, divided into shares of fifty dollars each; and every person subscribing to the said capital stock shall, at the time of subscription, pay to the directors of said corporation, or some one of them authorized to receive it, five dollars on each and every share of the said capital stock; and the residue of the said capital stock shall be paid, by the several and respective subscribers, into the hands of the treasurer of the said corporation, at such time and in such instalments as the directors of the said corporation shall require, giving four weeks' previous notice, in a newspaper printed in the city of Camden, and in a daily paper printed in the city of Philadelphia, of the time and place at which such instalment shall be required to be paid; failure of the payment, at the time and place mentioned in such notice, shall incur a forfeiture of the shares, and all previous payments made thereon, to the use of the said corporation;

3. *And be it enacted*, That the affairs of the said corporation shall be managed by seven directors; and Richard Fetters, John K. Cowperthwaite, Jesse Smith, Jacob P. Stone, Charles S. Garret, John W. Mickle, and David M. Davis are hereby appointed the first directors, who shall serve for one year or until others are elected; and the said directors, or a majority of them, shall assemble, as soon as convenient after the passing of this act, and appoint one of their number to be president of the said corporation, who shall serve for one year; should a vacancy at any time occur in the board of directors, by death or otherwise, the remaining directors, convened at the next succeeding meeting, shall appoint a director to fill such vacancy until the next annual election; *provided always*, that no person shall be a director who is not a stockholder;

and at least four of the said directors shall be citizens of the state of New Jersey.

Capital stock
personal es-
tate.

4. *And be it enacted*, That the capital stock of the said corporation shall be deemed personal estate, every share of stock shall be entitled to one vote, and the stockholders may vote in person or by proxy.

Duties and
powers of
directors.

5. *And be it enacted*, That the board of directors for the time being shall have power to appoint a president, treasurer, secretary, and all such officers, agents, and clerks as shall be necessary to carry into effect the objects of this act, and shall perform such other acts as shall be to the interest and prosperity of the said company, and may require such bonds and securities for the faithful performance of their duty as the said board shall direct; and the said board shall have power to erect a steamboat ferry between the city of Camden and Philadelphia, at or adjoining the north side of Spruce street, in the city of Camden, for the public accommodation and interest of the said corporation, and for that purpose may purchase or lease real estate, erect wharves, piers, slips, buildings, and all other necessary appendages, and may build steamboats, vessels, and ferry boats, of such description and dimensions as the said board shall order and direct; *provided always*, that it shall be the duty of the said corporation to keep a steamboat or boats running all the year for the accommodation of the public; and they shall not fail or refuse to carry any person or persons across the Delaware river in the day time, under the penalty of fifty dollars for each failure or refusal, to be sued for by the party demanding and refused to be taken across the said river, in any court of record in this state; *provided*, the said forfeiture shall not attach or be recovered when the navigation of the said river is impracticable or imminently dangerous.

Rates of fer-
riage.

6. *And be it enacted*, That it shall not be lawful for the said corporation to charge more than the following rates of ferriage or toll, under the penalty of fifty dollars for each offence, to be sued for in any court of competent jurisdiction, by the party aggrieved, to wit, for nine months in every year, as follows :

For each passenger, five cents.

Single passenger, in wherry, ten cents.

For marketing, a barrel to be rated equal to two bushel baskets; tubs, chests, and scow baskets to be rated according to the number of bushels they hold, for each bushel; all articles having contained marketing to return free, if empty, otherwise to pay the usual rates.

For a two horse load, with or without the carriage, not otherwise rated, twenty-five cents.

A barrel of salt, plaster, flour, sugar, liquor, &c., eight cents.

A hogshead of liquor, sugar, molasses, lime, &c.,	twenty-five cents.
Stove of cast iron, of six or more plates,	ten cents.
Salt, plaster, grain, clover, and other grass seeds, per bushel,	two cents.
Flour, beef, pork, iron, &c., per hundred weight,	three cents.
Coffee, per bag, chest, large trunk, &c.,	five cents.
Soap, candles, glass, chocolate, &c., per box,	three cents.
Windsor chairs, per dozen, bureau, bedstead, clock-case, &c.,	ten cents.
Lumber, per hundred feet,	ten cents.
Live calves and fat hogs, per head,	five cents.
Sheep and store hogs, per head,	three cents.
Fat cattle,	twenty-five cents.
Cow and calf,	twenty cents.
Store cattle, horses, mules, &c.,	fifteen cents.
Sideboard,	twenty cents.
Desks, secretaries, &c.,	fifteen cents.
Tables, stands, feather beds, mattresses, large chests of tea,	five cents.
Crate or tierce of earthenware, hamper of bottles,	fifteen cents.
Fresh shad per hundred, or herrings per thousand,	twenty cents.

Carriages and Drivers.

Every four wheel carriage drawn by four horses,	sixty cents.
Every four wheel carriage drawn by two horses,	thirty cents.
Every two wheel carriage drawn by two horses,	twenty-five cents.
Every four wheel carriage drawn by one horse,	twenty-five cents.
Every two wheel carriage drawn by one horse,	twenty cents.
Market carriages, with their drivers, including fish wagons going to or from market, with four wheels, drawn by two horses,	thirty cents.
Four wheels, drawn by one horse,	twenty cents.
All passengers in carriages, except the driver, to pay the same as other passengers.	
Carriages of burthen, to include charcoal, tin wagons, pedlars, &c., with their drivers, two horse loads,	thirty-five cents.
Unloaded,	twenty-five cents.
One horse load,	twenty-five cents.
Unloaded,	twenty cents.
For carrying hay, straw, hemp, flax, and other bulky articles, two horse load,	fifty cents.
Unloaded,	thirty cents.
One horse load,	forty cents.
Unloaded,	twenty cents.
Each additional horse or mule,	fifteen cents.

Bricks on carriages, ninety cents per thousand, not more than five hundred on two wheels, the empty carriages to return, free.

Charity schools, with their teachers, to pass free. The above rates to be taken spring, summer, and fall; and the rates of ferriage and freight shall not at any time exceed double these rates; and all persons who desire it, shall be allowed to pay quarterly in advance, and such quarterly payments shall be as follows, not exceeding the sum of one dollar per quarter for each passenger.

Quorum.

7. *And be it enacted,* That five directors shall be a quorum for the transaction of business; the president of the corporation shall preside at all meetings of the directors, but in case of sickness or absence his place may be supplied by any other director whom the directors may nominate for that purpose; the stated meetings of the directors shall be held at such times as the by-laws shall ordain, and special meetings may be held by any particular appointment or upon the call of the president; the shares of the said capital stock shall be transferable on the books of the company, in such manner as the by-laws shall ordain.

Annual election of directors.

8. *And be it enacted,* That the annual election of the directors shall be held at such time and place as shall be ordained by the by-laws, and the directors shall appoint the judge of election; three weeks' notice shall be given of the annual election, in one of the papers printed in the city of Camden, and in one or more of the daily papers printed in the city of Philadelphia.

Semi annual dividends to be made.

9. *And be it enacted,* That dividends of so much of the profits of the corporation as shall appear advisable to the directors, shall be made and paid to the stockholders semi-annually, at such stated periods as the directors shall determine; and at each annual meeting of the stockholders for the purpose of the election, it shall be the duty of the president and directors for the preceding year to exhibit to the stockholders a full and complete statement of the affairs of the company during the past year; and shall produce the books, accounts, and papers of the corporation at such annual meeting, if required to do so by any person or persons who, separately or together, shall be the owner or owners of fifty shares of the capital stock of said corporation.

Penalty for injuring works.

10. *And be it enacted,* That if any person or persons shall wilfully injure, impair, destroy, or obstruct the wharves, slips, bridges, piers, boats, or any of the works, engines, or machines of the said corporation, such person or persons so offending shall forfeit and pay to the said corporation any sum not ex-

ceeding one hundred dollars, at the discretion of the court or jury, to be recovered before any justice of the peace of the county of Camden or alderman of the city of Camden, and shall also be liable to pay double the amount of damage sustained thereby, to be recovered in an action of trespass, in any court of competent jurisdiction.

11. *And be it enacted*, That this act shall be deemed and taken as a public act, and shall continue in force for thirty years; and the legislature reserve to themselves the right, at any time after the passage of this act, to amend, modify, alter, or repeal the same, whenever in their opinion the public good requires it. Limitation.

Approved February 23, 1848.

AN ACT to revive an act entitled, "An act to incorporate the Perth Amboy, Woodbridge, and Rahway Railroad and Transportation Company," passed March seventh, A. D. eighteen hundred and thirty-seven.

WHEREAS the said act to incorporate the Perth Amboy, Woodbridge, and Rahway Railroad and Transportation Company has, by reason of the limitation of the time for its completion, and in consequence of the difficulties in moneyed operations which immediately followed its passage, became void—now, therefore, Preamble.

I. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the said act entitled, "An act to incorporate the Perth Amboy, Woodbridge, and Rahway Railroad and Transportation Company" be, and the same is hereby revived and declared to be in full force and being, any thing in any part of said act to the contrary notwithstanding; and the persons therein named, or the survivors of them, their successors and assigns, are hereby reinvested with all the rights and privileges in the said act conferred, in the same manner and to the same effect as if such act had never in any wise expired or become void. Former act revived.

2. *And be it enacted*, That the president and directors of the said company be, and they are hereby invested with all the rights and powers necessary and expedient to survey, lay out, and construct a railroad from some point in the city of Perth President and directors to lay out and construct road.

Amboy, in the county of Middlesex, so as to intersect any railroad in the county of Middlesex, at or east of the village of Metuchin, whereby a connection may be formed by railroad with the village of Rahway; and in the construction and use of said railroad, said company shall be invested with all the rights and privileges, and subject to all the liabilities and impositions, authorized and required by the said original act of incorporation; *provided nevertheless*, that if the said railroad shall not be commenced within five years from the passage of this act, and completed within ten years thereafter, then and in that case this act shall become void.

Proviso.

What real estate may be held.

3. *And be it enacted*, That the power to have and to hold real estate, conferred by the twelfth section of the said act, herein before mentioned, incorporating the said company, shall be, and the same is hereby extended, so as to enable said company to have and hold at least twenty acres of land in the city of Perth Amboy.

Approved February 23, 1848.

AN ACT to incorporate the Sussex Zinc and Copper Mining and Manufacturing Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel Fowler, J. Elnathan Smith, Samuel T. Jones, James L. Curtis, John Fowler, William Ogilvie, Henry Wilkes, and Joseph Steele, their present and future associates, their successors and assigns; be, and they are hereby created a body corporate and politic, in fact and in name, by the name of "the Sussex Zinc and Copper Mining and Manufacturing Company," for the purpose of mining, distilling, smelting, and manufacturing zinc, copper, and other ores, with power to lease, purchase, and hold mining rights and real estate in the county of Sussex, and sell the same, or any part or portions thereof, with all the powers and privileges, and subject to such restrictions, limitations, and conditions, as are specified in the act entitled, "An act concerning corporations;" approved February fourteenth, A. D. eighteen hundred and forty-six, except when otherwise granted in and by this act of incorporation; and this act shall continue in force for the term of twenty years.

Style of incorporation and general powers.

2. *And be it enacted*, That the capital stock of said company shall be three hundred and seventy-five thousand dollars, divided into shares of twelve dollars and fifty cents each; that said shares shall be deemed and considered personal estate; it shall be lawful for said company to grant certificates of shares in full or in part payment for the real estate or mining rights that may be purchased or leased, and by the by-laws to compel payment of instalments, not exceeding two dollars at any one time, required on any share or shares not deemed or declared full stock, and to forfeit the same, and all previous payments made thereon, giving at least sixty days' previous notice of such call and demand in a newspaper to be published in the county of Sussex, and also one in the city of New York.

Amount of
capital stock

3. *And be it enacted*, That Samuel Fowler, Samuel T. Jones, J. Elnathan Smith, John Fowler, James L. Curtis, William Ogilvie, and George G. Ross shall be the first directors to organize and manage the affairs of said company, and shall continue in office till the first Tuesday in June, A. D. eighteen hundred and forty-nine, and until others are elected or appointed in their stead.

First direct-
ors.

4. *And be it enacted*, That the annual election for directors for this company shall take place on the first Tuesday of June in each year, beginning on the first Tuesday of June, A. D. eighteen hundred and forty-nine, at some convenient place in the township of Hardyston, Sussex county, between the hours of twelve o'clock at noon, and three o'clock in the afternoon of that day; all elections shall be by ballot, and each share be entitled to one vote, the vote may be by person or proxy; two weeks' previous notice shall be given in some newspaper to be published in the county of Sussex aforesaid; and if, from any cause, an election for directors shall not take place at the appointed time, it shall not therefore work a forfeiture of this charter, but a new election shall be ordered, in conformity to the by-laws of said corporation.

Time and
mode of an-
nual election
of directors.

5. *And be it enacted*, That the property, affairs, and concerns of this corporation shall be managed and conducted by seven directors, being stockholders, a majority of whom, together with the secretary, shall be residents of this state; the president shall be appointed from the directors; the directors shall have power to make all needful by-laws, not inconsistent with the laws and constitution of this state or of the United States.

Duties and
powers of
directors.

6. *And be it enacted*, That no transfer of stock of said corporation shall be valid or effectual until such transfer shall be entered or registered in the book or books, to be kept by the president and directors for that purpose; which book shall

Transfers of
stock to be
registered.

at all times be open to the inspection of the stockholders, but shall be closed for the purpose of transfer fifteen days before any election for directors; and no person shall be allowed to vote upon any stock, at any such election, transferred to him after that date, and before said election.

Approved February 23, 1848.

AN ACT to ascertain the times and places of holding the orphans' courts in and for the counties of Salem and Gloucester.

Times of
holding
courts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the orphans' court in and for the county of Salem shall hold, annually, four stated terms at Salem, at the times following, that is to say: on the Monday preceding the third Tuesday of February, May, August, and November; and that the orphans' court in and for the county of Gloucester shall hold, annually, four stated terms at Woodbury, on the Monday preceding the fourth Tuesday of February, May, August, and November, respectively, and not otherwise.

Part of former act repealed.

2. *And be it enacted*, That so much of the act entitled, "An act to ascertain the times and places of holding certain courts," approved April eighteenth, eighteen hundred and forty-six, as requires the orphans' court in and for the county of Salem to be held on the third Tuesday of February, May, August, and November; and the orphans' court in and for the county of Gloucester to be held on the fourth Tuesday of February, May, August, and November, respectively, and not otherwise, be, and the same is hereby repealed.

3. *And be it enacted*, That this act shall take effect on the first day of March next.

Approved February 23, 1848.

AN ACT to incorporate the Paterson Savings Bank.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Robert Carrick, Thomas Rogers, Charles Danforth, John Colt, David Roe, Lewis Atterbury, Aaron S. Pennington, Cornelius G. Garrison, Horatio Moses, Samuel A. Van Saun, and Elias J. Marsh, of Paterson, in the county of Passaic, and their successors, shall be, and are hereby constituted a body corporate and politic, by the name of "the Paterson Savings Bank;" and by that name shall be persons capable of suing and being sued, pleading and being pleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and may have a common seal, with power to alter and change the same from time to time; and by that name shall be capable of purchasing, taking, holding, and enjoying, to them and their successors, any real estate, in fee-simple or otherwise, and any goods, chattels, or personal estate which shall be necessary for the purposes herein recited, and of selling, leasing, or otherwise disposing of the said real and personal estate, or any part thereof, at their will and pleasure; *provided always*, that the clear annual value of such real and personal estate, exclusive of the profits that may arise from the interest accruing upon investments, or upon the sale of any investments in which the deposits may be made, shall not exceed the sum of ten thousand dollars.

Names of corporators.

Style of incorporation and general powers.

2. *And be it enacted*, That the institution shall be conducted by eleven managers, a majority of whom shall be a quorum to do business; and the seat of any manager who shall have neglected to attend for four successive meetings, may be vacated by the board; the persons named in the first section of this act shall be the first managers of the institution; and the managers shall hereafter meet, annually, on the first Monday in May, and choose one of their number as president; and they shall have power to appoint a secretary, treasurer, and such other officers as to them shall appear necessary, which officers so chosen shall continue in office one year and until others are chosen; and all officers so chosen shall be under oath to the faithful performance of the duties of their office respectively; and such officers shall have power to appoint a clerk or clerks, and such other agents or servants, as they may deem necessary for conducting the affairs of the corporation, and to remove them at pleasure, and to appoint others in their stead, and to fix their salaries.

Annual election of managers.

3. *And be it enacted*, That the said managers shall from time to time have power to make, ordain, and establish such

Powers and duties of managers.

by-laws and regulations as they shall judge proper for the election of their officers; for prescribing their respective functions, and the mode of discharging the same; for regulating the times and places of meeting of the officers and managers, and for the transacting, managing, and directing the affairs of the institution; *provided*, such by-laws and regulations shall not be repugnant to the constitution and laws of this state and of the United States; and such by-laws and regulations shall be put up in some public and conspicuous place in the room where the business of the institution shall be transacted, but shall not be altered so as to affect any one who may have been a depositor previous to such alteration.

Corporation
may receive
deposits.

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

Rates of in-
terest.

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

Officers not
to receive
compensa-
tion.

6. *And be it enacted*, That no emolument whatever shall, directly or indirectly, be received by the president or managers for their services; nor shall they issue any notes or bills; nor shall any manager, officer, or agent of the incorporation be allowed, directly or indirectly, to borrow any money or moneys from the said institution, or to use the same, except to pay necessary expenses; nor shall they have or hold any bonds, mortgages, or other securities for the payment of money drawn or endorsed by or existing against any manager, officer, or agent of the institution; and no manager or officer shall have any interest in any of the deposits, or the profits arising from the

same, except it may be due for deposits made by them as trustees for the benefit of others.

7. *And be it enacted*, That the said corporation shall invest no money in any other public stocks than such as are created under the laws of the United States, of this state, or of the state of New York, nor on bonds and mortgages, except on unencumbered real estate worth at least double the amount of the sum invested, nor in the stock or loans of any incorporated company whatever. Investments how made.

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

9. *And be it enacted*, That it shall be lawful for said corporation, at their discretion, to pay to any depositor, being a minor, such sums as may be due to such depositor, not exceeding five hundred dollars, notwithstanding that no guardian shall have been appointed for such depositor, and that the receipt of such minor shall be as valid as if the same were executed by a guardian of such minor, duly appointed; *provided*, such deposit shall have been personally made by such depositor, and not by any other person for his or her benefit. Deposits of minors.

10. *And be it enacted*, That a book shall be kept at the office of the corporation, in which every depositor shall be at liberty to appoint some person or persons to whom, in the event of his or her death, the money shall be paid, if not otherwise disposed of by will; and all payments made to such persons so appointed shall be a full discharge to said corporation; and should no such appointment be made, such deposit, on the decease of the depositor, shall be paid to his or her legal representatives. Payment of deposit in case of death of depositor.

11. *And be it enacted*, That the corporation shall not be required to receive on deposit a less sum than one dollar, nor to allow interest on any deposit until it amounts to the sum of five dollars, nor to pay interest on the fractional parts of five dollars; and to avoid the calculation of days on small sums, they shall not be required to allow interest for the fractional parts of a month, and months shall be considered calendar months. Deposits of less than \$1 not received.

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

13. *And be it enacted*, That the managers shall have power Vacancies how supplied.

to fill up by ballot, after notice of one month, any vacancy which may occur in their own body or officers, two-thirds of the members present to agree to all removals and new appointments; and no appointment or removal to take place when a less number than two-thirds of the managers are present.

Annual report to be made and published.

14. *And be it enacted*, That it shall be the duty of this corporation to make an annual report to the legislature of this state of the state of its funds; which statement shall be published in one or more of the newspapers published in the town of Paterson.

Place of business.

15. *And be it enacted*, That the office or place of business of the said savings bank shall be in the town of Paterson; and that the books of the said corporation shall be at all times open for inspection and examination to such person or persons as the legislature may from time to time delegate.

Public act.

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

Limitation.

17. *And be it enacted*, That this corporation shall continue in force twenty years, unless sooner repealed by the legislature, and that this act shall take effect immediately.

Approved February 23, 1848.

A supplement to the act entitled, "An act to incorporate trustees of religious societies."

Preamble.

WHEREAS the legislature of New Jersey, by an act passed on the seventeenth of February, Anno Domini eighteen hundred and twenty-nine, granted to Episcopal congregations the privilege of becoming incorporated according to the "constitution, usages, and customs of the Protestant Episcopal Church," in this state, and did not require any oath to be taken or subscribed by the wardens and vestrymen of such churches; and whereas, under the present Revised Statutes,

doubts have arisen whether the wardens and vestrymen of Episcopal churches are not required to take and subscribe the oaths specified in the act to incorporate religious societies, which provision would occasion great inconvenience, and be entirely "inconsistent with the constitution, usages, and customs of the Protestant Episcopal Church in this state"—therefore,

BE IT ENACTED by the Senate and General Assembly of ^{Wardens, &c., not required to take oath.} the State of New Jersey, That the wardens and vestrymen of the Protestant Episcopal churches, now incorporated, or hereafter to be incorporated in this state, shall not be required to take or subscribe the oaths specified in the thirty-fourth section of the act entitled, "An act to incorporate trustees of religious societies," approved April seventeenth, eighteen hundred and forty-six; and that the acts and proceedings of the wardens and vestrymen of such Episcopal churches as have omitted to take and subscribe such oaths shall be, and are hereby declared to be as valid and effectual in law as if such oaths had been previously taken and subscribed.

Approved February 24, 1848.

AN ACT to authorize Stephen Vreeland to build, maintain, and keep in repair a dock or wharf in front of his lands, in the township of Bergen, in the county of Hudson.

WHEREAS Stephen Vreeland, of the township of Bergen, in the county of Hudson, and state of New Jersey, hath in his petition represented that he is the owner of certain lands at Kaven Point, in said township, adjoining the waters of the Hudson river or bay, and prayed that a law may be passed authorizing him to build, maintain, and keep in repair a dock or wharf, extending a sufficient distance into said bay, for the accommodation of vessels navigating the same—therefore, ^{Preamble.}

1. BE IT ENACTED by the Senate and General Assembly of ^{S. Vreeland authorized to build dock} the State of New Jersey, That it shall and may be lawful for said Stephen Vreeland, his heirs and assigns, to build, maintain, and keep in repair a dock or wharf upon and in front of his own lands at Kaven Point, in said township, a sufficient distance into said bay for the purposes aforesaid, and from

Proviso.

time to time to rebuild and repair the same; and to lay vessels at said dock or wharf, and receive dockage or wharfage therefor, from all persons using the same; *provided*, that this act shall not affect the legal rights of any other person whatever of this state, or the common rights of the citizens of this state; *and provided further*, that nothing in this act shall be construed to confer any right of ferry, or claim of right of ferry, upon the owner or owners of said dock or wharf, nor shall said dock or wharf be so far extended as to injure or impede the navigation of said bay.

Penalty for injuring dock.

2. *And be it enacted*, That if any person or persons shall in any way wilfully injure or destroy the said dock or wharf, such person or persons shall be responsible, and shall make good all damage which the owner or owners may sustain, recoverable by action of trespass, in any court having jurisdiction of the same.

Approved February 24, 1848.

AN ACT to incorporate the North Branch Mining Company.

Preamble.

WHEREAS Michael Vanderveer, Lewis E. Anderson, Lewis H. Taylor, Liscomb R. Titus, and Thomas A. Hartwell are in possession of considerable mining districts near the North Branch, in the county of Somerset, containing mines of copper and other minerals and metals, and have full right, by virtue thereof, to work the said mines, and have requested the legislature to pass an act incorporating them and their future associates, for the purpose of enabling them to work the said mines, and also to manufacture the ores thereof, in such manner as they may think proper—therefore,

Names of incorporators.

I. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That Michael Vanderveer, Lewis E. Anderson, Lewis H. Taylor, Liscomb R. Titus, and Thomas A. Hartwell, and such others as may hereafter be associated with them for the purposes aforesaid, shall be, and hereby are ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "the President and Directors of the North Branch Mining Company;" and by that name they and their successors and assigns shall and may have continued succession, and shall be persons in law capable

Style of incorporation and general powers.

of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters, and causes whatsoever; and that they and their successors may have a common seal, and make, change, and alter the same at their pleasure; and that they and their successors, by the same name and style, shall be capable of purchasing, holding, and conveying any lands, tenements, and hereditaments in the county of Somerset, and such goods, chattels, wares, and merchandise as will be necessary to the object of the incorporation.

2. *And be it enacted*, That the stock, property, concerns, and affairs of the said corporation shall be managed and conducted by nine directors, who shall be annually elected on the first Wednesday of July, at such time of the day, and at such place in the state of New Jersey, as the by-laws of the said corporation shall direct; and public notice shall be given of the time and place of holding such election; not less than thirty days previous thereto, in one of the newspapers printed at Somerville, and the election shall then and there be made by such of the stockholders as shall attend for that purpose, in person or by proxy; and all elections shall be by ballot, each share having one vote; and the persons who shall have the greatest number of votes shall be the directors; and the said directors, so soon as may be after their election, shall proceed, in like manner, to elect by ballot one of their number to be their president; the president and a majority of the directors shall be residents of the state of New Jersey; and if any vacancy or vacancies shall at any time happen among the directors elected by the stockholders, by death, removal, resignation, or otherwise, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint.

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

4. *And be it enacted*, That the capital stock of the said corporation shall be the sum of one hundred thousand dollars, and that a share in the said stock shall be twenty dollars; and it shall be lawful for the president and directors of the said corporation to call for and demand of the stockholders, respectively, all such sums of money as are by them subscribed, at

such time and in such proportion as they shall deem fit, not exceeding five dollars on each share at any one time, under the pain of the forfeiture of their shares, and all previous payments made thereon, to the said corporation, always giving at least thirty days' previous notice of such call and demand in the newspaper before named.

Directors to elect officers.

5. *And be it enacted*, That a majority of the directors for the time being, provided the said majority are owners of a majority of the number of shares owned by the whole of the said board of directors, shall form a board or quorum for the transaction of the business of the said corporation, and shall have power to make and prescribe such by-laws, rules, and regulations, not repugnant to the constitution and laws of the United States and of this state, as to them shall appear needful and proper touching the concerns of the said corporation; and shall also have power to appoint and employ so many officers, clerks, and workmen, for carrying on said business, and with such salaries and allowances as to them shall seem meet.

Restrictions.

6. *And be it enacted*, That nothing in this act contained shall authorize the said corporation to use its funds for banking operations, or the loan of moneys, or for any other purposes than are herein before expressed.

Stock transferable.

7. *And be it enacted*, That the stock of the said company shall be deemed and considered personal estate, and be transferred in such manner as shall be prescribed by the by-laws of the said company; and that for all debts which shall be due and owing by the said company, the persons then composing such company shall be individually responsible, to the extent of their respective shares of stock in said company, and no further; but this shall not be construed to exempt the said corporation, or any estate, real or personal, which they may hold as a body corporate, from being liable.

Transfers to be registered.

8. *And be it enacted*, That no transfer of stock of said company shall be valid or effectual until such transfer shall be endorsed or registered in the book or books, to be kept by the president and directors for that purpose; which books shall at all times be open to the inspection of the stockholders.

Certain contracts declared valid.

9. *And be it enacted*, That the contracts entered into by the said Michael Vanderveer, Lewis E. Anderson, Lewis H. Taylor, Liscomb R. Titus, and Thomas A. Hartwell, touching and concerning leases of any part of the said tracts of lands, shall be, and the same are hereby made obligatory on the president and directors hereafter elected, and their successors, to fulfil the same, as if made by themselves.

Limitation.

10. *And be it enacted*, That this act shall be and continue in force for and during the term of thirty years; and the said

corporation shall possess the general powers, and be subject to the restrictions and liabilities, contained in the act entitled, "An act concerning corporations," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same are applicable.

Approved February 24, 1848.

A supplement to an act entitled, "An act to authorize the inhabitants of the townships of Bedminster and Warren, in the county of Somerset, and of the townships of Randolph, Chester, and Rockaway, in the county of Morris, and of the township of West Windsor, in the county of Mercer, and of the township of Washington, in the county of Bergen, and of the townships of Hope, Hardwick, and Knowlton, in the county of Warren, and of the townships of Dover and Millstone, in the county of Monmouth, to vote by ballot at their town meetings," approved the fourteenth day of March, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the first section of the act as requires the inhabitants of said townships of Bedminster, in the county of Somerset, and West Windsor, in the county of Mercer, to vote on the same ballot with other town officers, as many overseers of the highways as there are road districts, be, and the same is hereby repealed.

2. *And be it enacted*, That hereafter the overseers of the highways of the several road districts in the townships of Bedminster, in the county of Somerset, and West Windsor, in the county of Mercer, shall be elected by the legal voters of the several road districts, as they may be arranged from time to time by the town committee; and, for the purpose of carrying this provision into effect, it shall be the duty of the town committee to give public notice, as shall hereafter be directed in the third section of this act, which shall be within six days after the town meeting, and of the place, which shall be some convenient place in the district, when and where the legal voters of the township, residing in such district, shall assemble for the purpose of such election; and at which time and place, such legal voters so assembled, having been called to order by any legal voter of the district, shall proceed viva voce, by

holding up of hands, or by count; to elect a moderator of such meeting by plurality of votes; and, being so organized, the meeting shall proceed, as in the election of moderator, to elect an overseer of the highway for the district, being a resident in said district; the moderator of each district meeting shall immediately thereafter notify the town committee, in writing, of the election of such overseer, which committee shall thereupon, in like manner, inform the person so chosen of his appointment; in case of the failure of any district to elect an overseer, or of the person so elected to accept the appointment, the town committee shall fill such vacancy, as in other cases; in case the town committee neglect to give the notice so required for the road district meeting, the town committee next elected shall call a special district meeting for the election of such overseer, at a convenient time and place; the overseers of the highways shall account to and settle with the town committee, as required to do by law.

Notice to be given of road meetings.

3. *And be it enacted*, That it shall be the duty of the town committee, as is required by the second section of this act, to give notice of the time and place of holding the district road meeting, to be posted up in three of the most public places in the township; and, in addition thereto, shall cause a notice of the time and place of holding such district road meeting to be posted up in some conspicuous place in such district, at least five days before the time of holding such meeting.

4. *And be it enacted*; That this act shall take effect as soon as it becomes a law.

Approved February 24, 1848.

NEW JERSEY STATUTES

AN ACT to authorize and empower the inhabitants of the township of Greenwich, in the county of Cumberland, to raise money by tax, for the purpose of building or rebuilding, and keeping in repair, certain wharves in the said township of Greenwich.

Inhabitants of Greenwich authorized to raise tax for building wharves.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Greenwich, in the county of Cumberland, are hereby authorized and empowered, at their annual town meeting, or any special town meeting duly held for that purpose, to raise by

tax, in the same manner as all other taxes are raised for township purposes, any sum or sums of money that may be necessary for building, rebuilding, or repairing such wharf or wharves as they own in the township aforesaid, and also, such sums of money as from time to time may be required to keep the same in good repair.

2. *And be it enacted*, That they shall have authority to make such regulations respecting the use of such wharf or wharves, and for collecting wharfage, and for preventing trespass upon and injury to the same, as a majority of the persons qualified to vote at the several town meetings may from time to time direct. To make regulations for use of wharf.

3. *And be it enacted*, That this act shall not be so construed as to impair or injure the title of any person or persons to any land in the possession of the inhabitants of the township of Greenwich. Titles to land not to be impaired.

4. *And be it enacted*, That the act entitled, "An act to authorize and empower the inhabitants of the township of Greenwich, in the county of Cumberland, to raise by tax money for the purpose of making certain improvements," approved February twenty-fifth, eighteen hundred and forty-seven, be, and the same is hereby repealed. Former act repealed.

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

Approved February 24, 1848.

AN ACT to incorporate the South Branch Mining Company.

WHEREAS Andrew A. Ten Eyck, William Thomson, and Thomas A. Hartwell are in possession of considerable mining districts near the South Branch, in the county of Somerset, containing mines of copper and other minerals and metals, and have full right, by virtue thereof, to work the said mines, and have requested the legislature to pass an act incorporating them and their future associates, for the purpose of enabling them to work the said mines, and also to manufacture the ores thereof, in such manner as they may think proper—therefore, Preamble.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That Andrew A. Ten Eyck, William Names of corporators.

Style of incorporation and general powers.

Thomson, and Thomas A. Hartwell, and such others as may hereafter be associated with them for the purposes aforesaid, shall be, and hereby are ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "the President and Directors of the South Branch Mining Company;" and by that name they and their successors and assigns shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters, and causes whatsoever; and that they and their successors may have a common seal, and make, change, and alter the same at their pleasure; and that they and their successors, by the same name and style, shall be capable of purchasing, holding, and conveying any lands, tenements, and hereditaments in the county of Somerset, and such goods, chattels, wares, and merchandise as will be necessary to the object of the incorporation.

Time and mode of annual election of directors.

2. *And be it enacted*, That the stock, property, concerns, and affairs of the said corporation shall be managed and conducted by five directors, who shall be annually elected on the first Wednesday of July, at such time of the day, and at such place in the state of New Jersey; as the by-laws of the said corporation shall direct; and public notice shall be given of the time and place of holding such election, not less than thirty days previous thereto, in one of the newspapers printed at Somerville, and the election shall then and there be made by such of the stockholders as shall attend for that purpose, in person or by proxy; and all elections shall be by ballot, each share having one vote; and the persons who shall have the greatest number of votes shall be the directors; and the said directors, so soon as may be after their election, shall proceed, in like manner, to elect by ballot one of their number to be their president; the president and a majority of the directors shall be residents of the state of New Jersey; and if any vacancy or vacancies shall at any time happen among the directors elected by the stockholders, by death, removal, resignation, or otherwise, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint.

Corporation not dissolved for failure to elect on day prescribed.

3. *And be it enacted*, That in case it should at any time happen that an election of directors should not be made on the day that pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved; but it shall and may be lawful to hold such election on such

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

4. *And be it enacted,* That the capital stock of the said corporation shall be the sum of two hundred thousand dollars, and that each share in the said stock shall be twenty dollars; and it shall be lawful for the president and directors of the said corporation to call for and demand of the stockholders, respectively, all such sums of money as are by them subscribed, at such time and in such proportion as they shall deem fit, not exceeding five dollars on each share at any one time, under the pain of the forfeiture of their shares, and all previous payments made thereon, to the said corporation, always giving at least thirty days' previous notice of such call and demand in the newspaper before named. Amount of capital stock.

5. *And be it enacted,* That a majority of the directors for the time being, provided the said majority are owners of a majority of the number of shares owned by the whole of the said board of directors, shall form a board or quorum for the transaction of the business of the said corporation, and shall have power to make and prescribe such by-laws, rules, and regulations, not repugnant to the constitution and laws of the United States and of this state, as to them shall appear needful and proper touching the concerns of the said corporation; and shall also have power to appoint and employ so many officers, clerks, and workmen, for carrying on said business, and with such salaries and allowances as to them shall seem meet. Directors to choose officers.

6. *And be it enacted,* That nothing in this act contained shall authorize the said corporation to use its funds for banking operations, or the loans of moneys, or for any other purposes than are herein before expressed. Restrictions.

7. *And be it enacted,* That the stock of the said company shall be deemed and considered personal estate, and be transferred in such manner as shall be prescribed by the by-laws of the said company; and that for all debts which shall be due and owing by the said company, the persons then composing such company shall be individually responsible, to the extent of their respective shares of stock in said company, and no further; but this shall not be construed to exempt the said corporation, or any estate, real or personal, which they may hold as a body corporate, from being liable. Stock transferable.

8. *And be it enacted,* That no transfer of stock of said company shall be valid or effectual until such transfer shall be endorsed or registered in the book or books, to be kept by the president and directors for that purpose; which books shall at all times be open to the inspection of the stockholders. Transfers to be registered.

Certain con-
tracts declar-
ed valid.

9. *And be it enacted*, That the contracts entered into by the said Andrew A. Ten Eyck, William Thomson, and Thomas A. Hartwell, touching and concerning leases of any part of the said tracts of land, shall be, and the same are hereby made obligatory on the president and directors hereafter elected, and their successors, to fulfil the same, as if made by themselves.

Limitation.

10. *And be it enacted*, That this act shall be and continue in force for and during the term of thirty years from the passing thereof; and that the legislature may alter, modify, or repeal this act, whenever in their opinion the public good may require it.

Approved February 24, 1848.

A further supplement to the act entitled, "An act to incorporate the New Jersey Turnpike Company."

Preamble.

WHEREAS it appears to the legislature that said company has surrendered all that portion of said road, lying and being in the counties of Hunterdon and Warren, to the inhabitants of said counties, who now have the control and management thereof; and whereas it also appears, that by reason of the closing and shutting up of said road, between Mechanicsville, in said county of Hunterdon, and the Somerset county line, about one mile and a quarter of said turnpike road, east of the Hunterdon county line to the junction of the old road, has become useless, and cannot be used as a public highway—therefore,

Part of road
vacated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of said turnpike road east of the Hunterdon county line to the junction of the old road leading to Mechanicsville, is hereby vacated, and the said company is discharged and for ever released from all liability to amend, repair, and keep the same in order.

Former act
repealed.

2. *And be it enacted*, That the act entitled, "A further supplement to the act, &c., to incorporate the New Jersey Turnpike Company, and which further supplement was passed the tenth day of March, eighteen hundred and thirty-six, be, and the same is hereby repealed.

Approved February 25, 1848.

A further supplement to the act entitled, "An act to incorporate the city of Newark."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act entitled, "A further supplement to the act entitled an act to incorporate the city of Newark," approved March twenty-sixth, eighteen hundred and forty-five, so far as it relates to the exemption of firemen from tax in the city of Newark, shall be extended to the exempt firemen in said city, as well as to those who are in actual service as firemen. Provisions of former act extended.

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

Approved February 25, 1848.

A supplement to an act entitled, "An act to incorporate the Raritan Mining and Manufacturing Company," passed February twenty-fifth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That a share in the capital stock of the said corporation shall be twenty-five dollars. Value of shares.

2. *And be it enacted*, That that part of said act to which this is a supplement, which is inconsistent with this act, is hereby repealed. Part of former act repealed.

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

Approved February 25, 1848.

A further supplement to the act entitled, "An act incorporating Jersey City," passed February twenty-second, eighteen hundred and thirty-eight.

Interest to be charged on unpaid tax.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever within the said city any tax shall remain unpaid, at the time appointed by law for the collector of the said city to return a list of the delinquent tax payers, it shall be lawful for the constable authorized to collect such tax to charge, receive, and collect, in addition to the amount of such tax, interest thereon, to be computed at the rate of twelve per cent. per annum, from the twentieth day of December, in each year, until the payment of the same; and such interest shall be paid over and accounted for, by the person receiving the same, to the mayor and common council of said city, as a part of the tax collected by him.

Six per cent. deducted in case of payment before return.

2. *And be it enacted*, That if any person or persons, from whom any tax shall hereafter be due and payable to the said mayor and common council of Jersey City, for state, county, or city purposes, shall pay the same, or any part thereof, to the collector of said city before the time appointed by law for the said collector to return a list of delinquent tax payers, it shall be lawful for the said collector to allow and deduct from the amount of said tax so paid, interest thereon, to be computed at the rate of six per cent. per annum, from the time when the said tax shall be received by the said collector until the time appointed by law to make such return of the list of delinquents aforesaid; *provided*, that nothing herein contained shall be so construed as to exempt the said mayor and common council of Jersey City, or the collector of said city, from paying over to the treasurer of this state, or to the collector of the county of Hudson, the full quota of taxes required by law to be raised in said city for state and county purposes.

Compensation to assessor and collector.

3. *And be it enacted*, That it shall be lawful for the said the mayor and common council of Jersey City, or a majority of them, in common council convened, to declare by ordinance the compensation to be paid to the assessor and collector of said city, for assessing and collecting the state, county, and city taxes, and the same to alter and change from time to time, as to them may seem expedient; and the compensation, so declared by the said the mayor and common council, shall be the amount to which the said assessor and collector shall be entitled, any thing in the act entitled, "An act concerning taxes," approved April fourteenth, eighteen hundred and forty-six, or the act entitled, "An act to incorporate the chosen freeholders in the respective counties of the state," approved

April the sixteenth, eighteen hundred and forty-six, to the contrary.

4. *And be it enacted*, That the book in which the said common council have caused their ordinances and by-laws to be recorded, and such other book and books as shall be by them provided and kept for that purpose, shall be taken and received in all courts and places, as evidence of the due passage by said common council of all ordinances and by-laws recorded therein; and until the contrary be proved, all ordinances and by-laws recorded in said book or books shall be presumed to have been introduced, passed, and published according to the requirements of the thirteenth section of the act to which this is a supplement.

Books of record to be evidence.

5. *And be it enacted*, That penalties for the violation of any ordinance or any by-law of the said common council, may be sued for and recovered, in the court for the trial of small causes, before any justice of the peace residing in the said county of Hudson.

Penalties for violation of ordinance, how recovered.

6. *And be it enacted*, That from any judgment which may be obtained in the court for the trial of small causes, in any action brought to recover a penalty for the violation of any ordinance or by-law of the said common council, except where judgment of imprisonment shall be rendered, either party may appeal, as in other cases, to the court of common pleas of the county of Hudson, to be holden next after the rendering of such judgment; and when the treasurer of the said city shall be appellant, a bond executed by the mayor, under the seal of said city, without other surety, shall be considered a sufficient appeal bond; and when the judgment shall be rendered upon the verdict of a jury, the oath required in such case may be made by the attorney or other person who prosecutes such action in behalf of the said common council, and shall state that the said appeal is not intended for the purpose of delay, and that he verily believes the appellant hath a just and legal ground of appeal upon the merits of the case.

Parties aggrieved may appeal.

7. *And be it enacted*, That it shall be lawful hereafter for the said mayor and common council to exercise the same right, power, and authority in and over the Newark turnpike or avenue, and all streets, lanes, and alleys now open, or that shall hereafter be opened, within the limits of said city; and to regulate, grade, pave, curb, gutter, and drain the same; and to charge, assess, collect, and receive the costs and expenses thereof, upon the property benefited thereby, in the same manner and to the same extent as by law they may in and over any other of the streets within the said city; *provided always*, that nothing in this act contained shall be so construed as to

Mayor and common council to regulate and pave streets, &c.

subject the said Newark turnpike or avenue to any tax, assessment, or imposition by the said mayor and common council of Jersey City.

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

Approved February 25, 1848.

AN ACT to amend the several acts relating to the township of Van Vorst, in the county of Hudson, passed, respectively, on the twenty-ninth of February, eighteen hundred and forty-four, on the twelfth of February, eighteen hundred and forty-five, and on the twenty-sixth of March, eighteen hundred and forty-six.

Preamble.

WHEREAS the inhabitants of the township of Van Vorst, in the county of Hudson, have, by their petition, represented to this legislature, that, by the act to which this is a supplement, the metes and bounds of their said township have not been so set forth as definitely to include the territory designed to be set apart for said township, and have also represented that their taxation, as heretofore assessed upon them under the existing laws of this state, is disproportioned and unequal, bearing lightly and nominally only upon the few wealthy landholders, but oppressively upon the large portion of the people and the owners of small freehold estates; and whereas it appears that the said township is composed of a small table of land, adjoining Jersey City, the whole of which said township has been laid out into building lots and streets, and that the same is rapidly improving; and it manifestly appearing to be just and reasonable that all said building lots should be equally assessed according to their relative value, and not by the acre, in cases where there may be an owner of such lots amounting to twenty acres or more, as now assessed; and whereas the said petitioners have represented that it would conduce to their advantage to have a common grade or grades for said streets duly established and fixed, and also to have the side-walks therein duly regulated and paved, and the streets therein paved, flagged, McAdamized, or gravelled, but that they have no adequate power to effect the same, or to provide for the other necessary improvements which their common welfare and safety demand, and have prayed the aid of the legislature in this behalf—therefore,

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey,* That the township of Van Vorst, in the county of Hudson, shall be designated and known as all that part or district, formerly a part of the township of Bergen, in said county, which lies within the following boundaries, viz: beginning in the middle of the Hudson river; thence northwesterly to the mouth of the creek or stream known as the Creek of the woods, or Mill creek; thence running in a westerly course to the middle of the mouth of the said creek; thence following up the centre of said creek till it comes to the sprout of said creek which runs into the Hoboken meadow; thence in a northwesterly direction till it meets the Hoboken embankment; thence southwesterly along said embankment till it comes to the upland at the foot of the hill; thence southerly along the foot of the hill, in a straight line, till it intersects the aforesaid Creek of the woods, or Mill creek; thence following the middle of said creek to its entrance in the Communipaw cove, or York bay; thence down said cove or bay to the southwesterly corner of the Jersey City boundary line; thence northerly along the westerly line of said boundary line of Jersey City to the middle of South Eighth street; thence easterly along the middle of said street until it reaches Harsimus street; thence northerly and easterly along the boundary line of Jersey City to the centre of the Hudson river; thence northerly along the said river to the place of beginning.

2. *And be it enacted,* That the assessor or assessors of the township of Van Vorst, in the county of Hudson, in assessing all taxes authorized, or which may be authorized by law, for state, county, and township purposes, shall assess and rate all tracts or lots of land, and all houses and lots of land within the said township, according to the actual value thereof, to be rated and valued at the discretion of the said assessor or assessors, reserving the same appeal, and authorizing the collection of the same, in the same way and manner, in all respects, as is now or may hereafter be reserved and prescribed by the laws of this state; *provided however,* that the proportion or quota of tax to be levied and collected in said township for state and county purposes, shall nevertheless be adjusted and fixed from year to year upon the same basis or ratio, as by the laws of this state is or may be adjusted or fixed for other townships in this state.

3. *And be it enacted,* That it shall and may be lawful for the township committee of said township, or a majority of them, in committee convened, to pass, by not less than three concurring votes, and enforce all such ordinances as they shall from time to time judge proper for establishing and fixing the grades of all the streets in said township, a proper chart or

map whereof, with references to the necessary monuments and plans, they shall cause to be filed in the office of the clerk of the court of common pleas of the county of Hudson, there to remain as evidence in all cases and matters relating to said grades; and also for regulating and keeping the said streets and side-walks in repair, and for preventing the encumbering or obstructing any street or streets, or any of the side-walks; for preventing persons from riding, driving, or passing over or upon any of the side-walks with horses or oxen, or with wagons, carriages, or carts, of any description, and for protecting the trees, lamp-posts, and lamps; for preventing and regulating the running at large of cattle, horses, dogs, and swine; for abating or removing any nuisance in any street or on any wharf, or in or upon any lot or lots or enclosure, or other place or places in said township; for flagging, curbing, and guttering the side-walks; for paving, flagging, McAdamizing, or gravelling any street or streets; for regulating and sinking wells and pumps; for providing water, reservoirs, and aqueducts for extinguishing fires; for making sewers; for appointing and removing fire wardens, fire engineers, and firemen, and for prescribing their duties; for erecting street lamps; for erecting and maintaining a town-house and school-house, and purchasing sufficient ground for the use of the same, together with such other public buildings as may be necessary or convenient for the people of said township; *provided always*, that every and each ordinance, so passed as aforesaid, shall be published for the space of four weeks, at least once a week, in at least one newspaper published or circulated in said township, before said ordinance shall go into effect.

Township
committee
to raise tax.

4. *And be it enacted*, That it shall and may be lawful for the said township committee of said township to raise by tax, from year to year, such sum or sums of money as they may deem necessary for defraying the expenses of establishing and fixing the grade or grades of the streets, for regulating and keeping the same in repair, as now or may hereafter be opened; for abating or removing any nuisance; for procuring fire engines and building engine-houses; for supporting a night watch when necessary; and for defraying the contingent expenses of said township, and for all other public purposes and objects authorized by this act; to be assessed upon the persons and property of the residents of the said township, as is by law now or may be authorized, and upon the real estate of residents and non-residents, as in and by the first section of this act is authorized; *provided*, the said township committee shall not raise a greater sum than two hundred and fifty dollars in one year, which sum may be increased to one thousand dollars, by consent of a majority of the voters of said township, in town

meeting duly and lawfully convened; which taxes shall be assessed by the assessor, and collected by the collector of said township, and paid into the hands of the treasurer of the said township, subject to the order and disposition of said township committee; and the said assessor and collector shall proceed in all things as by the laws of this state township assessors and collectors are bound to proceed, and shall be liable to the same pains and penalties as prescribed in similar cases; and such further proceedings shall hereafter be had in case of any persons being delinquent in paying said taxes, as now is prescribed by the laws of this state for the collection of state, county, and township taxes.

5. *And be it enacted*, That it shall and may be lawful for the said township committee of said township to purchase sufficient lands for the erection of a town-house, school-house, and engine-houses, and give a bond and mortgage for the purchase money; which said bond and mortgage shall be given in the name of the inhabitants of the township of Van Vorst, and signed by the township committee, under their hands and seals; and also to borrow a sum of money, not exceeding six thousand dollars, for the erecting and completing said buildings, by issuing township bonds, in sums of not less than one hundred dollars each; which bonds shall be in the name of the inhabitants of the township of Van Vorst, and signed by the township committee, under their hands and seals, and bearing interest at the rate of six per cent. per annum.

Township
committee
to purchase
lands and
erect public
buildings.

6. *And be it enacted*, That it shall and may be lawful for the said township committee, in each and every case when improvements shall be prayed for, as herein after contemplated, and an ordinance passed by the said township committee for the purpose, to appoint three discreet, impartial, and disinterested freeholders of said township, who shall be duly sworn or affirmed to assess, upon principles of equity and according to the benefit which the owner or owners thereof may derive therefrom, the real estate in said township, for the improvements so as aforesaid to be made in the streets or parts of streets, and for flagging, curbing, and guttering the sidewalks, or any part thereof, and for paving, flagging, McAdamizing, or gravelling any street or streets of said township, for regulating and sinking wells and pumps, for making reservoirs and aqueducts for the purpose of extinguishing fires and for erecting street lamps; which said assessment shall be collected under and by virtue of an order or orders for the purpose, to be awarded and issued by the said township committee, under their hands and seals, in the nature of a warrant to distrain and sell the personal estate of the owner or owners of the said real estate so assessed, directed to one of the con-

Assessments,
how made
and collect-
ed.

Penalties,
how collect-
ed.

stables of said township, whose duty it shall be to return the said warrant to the said township committee within thirty days; thereafter, with the moneys raised thereupon; *provided*, that no distress shall be made by virtue of the said warrant until demand made by the said constable for the payment of such assessment or assessments, and a refusal or neglect of payment for the space of ten days after such demand; and in case the moneys therein required to be made, together with the costs, or any part thereof, cannot be made on the said warrant, the said constable shall return the said warrant, with a certificate thereof, within the said thirty days, to the said township committee; after which time the said committee may proceed to enforce the lien herein after created upon the said real estate; *provided*, that no assessment shall become final until after notice thereof shall have been published by the said three assessors, by notice in writing set up in five of the most public places in the township, for the space of thirty days at least, and until the same shall have been confirmed by the said township committee; of the meeting of the said committee for that purpose, like public notice shall be given, and to whom any person aggrieved may at that time apply for relief; *and provided also*, that no such assessment shall be made unless upon petition of the owners of a majority of the lots interested in such improvement for which such assessment shall be made.

Lands may
be sold for
nonpayment
of tax.

7. *And be it enacted*, That the taxes and assessments which shall be assessed or made upon any real estate in the said township, by virtue of this act, shall be and remain a lien thereon for the space of two years from and after the time when the same shall be assessed; notwithstanding any subsequent descent, devise, alienation, mortgage, or other encumbrance 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 township committee of said township to cause the said lands, tenements, or real estate to be sold at public auction, for the shortest time for which any person will agree to take the same and pay such tax or assessment, or the balance thereof remaining unpaid, with the interest thereon, and all costs, charges, and expenses, and to execute, under their hands and seals, a declaration of such sale, and deliver the same to the 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 use, against the owner or owners thereof, and all persons claiming under him or them, until his or her said time shall be complete and ended; *provided*, that the said township committee shall have first caused such sale to be advertised, at least

once a week for eight weeks, in at least one public newspaper printed and published in said township, and if no newspaper shall be printed and published in said township, then in at least one public newspaper printed and published in the county of Hudson, and generally circulated in said township, and also, by advertisements put up in at least five public places in said township, (all of which advertisements shall be signed by the chairman of the township committee, and attested by the clerk of the township,) which advertisements shall fully describe the said lands, tenements, or real estate, and specify the amount of the tax or assessment thereon; *and provided also*, that the lands, tenements, or real estate so sold may be redeemed by the owner or owners thereof, or by the mortgagee or mortgagees thereof, within two years from the day of sale, on the payment of the amount of the purchase money, with interest, at the rate of twelve per cent. per annum, from the day of sale, and all expenses necessarily incurred thereon; *and provided also*, that in case the same shall be paid, as herein before provided, by the mortgagee or mortgagees, then and in that case the whole amount of that payment shall be recovered under and by virtue of the mortgage which the said mortgagee or mortgagees may hold upon the said real estate, in the same way and manner, in all respects, as if the same were included in and intended to be secured by the said mortgage.

§. *And be it enacted*, That it shall and may be lawful for the township committee of said township, or a majority of them, in committee convened, by not less than three concurring votes, to pass and enforce all such by-laws and ordinances as may be found expedient to carry into effect the powers hereby granted to said township committee, and to impose reasonable penalties for the breaches or for the nonobservance thereof, not exceeding the sum of twenty-five dollars for any one offence; *provided*, such by-laws and 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 township committee, may be sued for and recovered, with costs, in an action of debt, in the name of the treasurer of the said township, for the use of the township, without specifying the individual name of the treasurer of said township for the time being, before any justice of the peace residing in the county of Hudson; 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 that upon the trial of any issue, or upon the judicial investigation of any fact, to which issue or investigation the inhabitants of the township of Van Vorst or the treasurer of the township of

Township
committee
may pass by-
laws, &c.

Van Vorst are a party, or in which they, or either of them, are interested, no person shall be deemed an incompetent witness or juror by reason of his being an inhabitant, freeholder, or freeman of said township; 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.

Treasurer,
how elected.

9. *And be it enacted*, That it shall be the duty of the township committee, at their first annual meeting, to elect, by not less than three concurring votes, a suitable person, being a freeholder and resident, who shall be treasurer of the township for one year and until another person is elected in his place, who, before entering upon the duties of his office, shall enter into bond to the township, with such security and in such amount as the township committee shall approve, conditioned for the faithful performance of the duties of said office.

Vacancies,
how supplied.

10. *And be it enacted*, That in case of a vacancy in any office of the said township, occasioned by death, disqualification to hold such office, resignation, or removal from said township, or in case of a tie vote at an annual election, such vacancy shall be filled by a majority of the township committee of the said township, in committee convened; and the officer or officers so appointed by the said township committee shall hold their office till the next annual election in the said township, and till other officers shall be appointed to supply such vacancy.

Former acts
repealed.

11. *And be it enacted*, That the acts entitled, "A supplement to the act entitled an act to set off the township of Van Vorst, in the county of Hudson, passed March eleventh, eighteen hundred and forty-one," passed February twenty-ninth, eighteen hundred and forty-four, "A further supplement to an act to set off the township of Van Vorst, in the county of Hudson," passed February twelfth, eighteen hundred and forty-five, and "A further supplement to an act to set off the township of Van Vorst, in the county of Hudson," passed March twenty-sixth, eighteen hundred and forty-six, be, and the same are hereby repealed; *provided nevertheless*, that such repeal shall not render ineffectual any thing lawfully done under and by virtue of said acts.

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

Approved February 25, 1848.

AN ACT to set off from the township of Middletown, in the county of Monmouth, a new township, to be called the township of Raritan.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Boundaries of township.} *the State of New Jersey,* That all that part of the township of Middletown, in the county of Monmouth, lying within the following boundaries, that is to say: beginning at Tanners Landing, on the shore of Raritan bay; thence running southerly along the new road near Thomas Arrowsmith's to the road leading from the village of Middletown to Keyport; thence along the road by Daniel D. Hendrickson's to the corner of John P. Luyster and William H. Hendrickson's land; thence westerly to the road running by Hendrick V. Luyster; thence along the said road to the road leading from Middletown to Holmdel; thence along the road by John Golden to the corner of Ann Ogborn, deceased; thence following the road through Morrisville to the road leading from Holmdel to Leedsville; thence southerly to the Atlantic township line, between the lands of Joseph Conover and Aaron Van Mater; thence along the line of said Atlantic township, in a westerly direction, to the line of Freehold township; thence following the line between Freehold and Middletown townships, to the line between the counties of Monmouth and Middlesex; thence down the said county line to Raritan bay; thence along the shore of said bay to the place of beginning, is hereby set off from the said township of Middletown, and erected into a separate township, to be called and known by the name of "the Township of Raritan."³

Inhabitants of township incorporated

2. *And be it enacted,* That the inhabitants of the said township of Raritan are hereby constituted a body politic and corporate in law, and shall be styled and known by the name of "the Inhabitants of Raritan, in the county of Monmouth," and shall be invested with and entitled to all the rights, powers, authority, privileges, and advantages, and subject to the same regulations, government, and liabilities, as the inhabitants of the other townships in the said county of Monmouth.

Time and place of first town meeting.

3. *And be it enacted,* That the inhabitants of the township of Raritan shall hold their first annual town meeting at the Atlantic hotel, now kept by William Brookfield, in the village of Keyport, on the day appointed by law for holding the annual town meetings in the other townships of the county of Monmouth, and afterwards at such places in the township of Raritan as the said inhabitants shall determine, in the manner prescribed by law.

Settlement
of paupers.

4. *And be it enacted,* That all paupers who may be chargeable to the said township of Middletown at the time when this act shall go into operation, shall hereafter be chargeable to and supported by that township within the bounds of which they have acquired their settlements, respectively, or in which the said paupers may have resided at the time of acquiring their respective settlements; and all persons whose present settlements are in the said township of Middletown, and who shall hereafter become chargeable as paupers, shall be supported by that one of the said townships of Raritan and Middletown, within the bounds of which they respectively resided at the time of acquiring their settlements.

Real and per-
sonal prop-
erty, how held.

5. *And be it enacted,* That all the real and personal property now belonging to the said township of Middletown, shall hereafter belong to the said townships of Raritan and Middletown, in proportion to the taxable property and ratables, as valued and assessed by the assessor within the respective limits of the said township at the last assessment, and shall be owned and held by them in common.

Tax in cer-
tain cases,
how paid.

6. *And be it enacted,* That all persons through whose land the division line between the townships of Middletown and Raritan shall run, shall pay the whole amount of their tax on the homestead, in the township where the mansion-house is situated.

Township
committees
to allot and
divide prop-
erty, &c.

7. *And be it enacted,* That the township committees of Raritan and Middletown shall meet on the fourth Tuesday of March next, at ten o'clock in the forenoon, at the village of Middletown, in said township of Middletown, and shall then and there proceed by writing, to be signed by a majority of those present, to allot and divide between the said townships all the property and money on hand, due or to become due, in proportion to the taxable property and ratables, as valued and assessed by the assessors, within the respective limits of the said townships at the last assessment; and shall also ascertain and determine which of the paupers now supported by the township of Middletown shall have their residence in that part of said township hereby set off as the township of Raritan, and may adjourn the said meeting from time to time, and to such time and place as a majority of those present may think proper; and the township of Raritan shall be liable to pay her just proportion of debts, if any there be, and to support and maintain the paupers so allotted to the said township of Raritan; and if any of the members of the said township committees shall neglect or refuse to meet as aforesaid, those present may proceed to make such division; and their decision, or a decision of a majority of them, shall be final and conclusive.

8. *And be it enacted*, That the township committee of the said township of Raritan shall have power, and they are hereby authorized and empowered to sell and release to the said township of Middletown all the right, share, and interest of the said township of Raritan in and to the property, both real and personal, now belonging to the said township of Middletown, or any part thereof, for such sum or sums as may be agreed upon by the committees of the townships interested, and to make and deliver good and sufficient deeds for the same.

Township committee to release real and personal estate.

9. *And be it enacted*, That nothing in this act contained shall be construed to impair or in any wise affect the rights of the said township of Raritan in and to any portion of the surplus revenue of the general government to which the said township may now or at any time hereafter be entitled in the distribution of said surplus revenue.

Rights of township to surplus revenue not to be impaired.

10. *And be it enacted*, That this act shall take effect and go into operation immediately after the passage hereof.

Approved February 25, 1848.

A further supplement to the act entitled, "An act to incorporate a part of the township of Newton, in the county of Gloucester," passed the thirteenth of February, eighteen hundred and twenty-eight.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That from and after the passage of this act, the city of Camden shall be divided into three wards, in manner following, to wit: the first line or division shall commence at the western line of the said city, in the river Delaware, at a point opposite the middle or centre of Plum street; thence, in an easterly direction, to the middle or centre of Plum street; thence, along the middle or centre of said street, in an easterly direction, until it strikes the road that leads over Coopers creek bridge, and towards Moorestown, being the point or terminus of said Plum street and Federal street; thence, along the middle or centre of said road, still in an easterly direction and crossing the railroad, to the eastern line of said city, in Coopers creek; the second line or division shall commence at the western line of said city, in the river Delaware, at a point opposite the middle or centre of Line street;

Boundaries of wards.

thence, in an easterly direction, to the middle or centre of Line street; thence, along the middle or centre of said street, about north, eighty-seven degrees east, crossing Broadway street, to the line or boundary of the said city, in the road leading from Kaighnton to Coopers creek bridge; all that part of the said city lying and being above or on the north side of the first line or division above mentioned, shall constitute one ward of the said city, to be called "the North Ward of Camden;" all that part of the said city lying and being above or on the north side of the second line or division above mentioned, which is not contained or comprised in the North Ward of said city, above mentioned, shall constitute another ward of said city, to be called "the Middle Ward of Camden;" and all that part of said city lying and being below or on the south side of the said second line or division above mentioned, shall constitute the other ward of said city, to be called "the South Ward of Camden."

Time and
mode of an-
nual election
of officers.

2. *And be it enacted*, That an election by ballot shall be held annually on the second Monday of March, in each of the wards of the said city, at such place as the city council shall appoint, of which place the city council shall cause public notice, in writing, to be set up in five public places in each ward of said city, and to be published in one or more of the newspapers printed therein, at least one week previous to the day of such election; and in default of such notice, the election shall be held at the place where the last annual ward election was held; at which election two common councilmen, one assessor, one collector, one ward clerk, one reputable freeholder, judge of election, three judicious freeholders, of good character, to hear and finally determine all appeals relative to unjust assessments in cases of taxation in said ward, one or more constable or constables, three trustees of common schools, shall be annually chosen in each of said wards, from among the citizens residing therein, and entitled to vote at such election; which said several officers shall hold their respective offices for one year and until others shall be chosen and legally qualified in their stead; the poll of such election shall be opened at eight o'clock in the forenoon, and closed at seven o'clock in the evening; the judge of election, assessor, and collector shall be the judges of the said election; and in case of the absence, death, or refusal to serve of either of the judges or of the ward clerk, such vacancy or vacancies shall be supplied in the manner prescribed by law for supplying such vacancy or vacancies at an election for state and county officers; the name of each elector voting at such election shall be written in a poll list, to be kept at such election by the clerk of the ward; the officers of the said election shall take

the same qualifications, be entitled to the like compensation, and the said election, in all things, conducted, continued, and concluded, as nearly as may be, according to the same rules and regulations, and under the same restrictions and penalties, as are prescribed by the laws regulating the elections of members of the Senate and General Assembly of this state; and after the poll shall be closed, the said judges shall count the votes given for the several candidates, and make out two certificates of the result, under their hands, and deliver one to the clerk of the ward, to be by him filed and preserved, and deliver the other to the clerk of the city for the time being, to be by him filed and preserved in his office; and the persons having the greatest number of votes shall be declared elected to the offices for which they shall have been voted for respectively; at the first election held in the wards of said city under the provisions of this act, the officers of the election shall be supplied in the same manner as if there were vacancies.

3. *And be it enacted,* That at the said ward elections, to be annually held as aforesaid, there shall be chosen by the electors of said city, from among the citizens residing therein, and entitled to vote at such election, one person, a freeholder in said city, to be mayor, one or more overseer or overseers of the poor, two surveyors of the highways, and two freeholders, commonly called chosen freeholders, one or more pound-keeper or pound-keepers; that the officers conducting such election shall, in manner aforesaid, proceed to count the votes received for the different candidates, and make out and certify, under their hands, two certificates of the result, with the number of votes given for each candidate for the offices aforesaid, respectively, one of which said certificates shall be filed and preserved by the clerk of the ward, and the other enclosed, sealed, and directed to the city council, and within three days thereafter be delivered, sealed as aforesaid, to the city clerk, who thereupon shall call a meeting of the city council; and the city council, when assembled, shall, in a public manner, proceed to open the same, and count the number of votes given in the several wards, and shall ascertain and declare who are elected, by the greatest number of votes, to the respective offices mentioned in this section; and the number of votes each candidate received shall be entered upon the minutes of the said council, and a certificate shall be made and filed in the office of the said city clerk, of the persons respectively elected to the said offices.

4. *And be it enacted,* That all elections hereafter to be held in the said city, for state and county officers, members of the house of representatives of the United States, and electors of president and vice president of the United States, shall be held

Returns of
election to
be made.

Elections,
how con-
ducted.

in the several wards of the said city, at the place therein appointed by the city council for holding the ward elections, on the day which now is, or hereafter may be designated for holding such elections; the polls shall be opened and closed at the hours prescribed by the laws of the state, and the judge, assessor, and collector, before mentioned, shall preside at and conduct all such elections, and the clerks of said wards shall be clerks of such elections, in their respective wards; every person in said city entitled to vote at such election shall give his vote in the ward wherein he actually resides at the time of such election, and not elsewhere; and in case any person, at any election whatever held in any of the wards of said city, shall vote or offer his vote in a ward in which he is not entitled to vote, he shall be liable to the penalty prescribed in the fiftieth section of the act entitled, "An act to regulate elections," approved April sixteenth, eighteen hundred and forty-six.

Officers of election.

5. *And be it enacted*, That the said judges and clerks of elections shall take the same qualifications, 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 this state are or may be by law vested with, allowed, or subject to: and in all things, so far as holding, conducting, and managing the said elections are concerned, and all matters which appertain and relate to the holding, conducting, and managing the said elections, the officers aforesaid shall be regarded as township officers; and all the provisions of the act entitled, "An act to regulate elections," approved April sixteenth, eighteen hundred and forty-six, or any other act or acts which may hereafter be passed regulating elections, shall apply to, and be binding upon, as fully, to all intents and purposes, as if the said officers of election were mentioned therein.

City clerk, how appointed.

6. *And be it enacted*, That the city council shall appoint some fit person, at their first meeting each year, to be clerk of said city, who shall hold his office for the term of one year and until his successor shall be appointed; and the said city clerk so appointed shall be ex officio clerk of the city council; and in case a vacancy shall occur in said office, the city council shall have power to fill it for the unexpired term.

Duties and powers of officers.

7. *And be it enacted*, That the clerk of the said city, the surveyors of the highways, the overseer or overseers of the poor, the pound-keeper or pound-keepers, the constable or constables, and chosen freeholders, appointed under this act shall respectively possess the powers, and in all things perform the

duties of the like officers in any township of the county of Camden, as fully, to all intents and purposes, as if they respectively had been elected in one of the townships of the said county of Camden, and be entitled to receive the same fees and emoluments, and be liable to the same penalties of the like officers of any township in said county, so far as such powers and duties shall be consistent with the provisions of this act; and that the assessor, collector, judge of election, the chosen freeholders, the commissioners of appeals in all cases of taxation, of each of the wards of the said city, shall respectively possess the powers and perform the duties, and be entitled to receive the same fees and emoluments, and be liable to the same penalties, of the like officers of any township of the said county, to the same extent and in the same manner, in all respects, as if each of the wards of said city was constituted a separate township of the said county of Camden, as far as such powers and duties shall be consistent with the provisions of this act; and the said school trustees elected under this act shall have charge of the public schools of the said city, and shall possess all the powers and perform all the duties that are now imposed upon the trustees of the public schools of the township of Camden, by the act of the legislature now in force establishing the public schools of said township; and that the members of the city council, 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 the township of Camden, collectively and individually, so far as such powers and duties are consistent with the provisions of this act; *provided*, nothing herein contained shall be construed to affect or to release any of the said constables from any duty by law now enjoined or imposed upon said officers within said city.

8. *And be it enacted*, That the assessors of the several wards of the said city shall assess upon the persons and property within the said city, and the collectors of the several wards of the said city shall collect the state and county taxes by law directed or required to be assessed and collected within the said city, and also the taxes required to be assessed and collected for the use of the said city, in the same manner and within the same times as the assessors and collectors of the townships are or may be by law required to assess and collect the state and county taxes within their respective townships; and the commissioners of appeal in cases of taxation shall meet at such places in their respective wards in the said city as the city council shall appoint, and on the same day and upon like notice given as now is or hereafter shall be by law prescribed for the meeting of the like officers of any township of this

Assessments,
how made.

state; and when so met, shall have full power and authority to hear and determine all complaints of unjust taxation in said ward, whether the same be assessed for the use of the state or county, or of the said city, in the same manner as the like officers of the townships of this state are authorized and required to do.

Taxes, how
raised.

9. *And be it enacted,* That it shall be lawful for the city council of the said city to order the raising, and cause to be raised by tax, from year to year, such sum or sums of money as they shall deem expedient for establishing and maintaining a police in said city, and supporting a night watch therein, lighting said city, supplying the said city with water, mending, improving, regulating, paving, flagging, and gravelling, or otherwise improving the roads, highways, streets, and alleys of said city, maintaining and supporting the poor, and for defraying the contingent expenses of the said city, and for all other objects and purposes authorized by the act incorporating the said city, and the several supplements thereto; also, to cause to be raised by tax such sum or sums of money for the support of common schools in said city as the inhabitants of the township of Camden are authorized to raise at their annual town meetings by the existing laws establishing public schools in the township of Camden; all of which taxes shall be assessed by the assessors, and collected by the collectors, of the said city, in the same manner as taxes are assessed and collected in any township of this state; and all delinquents to be returned and proceeded against in the same manner and within the same time as is provided for by the laws of this state, in any of the township therein.

Assessors to
fix quota of
tax to be
raised in
each ward.

10. *And be it enacted,* That it shall be the duty of the assessors of the different wards created by this act, when any money is ordered to be raised under and by virtue of this act for city purposes, to meet at the court-house in said city, or at such other place in said city as the city council shall appoint, at ten o'clock in the forenoon, on the Tuesday following the day by law fixed for the assessors of the townships in the counties of this state to meet each year, and at such meeting to furnish full, true, and accurate abstracts, under oath or affirmation, from their respective tax books, of ratable lands, chattels, effects, estates, and certainties, so by them respectively made, as is required by law, and then and there to ascertain the amount of certainties required by law to be rated, and to adjust and fix the proportion or quota of the tax to be levied and collected in each ward of said city; *provided always,* that no timber, wood, or farming land, used for the purpose of agriculture or husbandry only, including the farm-house thereon, shall be as-

essed or valued at a higher rate than one hundred and fifty dollars per acre.

11. *And be it enacted*, That every constable of the said city, before he enters upon the duties of his office, shall take and subscribe, 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," approved April fourteenth, eighteen hundred and forty-six, 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 the duties of his office, shall repair to the city council and enter into bond to "the Mayor, Aldermen, and Common Council of the City of Camden," with one or more good and sufficient sureties, to be approved of by the said city council, in such sum as the said city council shall direct, in the form, as near as may be, prescribed in the first section of the act entitled, "An act respecting constables," approved April sixteenth, eighteen hundred and forty-six, which bond shall be delivered to the clerk of the city, who is hereby directed and required to record and file the same in his office; and if any person or persons whatever shall suffer or sustain loss by the neglect or misconduct of the said constable, the said bond may be sued and prosecuted by the said person or persons in the same manner, and in all things with the like effect, as is now provided by law for suing and prosecuting the bond of a constable of any township of this state.

Constables
to take oath
and give
bond.

12. *And be it enacted*, That the four stated sessions of the court of general quarter sessions of the peace of the city of Camden, now required to be held each year, shall hereafter be held, one on the fourth Tuesday of January, one on the fourth Tuesday of April, one on the fourth Tuesday of July, and one on the fourth Tuesday of October, yearly and every year, instead of the time or times for holding the said stated terms now provided by law.

Courts, when
held.

13. *And be it enacted*, That "the Mayor, Aldermen, and Common Council of the city of Camden" are hereby absolutely vested with and possessed of all the property, rights, actions, causes of action, and estate whatsoever, both at law and equity, which, at the passage of this act, belong to "the Inhabitants of the township of Camden, in the county of Camden," in their

Property,
rights, &c.,
vested in
mayor, &c.

corporate capacity; *provided*, nothing herein shall affect any suit now pending in the name of the said township of Camden:

Former acts
repealed.

14. *And be it enacted*, That the act entitled, "An act to establish a new township in the county of Gloucester, to be called the township of Camden," passed the twenty-ninth of November, eighteen hundred and thirty-one, and all other acts and parts of acts not consistent herewith, be, and the same are hereby repealed; *provided*, nothing contained in this act shall affect any bond or other security given by any constable or other officer of said township, but the same may be sued and prosecuted in the same manner and with the like effect as if this act had not been passed.

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

Approved February 25, 1848.

AN ACT to determine the mode of ascertaining the place of location of the court-house and public buildings in the county of Cape May.

Time and
mode of
holding elec-
tion.

I. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the inhabitants of the county of Cape May, qualified to vote for members of the state legislature, sheriff, and coroners, to choose and determine, at an election to be holden for that purpose, as herein after directed, at what place in the said county of Cape May shall be located the seat of justice, court-house, jail, and public offices of the said county; and the said election shall be by ballot, and shall be opened on the fourth Tuesday of April next, at the places in the several townships in said county where the last elections for members of the legislature, sheriff, and coroners were held, and shall be continued, conducted, and concluded in the times, at the places, and in the manner prescribed by the acts of the legislature of this state regulating the election of members of the Senate and General Assembly, sheriff, and coroners, in this state, so far forth as the provisions of the said acts are not herein altered or supplied; and each person entitled to vote at the said election shall vote one ticket, on which shall be written or printed, or partly written and partly printed, the ordinary name of the place or

village which he may choose as the location of the said seat of justice, court-house, jail, and public offices.

2. *And be it enacted*, That the clerk of the county of Cape May shall cause the first section of this act to be published in at least one newspaper published in the state of New Jersey, and having a general circulation in said county, for four weeks next preceding the time herein fixed for such election, once a week; and shall also cause notices to be set up, for the like space of time, in three or more of the most public places in each of the townships of the said county of Cape May, of the time when, the place where, and the object for which said election shall be holden; and shall also cause a copy of this act to be delivered to each the clerks of the several townships of the said county of Cape May, at least four weeks before the said election.

Notice of election to be given.

3. *And be it enacted*, That on the day herein for that purpose fixed, and at the hour of eight o'clock in the forenoon, the officers of the several townships of the said county, who are by law required to hold elections for the members of the legislature, sheriff, and coroners of this state, are hereby required to convene and open the election for the purposes specified in this act, and to conduct the same, in all respects, as required by the act above referred to, unless herein otherwise provided; and in case of the death, absence, or inability of any judge or other officer of such election, in any of the townships, such vacancy shall be supplied in the manner prescribed by the aforesaid act; and each of the officers of the said election shall, before the opening of the poll, respectively take, in the manner directed by the aforesaid act, an oath or affirmation in the form following, to wit: "I do solemnly swear, (or affirm, as the case may be,) that I will not receive, or assent to receive, the vote of any person who is not by law entitled to vote at the present election; and that I will, to the utmost of my knowledge and ability, justly, faithfully, and impartially perform all the duties required of me by law at this election, as one of the officers thereof."

Officers of election to take oath.

4. *And be it enacted*, That the judge and inspectors of the said election in the several townships of said county of Cape May, at the close of the polls, shall carefully count the votes received at said election, and make a certificate, under their hands and seals, containing the whole number taken for each village or place voted for as the seat of justice of said county; and shall, on or before the hour of three o'clock in the afternoon of the Saturday next after the day of the said election, transmit and deliver to the clerk of the county of Cape May aforesaid, their respective certificates, together with the lists

To transmit certificate of place chosen.

of voters whose votes were taken at the said election, which certificates and lists shall be filed by said clerk in his office; and the said clerk shall faithfully count the said votes, and the village or place having a majority of all the votes so taken shall be the place chosen for the location of the seat of justice, court-house, jail, and other buildings; and if any such village or place shall receive a majority of all said votes, it shall be the duty of the said clerk to transmit a certificate, under his hand and seal, of the place so chosen to the director of the board of chosen freeholders of said county, at their next meeting; which certificate shall be entered in words at length on the records of the said board, who shall thereupon select and determine the particular site or sites, at said place, where the court-house, jail, and other public buildings shall be erected; but if no such village or place shall receive a majority of all of said votes, it shall be the duty of said clerk to transmit a certificate under his hand and seal, of that fact to the director of the board of chosen freeholders of said county, who shall thereupon, as soon as practicable, call a special meeting of said board; and the said board, at their said special meeting, shall appoint a day, not exceeding sixty days from the day of said election, for holding another election for the location of the said seat of justice, court-house, jail, and other buildings, and the clerk of said board shall give such notice thereof, as the said board may think proper; and on the day so appointed another election shall be held, opened, conducted, continued, and concluded, and the results in the several townships of said county ascertained and transmitted to the said clerk thereof, and by him counted in the same manner, in all respects as nearly as may be, as herein before prescribed in reference to the first election; and the village or place having the greatest number of votes taken at this second election, shall be the place chosen for the seat of justice, or court-house, jail, and other buildings of said county; and it shall be the duty of the said clerk of the county aforesaid to transmit a certificate, under his hand and seal, of the place so chosen to the director of the board of chosen freeholders of said county, at their next meeting; which certificate shall be entered in words at length on the minutes or records of the said board, who shall thereupon select and determine the particular site or sites in said village, or at said place where the court-house, jail, and other public buildings shall be erected.

Compensation of officers of election.

5. *And be it enacted*, That the clerk of the said county of Cape May, judges, inspectors, and other officers of the said election or elections, shall be entitled to the same fees as they are entitled to for like services by the laws of this state regulating elections; and the clerk of the said county of Cape May,

for any extra services required by this act, shall be allowed such further compensation as the board of chosen freeholders of said county shall deem just and proper, to be paid by the collector of said county.

6. *And be it enacted*, That the judges, inspectors, and clerk of the said election, clerk of the county, and all other officers acting in or about the election to be holden under this act, shall be subject to the same penalties, fines, and forfeitures for misconduct, breach or neglect of duty, respectively, as they or either of them would be liable for in conducting an election for members of the legislature, sheriff, and coroners of this state.

Officers liable to same penalties, &c., as in other elections.

7. *And be it enacted*, That the board of chosen freeholders of said county shall, upon the call of their director, or upon their own adjournment, from time to time, as often as occasion may require, meet together at such place or places as they may appoint for that purpose; and they shall contract for and take a deed or deeds for land on which to erect said court-house, jail, and other public buildings, and shall erect the same thereon; and they shall be authorized and empowered to borrow, from time to time, any sum or sums of money necessary to complete the said contemplated object of building said court-house, jail, and other public buildings, and to pledge the faith of the county for the repayment of the same.

Chosen freeholders to erect public buildings.

8. *And be it enacted*, That as soon as the court-house, so to be erected, shall be so far completed as to be fit to accommodate the court, it shall be the duty of the director of the board of chosen freeholders of the said county to give public notice thereof, by advertisements set up in at least five public places in the said county; and that the circuit courts, courts of oyer and terminer and general jail delivery, courts of common pleas, orphans' court, and courts of general quarter sessions of the peace, for the said county of Cape May, shall be held in the said court-house, at the place so chosen for the seat of justice of the said county, at the next term thereafter; and that all writs, process, and other proceedings, depending or made returnable there, shall be valid in all respects, any law, usage, or custom to the contrary notwithstanding; and all the public offices and papers of the said county shall be removed to the said seat of justice, as soon as the buildings necessary for their accommodation are completed.

Director to give notice of completion of buildings.

Approved February 29, 1848.

AN ACT to authorize Garret H. Hendrickson to build, maintain, and keep in repair a dock or wharf in front of his lands, in the township of Middletown, in the county of Monmouth.

Preamble.

WHEREAS Garret H. Hendrickson, of the township of Middletown, in the county of Monmouth, and state of New Jersey, hath in his petition represented that he is the owner of certain lands at Keyport, in said township, adjoining the waters of Raritan bay, and prayed that a law may be passed authorizing him to build, maintain, and keep in repair a dock or wharf, extending a sufficient distance into said bay, for the accommodation of vessels navigating the same—therefore,

G. H. Hendrickson authorized to build dock.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That it shall and may be lawful for said Garret H. Hendrickson, his heirs and assigns, to build, maintain, and keep in repair a dock or wharf upon and in front of his own lands at Keyport, in said township, a sufficient distance into said bay, not exceeding three hundred feet beyond low water mark, for the purposes aforesaid, and from time to time to rebuild and repair the same, and to lay vessels at said dock or wharf, and receive dockage or wharfage therefor, from all persons using the same; *provided*, that this act shall not affect the legal rights of any other person, or of this state, or the common rights of the citizens of this state; *and provided further*, that nothing in this act shall be construed to confer any right of ferry, or claim of right of ferry, upon the owner or owners of said dock or wharf.

Penalty for injuring dock.

2. *And be it enacted*, That if any person or persons shall in any way injure the said dock or wharf, such person or persons shall be responsible, and shall make good all damage which the owner or owners may sustain, recoverable by action of trespass, in any court having jurisdiction of the same.

Approved February 29, 1848.

AN ACT to incorporate a company for the more effectually supplying the city of Trenton and borough of South Trenton with water.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John McKelway, William Halsted, Samuel McClurg, Charles Wright, Xenophon J. Maynard, John Sager, and Alexander H. Armour be, and they are hereby appointed commissioners to receive subscriptions to the capital stock of the Trenton and South Trenton Aqueduct Company, and are hereby authorized to open books for that purpose, at such times and places as they, or a majority of them, may direct, giving at least fifteen days' notice thereof, in a newspaper printed in the city of Trenton, which books shall be kept open for three days, at least, during the usual hours of business; and in case a greater amount than the capital stock shall be subscribed, the said commissioners shall make a just and equitable apportionment thereof among the several subscribers, in proportion to their several subscriptions, but no apportionment shall be made of any subscription for not more than five shares.

Commissioners to open books of subscription.

2. *And be it enacted*, That the capital stock of said company shall be thirty thousand dollars, with the privilege of increasing the same to fifty thousand dollars, if necessary, to be divided into shares of fifty dollars each; and that as soon as three hundred shares of stock have been subscribed, on which five dollars a share shall be paid at the time of subscribing, the persons holding the same shall be, and they are hereby created a body politic and corporate, in fact and in law, by the name of "the Trenton and South Trenton Aqueduct Company," with all the powers, rights, and privileges useful and necessary for the purpose of supplying the city of Trenton and the borough of South Trenton, and their suburbs, and the inhabitants thereof, with water; and may sell and dispose of said water for such price or prices, or annual rent, and under such restrictions, as they may think proper.

Amount of capital.

3. *And be it enacted*, That as soon as fifteen thousand dollars of the capital stock of the said company shall have been subscribed, the said commissioners shall call a meeting of the stockholders, giving at least ten days' notice of the time and place of meeting, as herein before directed, at which meeting the stockholders shall proceed to elect seven directors, a majority of whom shall be residents of this state, one of whom shall be president, and such other officers as shall be necessary to manage the affairs of the said company for one year, of which election any three persons, appointed by said commissioners, shall be judges; and

Election of directors.

that at the expiration of said term, and annually thereafter, upon like notice to be given by the directors for the time being, the said stockholders shall elect the same number of directors, each share of stock to entitle the holder thereof to one vote, either in person or by proxy; and such directors, when chosen, may make and enforce such by-laws as they may think expedient for regulating the transfers of stock and for the general management and regulation of the affairs of the company; *provided*, the same be not contrary to the constitution or laws of this state or of the United States.

Instalments,
how paid.

4. *And be it enacted*, That the directors of said company shall have power to call on the stockholders from time to time for the residue of their subscriptions, by instalments not exceeding ten dollars on each share, by giving twenty days' notice thereof in one or more newspapers published in this city; and upon failure of payment thereof, as required, for thirty days' thereafter, the said directors shall have power to forfeit the shares of such delinquents to and for the use of said company.

Company
authorized
to construct
aqueducts,
&c.

5. *And be it enacted*, That it shall be lawful for the said company to use the water of the Delaware river, or the Assanpink creek, below the dam, and to raise the same, by means of water wheels or steam engines, or other means, into their reservoirs; and also to use the waters of any springs, streams, or rivulets, except as herein after provided, in the city of Trenton or borough of South Trenton, and in the townships of Ewing, Nottingham, and Hamilton, by conducting the same, as herein after provided, into their reservoirs; and, for this purpose, to enter upon any lands in the city of Trenton or the borough of South Trenton, and in the townships of Ewing, Nottingham, and Hamilton, in the county of Mercer, and search or bore for water, or examine the quality thereof, if thought necessary; and that any damages sustained by the owner or owners of the lands so entered upon shall be paid by the said company, as herein after provided; and also, that it be lawful for said company, by their agents or workmen, to lay and extend such aqueduct or aqueducts to such places in the city of Trenton and borough of South Trenton, and in the townships of Ewing, Nottingham, and Hamilton, in the county of Mercer aforesaid, as they shall deem proper, and through any lands that may be by them thought necessary, first giving notice, in writing, of their intentions to the owner or owners or the party in possession, and making satisfaction for any damages that may be sustained thereby, according to any reasonable agreement between the parties; and in case the said parties cannot agree, it shall be the duty of either of the justices of the supreme court, upon a notice to be given him

by the said corporation, or by the owner or owners of such land or real estate, to appoint three disinterested commissioners, from the county of Mercer, to determine the compensation and damages which the owner or owners of the said real estate or land have sustained by reason of the occupancy thereof by the said company; and it shall be the duty of the said commissioners (after having taken an oath or affirmation faithfully and impartially to discharge the trust herein reposed in them) to deliver to the said company a written statement, signed by them, or a majority of them, of the awards they shall make, containing a description of the lands or real estate appraised, to be recorded by said company in the office of the clerk of the county of Mercer; and upon payment or tender of such compensation as aforesaid, to the said owner or owners, then the said company shall be deemed seized and possessed in fee-simple of all such land or real estate; and in case any owner or owners of such land or real estate so appraised shall be feme covert, under age, non compos mentis, or out of the state, then and in such case the said corporation shall pay the amount which has been awarded as due to the last mentioned owners, respectively, into the court of chancery, subject to the order of said court, for the use of the said owner or owners; all which proceedings shall be had at the proper costs and charges of said corporation, to be determined by the said justice of the supreme court; *provided always*, that nothing herein contained shall be so construed as to prevent, or in any wise interfere with the said company, by their servants and agents, from entering upon any lands within the aforesaid limits, for the purpose of searching for or conducting water, and making all necessary examinations, by digging, boring, or otherwise, in relation thereto; and that the injury or damages sustained by the said owner or owners, by means of such examination, shall be paid by said company, in manner heretofore provided; *provided also*, that nothing contained in this act shall be so construed as to authorize said company to appropriate to its use any spring of water, without the consent of the owner or owners of the land where such spring rises, or to compel such owner or owners to submit to any arbitration concerning the same; *and provided further*, that nothing in this act contained shall authorize said company, directly or indirectly, to take away, divert, or in any manner injure or impair the supply of water in the fountains used by the Trenton Water Works Company.

6. *And be it enacted*, That the said company shall be, and they are hereby fully empowered to lay their water pipes beneath such public streets, avenues, or alleys as may be necessary for carrying out the purposes of this act, free of all

Proviso.

Company to lay water pipes.

charge, to be made by any person or persons whatever, for said privilege, doing no damage to public or private property thereby; *provided*, that the said pipes shall be laid at least three feet below the surface of said streets, avenues, or alleys, and shall not in any wise obstruct or interfere with the public travel along the same.

Company
may build
tanks, &c.

7. *And be it enacted*, That the said company shall be, and are hereby fully empowered, by and with the consent of the common council of the city of Trenton, and by and with the consent of the burgesses of the borough of South Trenton, respectively, to build, construct, keep, and maintain such and so many tanks, cisterns, reservoirs, and other necessary fixtures and appendages, in the streets of the city of Trenton and borough of South Trenton, respectively, as may be deemed necessary and proper for the purpose of more effectually supplying the said city of Trenton and borough of South Trenton with water, and of preventing the ravages of the destructive element of fire.

Water may
be used for
supply of
fire plugs.

8. *And be it enacted*, That while the said company are laying down pipes for conducting water into and through the city of Trenton and borough of South Trenton, it shall be lawful for the common council of said city and the burgesses of the borough of South Trenton, at their own expense and under the direction of the superintendent of said company, to insert as many branches in the main pipes to supply such fire plugs as may be thought necessary to furnish water for the purpose of extinguishing fires, the same to be kept in order by the said corporations; for the use of which water no charge shall be made by the company.

Penalty for
injuring
works.

9. *And be it enacted*, That if any person or persons shall wilfully do, or cause to be done, any act, whatsoever, whereby the said works, or any pipes, conduit, canal, watercourse, plug, cock, tank, cistern, reservoir, or any other thing appertaining to the same, shall be stopped, obstructed, or impaired, broken or injured, the person or persons so offending shall forfeit and pay to the said company triple the amount of the damages sustained by means of such offence or injury, to be recovered by such company, with costs of suit, in any court having cognizance of the same.

Company
may sue on
contracts.

10. *And be it enacted*, That it shall also be lawful for the said company, in their corporate name and capacity, to sue for and recover the amount of all contracts with said company for the use of the waters and works aforesaid.

Common
council of
Trenton and
S. Trenton
may sub-
scribe for
stock.

11. *And be it enacted*, That it shall and may be lawful for the common council of the city of Trenton to subscribe for and to hold, for the use and benefit of "the inhabitants of the

city of Trenton," any amount not exceeding the one half of the capital stock, and the burgesses of South Trenton to have a like privilege, to an amount not exceeding one-fourth of the capital stock of said company.

12. *And be it enacted*, That the corporation hereby granted shall possess the general powers, and be subject to the general restrictions and liabilities, set forth in the act entitled, "An act concerning corporations," approved on the fourteenth day of February, in the year of our Lord one thousand eight hundred and forty-six. Restrictions and liabilities.

13. *And be it enacted*, That unless the said corporation shall commence operations necessary for carrying into effect the objects of this incorporation in good faith, within the term of two years from the date of this law, the same shall be null and void. When work to be commenced.

Approved February 29, 1848.

AN ACT to authorize the inhabitants of the township of New Hanover, in the county of Burlington, to vote by ballot at their annual town meetings.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the inhabitants of the township of New Hanover, in the county of Burlington, are hereby authorized and required to elect by ballot, and not otherwise, at their annual town meetings, the following officers, until otherwise required by law, whose qualifications shall be the same as are or may be fixed by law, that is: a township clerk, a judge of election, an assessor, a collector, two chosen freeholders, two surveyors of the highway, three commissioners of appeal, one or two overseers of the poor, as many overseers of the highway and pound-keepers as they may deem necessary and convenient, a town committee consisting of five persons, a town superintendent of common schools, as many justices of the peace as the said township may be constitutionally entitled to elect, one or two constables, and such other officers as are needed for said township. Officers to be elected by ballot.

2. *And be it enacted*, That at the hour of ten o'clock in the morning, the inhabitants of said township shall be called to order by any one of the township committee, and shall then Elections, how conducted.

proceed to the choice of a moderator, who shall preside for the day; and the clerk shall then read a full report of the settlement of the township accounts; and said election shall close at four o'clock in the afternoon of the same day, and be conducted in the same manner, and subject to the same rules, as elections for state and county officers are or shall be.

Town committee to supply vacancies.

3. *And be it enacted*, That a plurality of votes shall be sufficient to elect any officer; and in case there shall be a neglect or failure to elect any officer by the said town meeting, or in case of the refusal of any person elected to accept the appointment, or a vacancy from any other cause, or in case two or more have an equal number of votes for the same office, the town committee of said township shall, at their next meeting thereafter, fill such vacancy, determine upon such place, and elect between those having an equal number of votes, unless they shall deem a special town meeting for those purposes most advisable; and the first election under this act shall be held at the place appointed at the last town meeting.

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

Approved February 29, 1848.

AN ACT to authorize the Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies to subscribe a part of the capital stock of the Belvidere Delaware Railroad Company.

Company authorized to subscribe for stock.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies be, and they are hereby authorized to subscribe for any number of shares, not exceeding ten thousand, of the capital stock of the Belvidere Delaware Railroad Company; *provided*, that in the distribution of the shares of stock of said company, among the subscribers thereto, that individual subscribers shall first be allowed the number of shares subscribed for by them respectively.

Approved February 29, 1848.

AN ACT to incorporate the Kingsland and Saw Mill Creek Company.

1. BE IT ENACTED by the Senate and General Assembly of ^{Names of corporators.} the State of New Jersey, That George Kingsland, Arent H. Schuyler, Henry W. Kingsland, William C. Kingsland, Walling I. Van Winkle, Isaac Van Winkle, Daniel Van Winkle, William Mulligan, John Van Emberg, John Vreeland, Jacob Vreeland, James B. Hill, and others, their associates and successors, being the owners of a certain tract of marsh, swamp, and meadow land, herein after described, situate, lying, and being in the township of Harrison, in the county of Hudson, and state of New Jersey, beginning at the upland on the line ^{Boundaries of tract.} between Cornelius Brinkerhoff and Henry W. Kingsland; from thence on a course south, forty-seven degrees east, forty chains; thence south, one degree east, fifty-one chains; thence south, forty-six and half degrees east, forty-four chains sixty-six links; thence, on the same course, forty-six chains, or thereabouts, to the Hackensack river; thence along the said river, one hundred and twenty-five chains, to a stake on the bank of said river, six chains south of the mouth of Saw Mill creek; thence north, forty degrees west, one hundred and sixteen chains, to the corner of land of the heirs of John Rutherford, deceased; thence south, fifty-five degrees west, sixty-nine chains; thence in the line with the land of John S. Condit, north, fifty-two degrees west, thirty-four chains, to the upland; thence along the same, northerly, two hundred and thirty-three chains to the beginning, containing two thousand three hundred acres, or thereabouts, are hereby constituted a body corporate, by the name of "the Kingsland and Saw Mill Creek Company," for the purpose of improving the said tract, by building and erecting bridges, banks, dams, or sluices, and digging, clearing out, and opening ditches for draining the same.

2. *And be it enacted,* That the concerns of the said corporation shall be managed by five directors, being owners ^{Mode of electing directors.} of meadow land lying within the bounds of the said tract; and at their first meeting shall choose a president, treasurer, and clerk, and shall hold their offices for one year and until others are chosen, a majority of whom shall be a quorum for transacting the business of the said company, and that George Kingsland, Arent H. Schuyler, Henry W. Kingsland, Isaac I. Van Winkle, and Cornelius V. V. Kingsland shall be the first directors of the said corporation, and shall hold their offices for one year and until others are legally chosen; and in electing future directors, and all other matters as pertain to the concerns of the said corporation, each owner or possessor shall

be entitled to one vote for twenty-five, or any number under twenty-five acres, and one vote for every additional twenty-five acres held by him or her, and may vote in person or by proxy; and that the time and manner of electing said directors, and all other matters as pertain to the concerns of the said company, not herein set forth, shall be managed, governed, and regulated by the by-laws of the said corporation; and that the remainder of the directors for the time being shall have power to fill any vacancy or vacancies which may occur in their board.

Surveys to
be made.

3. *And be it enacted*, That it shall be the duty of the directors, or a majority of them, to cause a survey to be made of all the lots of meadow ground, swamp, or marsh belonging to each owner lying within the bounds of the said tract, and a draught or plot be made, showing the quantity held by each owner, and cause a valuation to be made of the land of each owner, separately, by three indifferent men, appointed by them for that purpose; and may from time to time cause a re-valuation to be made as aforesaid, if, in their opinion, the same shall be necessary; and shall thereupon, from time to time, make an estimate of the sum or sums of money required for building and erecting said bridges, dams, and sluices, banking, digging, and opening of ditches, and of keeping open, repairing, maintaining, and rebuilding the same; and shall assess the same ratably, agreeably to the valuation and quantity held by each owner; and shall state the said assessment in a regular duplicate, containing the names of the owners or possessors, the number of acres held by each, and the sums assessed on them severally; which duplicate shall be delivered to the treasurer.

Proceedings
in case of re-
fusal to pay
assessment.

4. *And be it enacted*, That the treasurer, on receipt of said duplicate, shall, by notice in writing left at the usual place of abode of each owner or possessor, demand of and from each owner and possessor, not less than twenty days before the time of payment, the sum assessed as aforesaid; and if any of the said owners or possessors shall neglect or refuse to pay the sum assessed, as aforesaid, for the space of sixty days after the time fixed for the payment thereof, it shall and may be lawful to and for the said treasurer to sue for the same, in the name of the said company, in an action of debt, in any court of competent jurisdiction, or to seize and rent out, by public vendue, to the highest bidder, for so long a time, and no longer, as will be requisite, so much of the meadow ground within said tract belonging to or in possession such delinquent owner or possessor, as may be sufficient to discharge such assessment, and all expenses attending the recovery thereof, having first advertised the same for at least twenty days in three of the

most public places in the neighbourhood where the said meadow lies, or may be sold.

5. *And be it enacted*, That it shall be the duty of the clerk, Clerk to keep book. from time to time, to enter in a book, to be provided for that purpose, all votes proceedings, orders, and assessments made by the directors or by the owners and possessors at any regular meeting, and all transactions which the directors from time to time may direct.

6. *And be it enacted*, That this act shall continue in force Limitation. thirty years, and the said corporation shall possess the general powers, and be subject to the restrictions and liabilities, contained in the act entitled, "An act concerning corporations," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same are applicable.

Approved March 2, 1848.

AN ACT to authorize Jabez Lyons to build, erect, and maintain a dock or wharf upon and in front of his land, on the Hudson river, in the township of Harrington, in the county of Bergen.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for Jabez Lyons, his heirs and assigns, to build, erect, and maintain a dock or wharf upon and in front of his land, in the township of Harrington, in the county of Bergen, on the western shore of Hudson river, to extend into such river a sufficient distance to accommodate such vessels as usually navigate the same, not to exceed one hundred and fifty feet beyond low water mark; *provided*, the said dock or wharf shall not obstruct the navigation of the said river; *and provided*, that this act shall not affect the legal rights of any other person, or of this state, or the common rights of the citizens of this state; *and provided further*, that nothing in this act shall be construed to confer any right of ferry, or claim of right of ferry, upon the owner or owners of said dock or wharf. J. Lyons authorized to build dock

2. *And be it enacted*, That if any person or persons shall wilfully destroy, or in any way injure the said dock or wharf, Penalty for injuring dock. such person or persons shall be responsible for, and shall make good all damage which the owner or owners may sustain.

Owners may demand compensation for use of dock.

3. *And be it enacted*, That it shall be lawful for all vessels to touch, make fast, load, and unload, at such dock or wharf, with the permission of the owner or owners thereof; and it shall be lawful for the said Jabez Lyons, his heirs and assigns, to demand, receive, and collect reasonable compensation therefor.

Approved March 2, 1848.

AN ACT to vest in the Washington Institute of Hackensack the title of the Washington Academy lot.

Title vested in Washington Institute.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the title of that lot, in the village of Hackensack, in the county of Bergen, known as the Washington Academy lot, which was formerly vested in "the trustees of the Washington Academy of Hackensack, in the county of Bergen," be, and the same is hereby vested in "the Washington Institute of Hackensack," to be held by them for the purposes and trusts, and subject to the conditions of the articles of their association.

Approved March 2, 1848.

AN ACT to confirm the title of Joseph Harker to certain lands in the county of Burlington.

Preamble.

WHEREAS Joseph Sansom and Beulah Sansom, of the city of Philadelphia, did, by their agreement made in writing, bearing date the twenty-ninth day of August, eighteen hundred and fourteen, agree to convey to Joseph Harker two certain tracts of land, situate in the county of Burlington, near Brown's mills, to wit: one tract of sixteen acres, and one other of ninety-seven acres two roods and sixteen perches, for the consideration of the sum of one hundred and fifty dollars, to be paid by the said Joseph Harker to Joshua

Shreve, (then attorney or agent) for their use; that they then would make and deliver, or cause to be made and delivered, a deed to the said Joseph Harker for the said two tracts of land, they being lawfully seized of the same; and the said Joseph and Beulah Sansom having long since departed this life, without making the title as agreed to, and the said Joseph Harker having long since paid to the said Joshua Shreve, (also long since deceased) the said consideration, and having long since taken possession of the said premises with the full consent of the said Joseph and Beulah Sansom, and improved some parts thereof, and erected buildings thereon, and the estates of the said Joseph and Beulah Sansom having long been settled, and their heirs and legal representatives now reside in foreign states—therefore,

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James Shreve, of the county of Burlington, in said state of New Jersey, son of the said Joshua Shreve, is hereby authorized, in fulfilment of the said agreement, to make a deed for the said two tracts of land to the said Joseph Harker, and the same shall convey and assure the said tracts to the said Joseph Harker, his heirs and assigns, to all intents and purposes, the same as if a deed had been made by the said Joshua Shreve, as attorney for the said Joseph and Beulah Sansom, or as they themselves could have done in their lifetime.

Deeds for
land author-
ized to be
made.

Approved March 2, 1848.

A supplement to the act entitled, "An act to incorporate the city of Perth Amboy," passed the twenty-seventh of February, eighteen hundred and forty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the electors of the city of Perth Amboy, at their annual election, to choose from among the citizens therein, and entitled to vote at such election, two or more overseers of the highways, who shall hold their office for one year and until their successors shall be elected and qualified, and who shall possess the powers and perform the duties of the like officers in any township of this state.

Overseers of
highway,
how elected.

Notification
to officers
elected.

2. *And be it enacted*, That the clerk of said city shall, within ten days after every election, transmit to the clerk of common pleas of the county a certified list of the names of the persons and the respective offices to which they are elected, and shall, within five days after the said election, set up fair and true copies of such list in three or more of the most public places in said city, which shall be considered a sufficient notice to the said persons of their being elected to the said offices respectively.

Approved March 2, 1848.

AN ACT to incorporate the North Belleville Bridge Company.

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Sebastian Duncan, Thomas W. Saterthwaite, Henry W. Kingsland, James Burley Hill, Samuel L. Joralemon, Abraham W. Van Riper, and Cornelius C. Joralemon, and their associates and successors, are hereby constituted a body corporate, by the name of "the North Belleville Bridge Company," for the purpose of building a bridge over the Passaic river, at or near Brower's store, above the village of Belleville, in the county of Essex, and at or near Brown's ship-yard, in the county of Hudson.

First directors.

2. *And be it enacted*, That the stock, property, and concerns of the said corporation shall be managed by seven directors, being stockholders, (one of whom shall be president) who shall hold their offices for one year and until others are chosen; and a majority of the directors shall be a quorum for transacting the business of the company; and that the said Sebastian Duncan, Thomas W. Saterthwaite, Henry W. Kingsland, James Burley Hill, Samuel L. Joralemon, Abraham W. Van Riper, and Cornelius C. Joralemon shall be the first directors of the said corporation, and shall hold their offices for one year and until others are legally chosen; and that the time and manner of electing future directors and of filling vacancies, and all other matters as pertain to the concerns of the said corporation, shall be managed, governed, and regulated by the by-laws of the said corporation.

Amount of
capital stock.

3. *And be it enacted*, That the capital stock of the said company shall be divided into shares of ten dollars each, and as soon as the sum of three thousand dollars of the capital

stock shall be subscribed, and one thousand dollars of the same paid in, the said company may commence building the said bridge, and may increase its capital stock from time to time, as the same shall become necessary, until it shall amount to a sum sufficient to defray all the expenses incurred in erecting, building, and maintaining said bridge.

4. *And be it enacted*, That the books of subscription to the said capital stock shall be opened under the direction of the board of directors, and subject to such rules, regulations, and conditions as they may prescribe; and it shall be lawful for the directors, or a majority of them, from time to time to call for and demand from the stockholders, respectively, all such sums of money by them subscribed, at such times and in such proportions as they shall deem proper, under the penalty of forfeiting the shares and all previous payments thereon, if such payment shall not be made within thirty days after the day fixed for that purpose, by a notice in writing previously served on each stockholder, or their representative, or left at their usual place of abode, designating the proportion or amount of such payment, and the time and place where and to whom the same shall be made; and that the stock of the said corporation shall be deemed personal property, and transferable on the books of the company in such manner as the by-laws may provide.

Books of subscription to be opened.

5. *And be it enacted*, That it shall be lawful and the duty of the said company to build said bridge at least twenty feet in width, with good and sufficient side-rails for the safety of travellers, and construct a convenient draw therein, of thirty-six feet opening, on a line with the current of the river, and on dark nights keep a light burning on the said draw, and provide a suitable person to open said draw at all times for the passage of masted vessels, so that the full and free navigation of the said river shall not at any time be obstructed or impeded; and on failure to attend the said draw, and open the same for the free passage of such vessels on their arrival at the said bridge, the said company shall be liable to an indictment in the counties of Essex or Hudson, and if convicted be fined, at the discretion of the court, in any sum not exceeding twenty-five dollars, and also liable to an action of damages at the suit of the party aggrieved.

Description of bridge to be built.

6. *And be it enacted*, That the said company shall at all times, after building the said bridge, support, uphold, and maintain the same, and at all times keep it in good repair and safe for those who may have occasion to pass over said bridge with their horses and carriages or otherwise, and may at their discretion, if the said bridge should be carried away by any cause, rebuild the same.

Bridge to be kept in repair.

Rates of toll . 7. *And be it enacted*, That it shall be lawful for the said company at all times to take, demand, and receive, of and from every person or persons who shall pass over the said bridge, when they shall enter upon the same, the following rates of toll, and no more, that is to say :

For every person on foot, one cent.

For every person and horse, four cents.

All one horse wagons, carts, sleighs, or sleds, six and a quarter cents.

All one horse pleasure carriages, eight cents.

All two horse or ox wagons, carts, sleighs, or sleds, eight cents.

All two horse pleasure carriages or stages, twelve and a half cents.

All four horse or ox carriages of every kind, eighteen and three quarter cents, passengers in all cases included.

All horned cattle and horses, one cent each.

All hogs and sheep, one half cent each.

Proviso. And all other articles and things not herein enumerated to be in an equitable proportion; *provided always*, that all persons going to and from church, with their carriages or otherwise, and all funeral processions and persons going to and from funerals with their carriages or otherwise, and all children on foot going to and from any school, and all persons attending sabbath schools, shall be allowed to pass over said bridge free of any toll or charge whatsoever.

Limitation. 8. *And be it enacted*, That this act shall continue in force thirty years, and the said corporation shall possess the general powers, and be subject to the restrictions and liabilities contained in the act entitled, "An act concerning corporations," approved the fourteenth day of February, eighteen hundred and forty-six, so far as the same are applicable.

Approved March 2, 1848.

AN ACT to authorize the making of a road or causeway in Elizabethtown Great meadows, leading from the Small island to the meadow of John Stiles.

Commissioners to lay out road. 1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That Enos Price, Joel Searing, Benjamin Winans, Moses M. Crane, and Keen Pruden be, and

are hereby appointed commissioners, with full power to locate lay out, and make, or cause to be made, from the south side of a sand hill, known as the Little island, in a southerly direction to the ridge on the One tree island, and thence to a point of meadow owned by John Stiles, in the Elizabethtown Great meadows, in the county of Essex, a road or causeway, with such ditches and bridges as they may deem necessary.

2. *And be it enacted*, That the said commissioners, and a majority of them, shall have full power to assess and collect from the owners of the meadow adjacent to the said causeway, in proportion as they may be benefited by the said road or causeway, ditches, and bridges, such amount as will be sufficient to pay the expenses of making such road or causeway, ditches, and bridges, together with a reasonable compensation to the said commissioners for their services; and the owner or owners of meadow adjacent to said road or causeway and bridges, or who may use the same, are hereby enjoined and required to give to the said commissioners a true and correct statement of the number of acres of meadow by them owned respectively, under the same penalty as in case of a tax to be levied; and it shall be the duty of said commissioners, after apportioning to each owner of meadow, respectively, the amount of their assessment, to give them notice thereof; and the said commissioners are hereby authorized and empowered to collect said assessments, and enforce the payment thereof, when refused, in the manner herein after prescribed.

Assessment to be made for expenses.

3. *And be it enacted*, That in any case any owner or owners of said meadow shall neglect or refuse payment of the assessment levied upon the meadow by them respectively owned, for the space of thirty days after they shall have been notified of the amount, the said commissioners are hereby authorized and required to cite such owner or owners, so neglecting or refusing to pay, before any justice of the peace of the county of Essex, not interested in the said road or causeway, bridges, ditches, or meadow; and the said justice of the peace is hereby authorized and required to judge of the amount of assessment so assessed, and shall have discretionary power to rate the same lower; and for so much as he shall rate the same at, he shall forthwith issue execution, to be levied upon the goods and chattels of the delinquent, with costs of suit.

Assessments, how collected.

4. *And be it enacted*, That the said commissioners shall keep just and true accounts of the moneys by them received and expended in pursuance of this act, which accounts shall be open to the inspection of all the persons interested; and the said commissioners shall be accountable to the persons assessed

Commissioners to keep accounts of moneys received.

for any balance remaining in their hands, and shall cause the same to be laid out from time to time, if wanted, in repairs upon the said road, bridges, and ditches; and if the said commissioners should at any time neglect or refuse to exhibit their accounts to any of the persons who have been assessed, any three or more of the persons so assessed may apply to a justice of the peace of the said county, not interested as aforesaid, stating their complaint; and it is hereby made the duty of the said justice of the peace to summon said commissioners before him, with their accounts properly authenticated, and to decide on all matters in dispute between said parties, on the principles of equity and justice.

Commissioners to keep bridges in repair.

5. *And be it enacted*, That the said commissioners, or a majority of them, shall have as full and ample power to keep the said road, bridges, and ditches in repair, as they have by this act to make the same.

Vacancies, how supplied.

6. *And be it enacted*, That upon the death of either of the above named commissioners, the survivors or survivor of them shall have full power to receive, and, if necessary, to sue for any moneys that may have been in the hands of the deceased commissioner at the time of his death, on account of the above trust, and for the use and purposes of the same; and also, it shall be the duty of the said survivors or survivor, whenever any vacancy or vacancies shall have occurred, by advertisement three weeks in any newspaper having a general circulation in the townships of Union and Elizabeth, to require a meeting of those interested in said road or causeway, at a time and place in the township of Elizabeth, mentioned in the said advertisement, to choose, by a majority of votes of those interested who may attend, a commissioner or commissioners to fill the vacancy or vacancies which may have occurred; and the commissioner so chosen shall have the same powers and be subject to the same regulations as the commissioners named in this act have and are subject to.

Approved March 2, 1818.

AN ACT to establish a new township in the county of Cumberland, to be called the township of Cohansey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Hopewell, in the county of Cumberland, contained within the following bounds, that is to say: beginning at Cohansey creek, where Island branch or Cubby's hollow stream empties therein; thence along the middle of said creek, and up the same, to the tumbling dam; thence westwardly, along the said dam and along the southern edge of the tumbling dam pond, to where a course running south, seventy-seven degrees east, from a stone in low valley ground, on the north side of Ireland's mill pond, one rod and sixteen links from the water's edge at full-head, and north, two degrees west, two rods and seven links, from a wild-cherry tree, will strike the same; thence across the Ireland mill property, north seventy-seven degrees west, to the stone aforesaid; thence south, fifty-six degrees west, across the Ireland mill pond and John Garton's farm, by an apple-tree standing near the said Garton's barn, to a corner eighteen links south of Benjamin T. Mulford's northeast corner-stone, in a line of the said Garton's farm; thence a due south course six hundred and fourteen rods, more or less, to the middle of the said Island branch or Cubby's hollow stream; thence down the middle of said stream until it empties into the Cohansey creek, and to the place of beginning, shall be, and hereby is set off from the township of Hopewell, in the county of Cumberland, into a new township, to be called and known by the name of "the Township of Cohansey;" this act shall take effect and be in force on and after the first Monday of March next.

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

3. *And be it enacted*, That the inhabitants of the township of Cohansey shall hold their first town meeting at the courthouse of the county of Cumberland, in Bridgeton, in the said township of Cohansey, on the second Tuesday of March next.

4. *And be it enacted*, That the inhabitants of the township

First town meeting in Hopewell.

of Hopewell shall hold their next town meeting at the academy in Shiloh, in said township, and afterwards at such places in the township as the said inhabitants shall determine, in the manner prescribed by law.

Town committees to divide property.

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

Mode of election of trustees.

6. *And be it enacted*, That the said township of Cohansey shall comprise one school district, subject to the provisions of an act entitled, "An act to establish public schools," excepting the mode of electing trustees therein, which shall be in the manner following: the taxable inhabitants of the said school district shall, on the first Monday of April next, elect, by a plurality of votes, six persons, who shall constitute the trustees for the said district; and the said trustees shall, at their first meeting, divide themselves by lot into three classes; the office of the trustees of the first class shall be vacated at the expiration of the first year, of the second class at the expiration of the second year, and of the third class at the expiration of the third year, so that yearly and every year afterwards, on the first Monday of April, two trustees may and shall be elected; and if vacancies happen, by resignation or otherwise, the persons elected to supply such vacancies shall be elected for the unexpired terms only.

Trustees incorporated.

7. *And be it enacted*, That the trustees hereafter elected in the said school district, in pursuance of this act, and their successors in office, shall be, and are hereby constituted a body politic and corporate, by the name of "the Trustees of the School District of the township of Cohansey;" and the said trustees may, in their corporate name aforesaid, purchase and hold such real estate as may be necessary for the purpose of public school-houses, not exceeding two acres, and may sell, exchange, or mortgage the same, as may be most for the pub-

lic benefit; and may from time to time apply the money in the hands of the town superintendent, apportioned to said district, for the erection and maintenance of suitable school-houses thereon.

8. *And be it enacted*, That the said trustees may employ one or more suitable teachers, and may, in their discretion, extend the benefits of the schools under their direction to children under the age of five, or over the age of sixteen years, under such regulations as they may prescribe; *provided*, that none but children between the said ages of five and sixteen shall be reported to the town superintendent, so as to affect the apportionment of money for said district; and the said trustees may from time to time make such regulations for the government of said schools, not inconsistent the existing laws of this state, as they shall deem expedient.

Powers and duties of trustees.

9. *And be it enacted*, That the inhabitants of the said township of Cohansey may, at any annual town meeting hereafter held, raise, by tax or otherwise, any such sums of money for the support of public schools therein, as they may think proper.

Money may be raised for support of school.

10. *And be it enacted*, That it shall be lawful for the town superintendent of the township of Cohansey, by the concurrence of a majority of the board of trustees, to admit into said school the children residing in other school districts, upon such terms as he and they shall deem reasonable and proper.

Children from other districts may be admitted.

Approved March 2, 1848.

AN ACT to regulate the mode of recording judgments, obtained in courts for the trial of small causes, in the courts of common pleas.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That final judgments of courts for the trial of small causes, in any county of this state, for any amount above twenty-five dollars, may be docketed in the court of common pleas of that county, upon complying with the subsequent provisions of this act.

Judgments may be docketed in common pleas.

2. *And be it enacted*, That the clerk of every court of common pleas shall provide and keep a docket, in which shall be entered, upon complying with the provisions of this act, all final judgments rendered in courts for the trial of small causes,

Clerks to keep docket.

for the payment of any debt, damages, costs, or other sum of money of the amount aforesaid.

Return of constable, &c., to be entered in docket.

3. *And be it enacted*, That when a judgment is obtained in any court for the trial of small causes, of the amount aforesaid, and execution shall issue thereon, and be returned, by the constable to whom it has been delivered to be executed, endorsed to the effect that he could not find any personal property of the party against whom the execution has issued on which to levy, or that he had levied and sold goods and chattels, and had made thereof part of said judgment, and that the same was not fully satisfied, and stating the balance still unsatisfied, the clerk of the court of common pleas of the county where such judgment was obtained, upon the request of the person or persons obtaining such judgment, and upon filing in his office a transcript of the proceedings from the docket of the justice of the peace before whom such judgment was obtained, under the hand and seal of said justice, and a certified copy of the state of demand and set-off filed in said action, with a certified copy of the return of the constable, and also an oath or affirmation of the party, his or their attorney or agent, making such request, that at the time of filing such transcript a certain amount is still due, stating the amount, and that he believes the debtor is not possessed of goods and chattels sufficient to satisfy the amount due, shall enter in the docket provided for that purpose the transcript of such judgment in words at length, containing: the name of the justice of the peace before whom the judgment was obtained, the names at length of the parties to said judgment, the style of the action, the date of the judgment, the amount recovered with costs, the substance of the return of the constable, and the amount stated to be due in the affidavit.

Docketing, how to operate.

4. *And be it enacted*, That the said judgment shall, from the time of said docketing in the court of common pleas, operate as a judgment obtained in a suit originally commenced in said court, and satisfaction thereof may be entered in the margin of the docket, in the same manner and upon the same evidence as is now provided by law in case of judgments rendered in the courts of common pleas; and the execution issued thereon shall be of the same effect as to property of the debtor, either of a personal or real nature, as if issued on a judgment originally obtained in the courts of common pleas, upon a suit commenced therein.

Execution not to issue from court for trial of small causes.

5. *And be it enacted*, That after such judgment shall be docketed in the court of common pleas, no execution shall issue thereon out of the court for the trial of small causes, nor shall any proceeding be had, except the due and proper granting of an appeal or certiorari.

6. *And be it enacted*, That every judgment docketed, as herein directed, may be revived by scire facias in the court of common pleas, in the same manner, in the like cases, and with the like effect, as if said judgment had been obtained in a suit originally commenced in that court. Judgment may be revived.

7. *And be it enacted*, That the clerk of the court of common pleas shall make to the docket in which such judgments are to be entered, a complete alphabetical index; and said docket shall be a public record, to which all persons desiring to examine the same shall have access. Index to be made.

8. *And be it enacted*, That if any judgment recovered in any court for the trial of small causes, for the amount aforesaid, shall be removed by appeal or certiorari, and the necessary bond be perfected, and such judgment shall, either before or after such removal, be docketed as herein provided, execution from the court of common pleas in which said judgment is docketed shall be stayed and suspended until the final determination of such appeal or certiorari. Judgment removed by appeal, &c.

9. *And be it enacted*, That if any judgment, docketed as herein before provided, shall be reviewed upon certiorari or appeal, and a duly certified transcript of the judgment of the court wherein such appeal or certiorari may have been determined shall be delivered to the clerk of the court of common pleas of the county where such judgment is docketed, it shall be the duty of the said clerk to file the same in his office, and enter in the margin of the docket opposite the entry of said judgment, in short form, the substance of such determination upon the appeal or certiorari. Transcript of judgment on appeal to be filed.

10. *And be it enacted*, That the clerk of the court of common pleas shall be entitled to receive for docketing every such judgment fifty cents, and for filing the transcript and affidavit, eight cents, each; which costs, together with the costs of the execution, may be recovered of the defendant; and the justice shall be entitled to four cents per folio for a certified copy of the statement of the demand and offset. Clerk's fees.

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

Approved March 2, 1848.

AN ACT to incorporate the Somerset County Bank at Somerville.

Commissioners to open books of subscription.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That Thomas A. Hartwell, William Thomson, A. V. P. Sutphin, Joshua Doughty, George H. Brown, Dumont Frelinghuysen, and William I. Hedges be, and they are hereby appointed commissioners; which commissioners, or any three of them, shall open a subscription at Somerville, in the county of Somerset, and at such other places in the county as the said commissioners may deem proper, to raise the sum of fifty thousand dollars, in shares of twenty-five dollars each; the said commissioners to give notice of the time and place or places of opening the books of subscription, by advertising the same in the newspapers published at Somerville, at least three weeks, and the books to continue open from day to day for ten days, unless the same be sooner subscribed; and if the whole amount shall not within that time be subscribed, the said commissioners may continue to keep the books open until the whole capital be subscribed; and should more than fifty thousand dollars be subscribed, the commissioners shall make an equitable deduction and apportionment; *provided always*, that the stock shall be subscribed and owned by citizens of this state exclusively.

Style of incorporation and general powers.

2. *And be it enacted*, That all such persons as shall become subscribers to the capital stock in the preceding section mentioned, their successors and assigns, shall be, and are hereby created and made a corporation and body politic, by the name and style of "the President, Directors, and Company of the Somerset County Bank at Somerville;" and by that name shall be and are hereby made capable in law to have and purchase, receive and possess, enjoy and retain, to them and their successors, lands, tenements, hereditaments, goods, chattels, and effects, of what nature or kind soever, and the same to grant, demise, alien, or dispose of; and also to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places whatsoever; and also make, have, and use a common seal, and the same to alter and renew at their pleasure; and also to ordain, establish, and put in execution such by-laws or ordinances and regulations as shall seem necessary and convenient for the government of said corporation; *provided*, that they be not inconsistent with the constitution and laws of this state or of the United States; and also to appoint all such officers, agents, and servants as shall be necessary to carry into effect the powers by this act vested in the said corporation, and allow to them such compensation for their services as shall be deemed reasonable,

3. *And be it enacted,* That the sum subscribed shall be paid in the manner following, that is to say: five dollars on each share, at the time of subscribing, to the persons receiving subscriptions, and the remainder in instalments of five dollars on each share, when called for by the president and directors of the said company, appointed and chosen in the manner herein after prescribed, upon thirty days' previous notice being given by the cashier of the said company in the newspapers aforesaid; and any person, copartnership, or body politic failing to pay any instalments, or any part thereof, at the time prescribed and required, shall forfeit to the said company every share upon which there shall be a deficiency, and all money thereon previously paid.

Instalments,
how paid.

4. *And be it enacted,* That it shall not be lawful for this corporation to commence banking operations until fifty per cent. of its capital shall be actually paid in gold or silver or in the notes of specie paying banks, and an affidavit setting forth such fact shall be sworn to by the president and cashier, and filed in the office of the treasurer of this state.

When com-
pany can
commence
business.

5. *And be it enacted,* That all the property and concerns of the said corporation shall be managed and conducted by eleven directors, all of whom shall be stockholders and citizens of this state, shall have been residents within this state for at least three years immediately preceding their election, and shall continue to reside therein during their continuance in office; and that, as soon as one thousand shares shall be subscribed, the persons hereby empowered to receive subscriptions, or any four of them, may call a meeting of the subscribers at Somerville, aforesaid, by giving at least three weeks' previous notice in the newspapers aforesaid; and the subscribers assembled in consequence of such notice shall choose by ballot from among themselves, by a majority of such as are present, or by proxy, eleven directors as aforesaid, who shall hold their offices until the first Monday in January, in the year of our Lord one thousand eight hundred and forty-nine, and until others shall be chosen by the stockholders; and the said directors shall choose one of their number for president, as herein after directed; and all moneys received by the commissioners on the subscriptions to the said capital stock, excepting so much as shall be allowed for their services, shall be delivered over to the said directors, when duly organized, together with the original books of subscription.

Eleven di-
rectors to be
chosen.

6. *And be it enacted,* That there shall be an election of directors on the first Monday in January, in the year of our Lord one thousand eight hundred and forty-nine, and on the same day annually thereafter, at the banking-house of the company, at such hour of the day as the board of directors

Time and
mode of
election of
directors.

for the time being may appoint, two weeks' previous notice thereof being given by the cashier, in the newspapers printed at Somerville, which directors shall hold their offices for one year and until others are chosen; and no person shall be eligible as a director who shall not be at the time a stockholder and resident as aforesaid; and the said elections shall be made by such stockholders as shall attend in the manner aforesaid, voting agreeably to the ratio hereafter established for the number of shares held by them respectively; and all such elections shall be by ballot, and the person or persons who shall have the majority of the votes given shall be directors; *provided*, that no president, cashier, director, or other officer of said bank, or candidate for any office in the bank, shall be allowed to vote in virtue of any proxy; *and provided further*, that in all cases where two or more persons shall have an equal number of votes, the directors of the preceding year, or a majority of them shall, by ballot and by a majority of votes, determine which of the directors so having an equal number of votes shall be director or directors, so as to complete the whole number; and the directors so elected, as soon as may be thereafter, shall elect one of their number, by ballot and by a majority of the votes, for president; and whenever any vacancy or vacancies shall happen among the directors, by death, resignation, removal from the state, or otherwise, such vacancy or vacancies shall be filled for the remainder of the year by such person or persons as the other directors for the time being, or a majority of them, shall appoint; and if the office of president shall at any time during the year become vacant, the directors shall meet as soon as may be thereafter, and elect, in the manner before mentioned, another person qualified as aforesaid for president; *provided*, that in case it should happen that an election of directors shall not be made upon the day herein prescribed, the said company shall not thereby be considered to be dissolved; but it shall be lawful on any other day thereafter to hold an election for directors for the year, in such manner as the by-laws of the corporation shall direct.

Meetings of
directors.

7. *And be it enacted*, That there shall be a meeting of the board of directors at least quarter-yearly, who shall have power to adjourn from time to time; and the president, or any three of the directors, may call a special meeting at any other time they may think necessary.

Inspectors to
be chosen.

8. *And be it enacted*, That the said directors, at every quarterly meeting, shall choose three of their body to inspect the business of the company for the ensuing three months; and the inspectors so chosen shall twice in every month examine into the state of the cash account and other business of said

company, and see that the accounts are regularly balanced and transferred, and make report thereof at the next meeting of the board.

9. *And be it enacted*, That the capital stock and property of the said corporation shall be deemed personal estate. Stock personal estate.

10. *And be it enacted*, That the following, shall be the fundamental articles of the constitution of said company: Constitution of company.

ARTICLE I.

The number of votes to which each stockholder shall be entitled shall be according to the number of shares he, she, or they shall hold, in the proportion following, that is to say: for one share, and not exceeding ten shares, one vote for every share; for every two shares above ten, and not exceeding twenty shares, one vote; for every five shares above twenty shares, and not exceeding forty shares, one vote; and for every ten shares above forty shares, one vote, which share or shares, respectively, he, she, or they shall have held in his, her, or their name or names, at least three months before the time of voting.

ARTICLE II.

For the well ordering and conducting the election of directors, the stockholders, at their annual meeting, shall appoint three of the stockholders, not being directors or candidates for any office, to be judges of the election, who shall be authorized to conduct and regulate the same, and shall be sworn or affirmed faithfully and impartially to execute the duties of their appointment.

ARTICLE III.

A general statement of the affairs of the company shall be exhibited every year, at the banking house of the company, at least thirty days before the annual election of the directors, and remain open to the inspection and examination of any stockholder during the usual hours of business.

ARTICLE IV.

That all the books of the said company shall, at any time during the usual hours of transacting business, be open to the examination of every stockholder of such company for fifteen days previous to any election of directors; and if any officer, having charge of such books, shall, upon demand by any stockholder as aforesaid, refuse or neglect to exhibit such books or submit them to examination as aforesaid, he shall for every such offence forfeit the sum of two hundred dollars, the one half thereof to the use of the state of New Jersey, and the other moiety to the person who will sue for the same, to be re-

covered by action of debt, in any court of record, together with the costs of such suit; and further, that the book or books aforesaid shall be evidence who are the stockholders of such company entitled to examine such book or books, and to vote in person or by proxy at any election of directors of said company.

ARTICLE V.

Not less than seven directors shall constitute a quorum to do business, of whom the president shall always be one, except in case of sickness or necessary absence, in which case his place may be supplied by any other director chosen by the directors so met for business; *provided however*, that three directors, when met for the purpose, may be allowed to make discounts.

ARTICLE VI.

The directors shall make such compensation to the president, for his services in the business of the said company, as shall appear to them reasonable, but in fixing such compensation, the president shall not be entitled to a vote; but no other director shall be entitled to any emolument, unless the same shall have been allowed by the stockholders at the time of their annual meeting for election of officers.

ARTICLE VII.

The shares of the capital stock at any time owned by any stockholder shall be transferable on the books of the said company only, under the limitation under the first section mentioned, according to such rules as shall be instituted in that behalf by the laws and ordinances of the said corporation; and no transfer of stock of the said corporation shall be valid and effectual until such transfer shall have been registered in a book or books to be kept for that purpose; the bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereupon, under the hand or hands of such person or persons, and his, her, or their assignee or assignees, successively, and shall enable such assignee or assignees to bring and maintain an action thereupon, in his, her, or their name or names; and bills or notes which may be issued by order of said corporation, signed by the president, and countersigned by the cashier, promising the payment of money to any person or persons, his, her, or their order, or to bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same, in like manner and with the like effect as upon any private person or persons, if issued by them in their private or natural capacity or capacities, and shall be received in the payment of all debts due to the said corporation.

ARTICLE VIII.

The total amount of the debts which the said corporation shall at any time owe, exclusive of deposits, whether by bond, bill, or note, or other contract, shall not exceed double the amount of the capital paid in; and in case the said debts shall exceed double the amount of the capital paid in, then in such case the directors (except as herein after excepted) under whose administration such malpractice shall occur, shall be liable to pay to every creditor of the said bank the amount of such claim as such creditor may have against said bank, to be recovered by action of debt, with costs of suit; *provided*, that no director shall be liable as aforesaid who shall have been absent from the meeting of the board, or shall have dissented from the act or resolution by which such malpractice shall have been authorized; *and provided also*, that such director shall forthwith give notice of the fact of his absence or dissent to the governor of the state for the time being, and to the stockholders, at a general meeting, which the said directors shall have power to call for that purpose.

ARTICLE IX.

After the first year, half-yearly dividends shall be made to the stockholders of so much of the profits of the banking business as shall appear to the directors advisable; but the said directors shall not, at any time, make any dividend of any part of the capital stock of the said company, but only the net profits thereof; and in case they shall divide any part of the capital stock as aforesaid, the directors under whose administration it shall happen, being present and consenting thereto, shall be jointly and severally liable for that part of the capital stock so divided, in their individual and private capacity.

ARTICLE X.

The lands, tenements, and hereditaments which it shall be lawful for the said corporation to hold, shall only be such as shall be required for its immediate accommodation in relation to the convenient transaction of business, and such as shall have been in good faith mortgaged to it by way of security, or conveyed to it in satisfaction for debts previously contracted in the course of its dealings, or purchased at sales on judgments or decrees which shall be obtained for such debts.

ARTICLE XI.

The corporation shall not, directly or indirectly, deal or trade in any thing except bills of exchange, promissory notes, gold or silver bullion, or in the sale of goods which shall be the produce of its lands.

ARTICLE XII.

That no loans or discounts shall ever be made by the said bank on the stock note or notes of any stockholder or director, nor on any note or notes that may be drawn by one director, and endorsed by any other director; nor shall any note be discounted if any one director present shall object to such discount; and in case of any objection being made, the director objecting shall not be required to give any reasons therefor.

ARTICLE XIII.

The cashier of the said bank shall be appointed and removed at the pleasure of the board of directors, and the votes of seven of the directors shall be necessary to a choice; and every cashier, before he enters on the duties of his office, shall be required to give bond with two or more sureties, to the satisfaction of the directors, in a sum not less than twenty thousand dollars, with condition for the good and faithful discharge of the duties of his office; which bond shall be renewed annually, as long as he continues in office.

ARTICLE XIV.

Each director and cashier of said corporation, before he enters on the duties of his office, shall take an oath or affirmation, that he will faithfully execute the duties of his office, according to the provisions of this act and to the best of his skill and understanding; which oath or affirmation shall be taken and subscribed before some judge or justice of the peace, and filed in the office of the clerk of Somerset county.

Notes of
bank.

11. *And be it enacted*, That the said corporation shall not issue any notes or bills of a less denomination than one dollar; nor shall any bill or note issued by the said corporation, and made payable to bearer, or to any person or persons, his, her, or their order, or bearer, express any other place of payment than the office of the said banking company.

Tax on capi-
tal stock.

12. *And be it enacted*, That the capital stock of the said company shall be subject to the same tax as other banks in this state are or shall be subject to, and the same shall be levied, collected, and paid in the same manner as the taxes on other banks in this state now are or hereafter may be recovered.

Penalty for
refusing to
redeem bills.

13. *And be it enacted*, That if, at any time after the passing of this act, the said president, directors, and company shall neglect or refuse, on demand being made at their banking-house at any time during the regular hours of business, to redeem in specie any of the bills, notes, or other evidences of debt issued by the said corporation, and which shall be due and payable, the said president, directors, and company shall, on

pain of forfeiture of their charter; wholly discontinue and close their banking operations, either by way of discount or otherwise, unless the said president, directors, and company shall resume the redemption of their said bills, notes, and evidences of debt in specie, within thirty days after such demand shall have been made; and the said company shall be liable to pay to the holder or holders of such notes or bills, the payment whereof has been refused or delayed, upon demand as aforesaid, damages for the nonpayment thereof, at and after the rate of ten per centum per annum from the time of such demand, and until the same shall be paid or otherwise satisfied; and the president and directors of said corporation shall individually, and jointly and severally, be and continue liable to every creditor for the payment of any bills obligatory or of credit, note or notes, that they, or any of them, may issue and circulate; and upon demand of payment being made at the bank, during the usual hours of business, and refusal thereof, an action may be brought against the said persons then acting as president and directors of the said company, jointly or severally; and it shall be lawful for the plaintiff or plaintiffs to declare therein generally for money had and received, with a specification of the dates, sums, payees, and numbers of the said bills or notes so demanded; and payment whereof hath been neglected or refused; and upon judgment being rendered, execution may issue thereon, as in other cases.

14. *And be it enacted*, That the removal of any stockholder or stockholders out of this state shall not be considered as a forfeiture of the stock owned by him, her, or them, but shall only disqualify said stockholder or stockholders so removing from voting on said stock, either himself or by proxy, at any election to be held under this charter.

Stockholders removing out of state not entitled to vote.

15. *And be it enacted*, That if the said company shall at any time hereafter deem it expedient, it shall be lawful for them to increase the amount of their said capital stock to one hundred thousand dollars, by opening subscriptions for the additional sum of fifty thousand dollars, in the same manner and under the same provisions as are directed and contained in the first section of this act, and subject to all the conditions and regulations herein before imposed, except that the commissioners for receiving said subscriptions may be appointed by the said company.

Capital stock may be increased.

16. *And be it enacted*, That this act shall be and continue in force for and during the term of twenty years only, from the passing thereof; and it shall and may be lawful for the legislature of this state, at any time hereafter, to alter, suspend, or repeal the same.

Limitation.

Restrictions. 17. *And be it enacted*, That the corporation hereby created shall possess the general powers, and be subject to the general restrictions and liabilities, set forth in "An act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six.

Approved March 2, 1848.

AN ACT to incorporate the Freehold and Keyport Railroad Company.

Names of incorporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John B. Foreman, Daniel D. Denise, and William D. Davis, of the county of Monmouth, and such other persons as may hereafter become stockholders of the corporation hereby created, shall be, and are hereby ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "the Freehold and Keyport Railroad Company;" and shall be capable of purchasing, holding, and conveying any lands, tenements, goods, and chattels, whatsoever, necessary or expedient for the objects of this incorporation.

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

Books of subscription to be opened. 3. *And be it enacted*, That the above named persons may open books to receive subscriptions to the capital stock of said corporation, at such time or times and place or places as they, or a majority of them, may think proper, and as soon as the same shall be subscribed, to give notice for a meeting of the stockholders to choose six directors, a majority of whom shall be residents of this state; and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the said above named persons, or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books to

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

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

Corporation not to be dissolved for failure to elect on day prescribed.

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

Penalty for nonpayment of instalments.

6. *And be it enacted*, That the president and directors of the said company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct a railroad from some suitable point in or near the village of Freehold, in the county of Monmouth, to the navigable waters of Raritan bay, at or near the village of Keyport, in said county of Monmouth, which railroad shall be constructed, not exceeding one hundred feet wide, with as many sets of tracks and rails as they may deem necessary; and it shall be lawful for the said the president and directors of

Duties and powers of directors.

said company, their agents, engineers, superintendents, and others in their employ, at all times to enter upon all lands and waters, for the purpose of exploring, surveying, levelling, and laying out the route or routes of such railroad or lateral road, and of locating the same, and to do, make, and erect all necessary works, buildings, and appendages thereof, doing no unnecessary injury to private or other property; and when the route or routes of such roads or lateral road shall have been determined on, and a survey of such route or routes deposited in the office of the secretary of this state, then it shall be lawful for the said company, by its officers, engineers, agents, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, use, and occupy such lands and waters, and to excavate and erect embankments and docks, and build bridges, erect walls, lay rails, and do all other works necessary or suitable for the erection, completion, and repair of said road or roads, and to enter into any lands adjacent or near to the route of said road or roads, and search for and take sand, gravel, and stone necessary for the erection or repair thereof, subject to such compensation to the owners of such lands, waters, or materials as is herein after provided; *provided always*, that payment, or tender of payment, of all damages for the occupation of lands through which the said railroad or railroads may be laid out, be made before the said company, or any person in their employment or under their direction, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road or roads, or searching for sand, gravel, or stone, unless the consent of the owner or owners of such lands be first had and obtained.

Proceedings
in case com-
pany and
owners of
land cannot
agree.

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

of the commissioners herein after named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial, and judicious freeholders, not resident in the county in which the lands or materials in controversy lie or the owners reside, commissioners to examine and appraise the said land or materials, and to assess the damages, upon such notice, to be given to the persons interested, as shall be directed by the justice making such appointment, to be expressed therein, not less than six days; and it shall be the duty of the said commissioners (having first taken and subscribed an oath or affirmation, before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and to make a true report, according to the best of their skill and understanding,) to meet at the time and place appointed, and proceed to view and examine the said land or materials, and to make a just and equitable estimate or appraisal of the value of the same, and assessment of damages, as shall be paid by the said company for such lands or materials and damages aforesaid; which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed, within ten days thereafter, together with the aforesaid description of the land or materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county in which the land or materials are situate, to remain of record therein; which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of the said company to have, hold, use, occupy, possess, and enjoy the said land or materials, or of said owner or owners to recover the amount of said valuation, with interest and costs, in an action of debt, in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall from time to time constitute a lien upon the property of the company, in the nature of a mortgage; and the said justice of the supreme court shall, on application of either party, and on reasonable notice to the others, tax and allow such costs, fees, and expenses to the justice of the supreme court, commissioners, clerks, and other persons performing any of the duties prescribed in this section of this act, as they or he shall think equitable and right, and to order and direct by whom the same shall be paid, under the circumstances of the case.

8. *And be it enacted*, That in case the said company, or the owner or owners of the said land or materials, shall be dissatisfied with the report of the commissioners named in the pre-

Parties dissatisfied may have trial by jury.

ceding section, and shall apply to the justices of the supreme court, at the next term after the filing of the said report, the court shall have the power, upon good cause shown, to set the same aside, and thereupon to direct a proper issue for the trial of the said controversy to be formed between the said parties, and to order a jury to be struck, and a view of the premises or materials to be had, and the said issue to be tried at the next circuit court to be holden in the said county, upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land or materials and damages sustained, and if they shall find a greater sum than the said commissioners shall have awarded in favour of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the said owner or owners, and shall find the same or a less sum than the company shall have offered or the said commissioners awarded, then the said costs to be paid by said applicant or applicants, and either deducted out of the said sum found by said jury, or execution awarded therefor, as the court shall direct; *provided*, that such application shall not prevent the company from taking the said land or materials upon the filing of the aforesaid report.

Company to
make and re-
pair bridges.

9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over or under the said railroad or roads, where any public or other road, canal or railway, shall cross the same, so that the passage of vessels or boats, carriages, horses, and cattle on the said road or canal shall not be impeded thereby; and also, where the said road shall intersect any farm or lands of any individual, to provide and keep in repair suitable wagon ways over or under said road, so that he may pass the same.

Rates for
transporta-
tion of pas-
sengers and
property.

10. *And be it enacted*, That the president and directors of the said company shall have power to have constructed, or to purchase with the funds of the company, and to place on any railroad constructed by them, all machines, engines, wagons, carriages, or vehicles for the transportation of persons or any species of property thereon, as they may think reasonable, expedient, or right; *provided*, they shall not charge more than at the rate of six cents per mile per ton for the transportation of property on the said road or roads, or six cents per mile for carrying each passenger on said railways in the carriages of the company, or three cents per mile for each ton of property transported, or three cents per mile for each passenger carried on said railways in the carriages of others, and three cents per mile for each empty carriage; and that the railroad or

roads, and their appendages, and the land over which the same shall pass, and all the works and improvements, steam engines, carriages, and all other property whatsoever, belonging to the said company at any time or times, are hereby vested in the said company incorporated by this act, and their successors and assigns, during the continuance of this act.

11. *And be it enacted*, That the president and directors shall, within one year after the said railroad shall have been completed, declare and make such dividend as they may deem prudent and proper of the net profits thereof, and shall in like manner semi-annually thereafter declare such dividends, and pay the same to the stockholders of the said company, in proportion to the amount of shares held by them, respectively, as they may deem prudent and proper.

Semi-annual dividends to be made.

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

Penalty for injuring works.

13. *And be it enacted*, That the said company may have and hold real estate at the commencement and termination of said road or roads, and also at intermediate depots upon the line of the said road, not exceeding three acres at each place; and may erect and build thereon such houses, warehouses, machine shops, and other buildings and improvements, as they may deem expedient for the safety of property and the construction of cars, carriages, steam engines, and for other necessary uses; and shall also have the privilege to erect, build, and maintain, at Raritan bay, such wharves, piers, bridges, and other facilities as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act; which said lands shall be obtained in the manner provided for in the seventh section of this act.

What real estate company may hold.

14. *And be it enacted*, That as soon as the railroad, with its appendages, shall be finished so as to be used, the president and treasurer of the said company shall file, under oath or affirmation, a statement of the amount of the cost of the said road, including all expenses and the amount of all purchases made by virtue of this act, in the office of the secretary of this state; and annually thereafter the president and treasurer of the said company shall, under oath or affirmation, make a statement to the legislature of this state of the proceeds of said road, until the net income of said road shall amount to six per

State may take road on payment of assessment.

centum upon the amount of its cost; and as soon as the net proceeds of said railroad shall amount to six per centum upon its cost, the said corporation shall pay to the treasurer of this state a tax of one half of one per centum on the cost of said road, to be paid annually thereafter on the first Monday of January of each year.

Company authorized to borrow money.

15. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money from time to time as shall be necessary to build, construct, or repair said road, and furnish the said corporation with all the necessary engines and machinery for the uses and objects of the said company, and to secure the repayment thereof by bond and mortgage, or otherwise, on the said road, lands, privileges, franchises, and appurtenances, of or belonging to said corporation, at a rate of interest not exceeding six per centum per annum.

Property and interest of road to be vested in state on payment of assessment.

16. *And be it enacted*, That any time after the expiration of fifty years from the completion of said road, the legislature of this state may cause an appraisalment of the said road, and the appendages thereof, to be made by six persons, three of whom shall be appointed by the chief justice of this state for the time being, the remaining three by the company, who, or a majority of them, shall report the value thereof to the legislature within one year from the time of their appointment; or if they cannot agree, they shall choose a seventh, who, with the aforesaid six, shall report as aforesaid; or in case the said company shall neglect or refuse to appoint the said three persons, on their part, for two months after their said appointment by the said chief justice, then the three persons so appointed by him shall proceed to make such appraisalment, which shall be binding on the said company; or in case the said six commissioners shall be appointed as aforesaid, and they cannot agree upon the seventh man, then, upon two weeks' notice to the said company, the said chief justice shall appoint such seventh man, as aforesaid, to make such appraisalment as aforesaid, and thereupon the state shall have the privilege, for three years, of taking the said road, upon the payment to the company of the amount of the said report, within one year after electing to take such road; which report shall be filed in the office of the secretary of this state, and the whole property and interest of said road, and the appendages thereof, shall be vested in the state of New Jersey, upon the payment of the amount so reported to the said company; and then it shall be the duty of the president of the company to lay before the legislature, under oath or affirmation, when they shall so request, a full and fair statement of the costs of the said road, and of all the receipts and disbursements of the company; *provided always*,

that the aforesaid valuation shall be made without reference to the receipts or disbursements of the company or advance of the stock; and the said valuation shall in no case exceed the first cost of said road, with the lands and appendages thereof.

17. *And be it enacted*, That the road authorized by this act be, and the same is hereby declared a public highway, and shall be constructed with a track for one or more horses, and free for the passage of any railroad carriage thereon with passengers or property, upon payment of the tolls prescribed by this act; *provided always*, that the said carriages so used thereon shall be of the same description, in the formation of the wheels and length of axle, as those used by the company, and shall be so regulated, as to the time of starting and rates of travelling, as not to interfere with the carriages of the company.

18. *And be it enacted*, That if the said railroad shall not be completed and in use at the expiration of ten years from the fourth-day of June next ensuing, that then and in that case this act shall be void.

19. *And be it enacted*, That the legislature reserve the right to alter, amend, or repeal this act, or any part thereof, whenever the public good shall require it.

20. *And be it enacted*, That this act shall be deemed and taken as a public act, and shall at all times be recognized as such in all courts and places whatsoever, and shall take effect immediately.

Approved March 2, 1848.

Supplement to the act entitled, "An act for the preservation of deer and other game, and to prevent trespassing with guns," revised and approved April sixteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person or persons shall kill, destroy, hunt, or take any doe, buck, fawn, or any sort of deer whatsoever, at any other time or season except only between the last day of September and the second day of December, yearly and every year, he, she, or they so offending shall be

subject to the forfeitures and penalty mentioned in the ninth section of the act to which this is a supplement.

Part of former act repealed.

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

Approved March 3, 1848.

A supplement to an act entitled, "An act to establish public schools," approved April seventeenth, eighteen hundred and forty-six.

Amount of money to be raised.

1. **BE IT ENACTED** *by the Senate and General Assembly of the State of New Jersey*, That the several townships in this state are authorized to appropriate, from the interest of the surplus revenue received by them, and such other funds not raised by tax, such sums for the support of public schools as they shall order and direct at their annual town meetings, in addition to the amount apportioned to them from the state school fund and the amount which they are required to raise by law.

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

Approved March 3, 1848.

AN ACT to validate and confirm certain official acts and proceedings of the orphans' courts of the counties of Salem, Gloucester, and Atlantic.

Preamble.

WHEREAS it is represented to the legislature that the orphans' courts of the counties of Salem, Gloucester, and Atlantic, respectively, for a long time past have been in the practice of commencing the stated terms of said courts on the Monday preceding the day fixed by law for holding the courts of general quarter sessions of the peace in said counties; and whereas doubts have been entertained as to the vali-

dity of the acts and proceedings of said courts, made, had, or done on the Mondays aforesaid—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all orders and decrees, and all other official acts and proceedings, heretofore had or done by or before the orphans' courts of the counties of Salem, Gloucester, and Atlantic, respectively, on the several Mondays preceding the day fixed by law for holding the courts of general quarter sessions of the peace in said counties, shall, and the same are hereby declared to be as valid and effectual, to all intents and purposes, as if such orders and decrees, and other official acts and proceedings, had been made or had on the Tuesday next succeeding the day on which they respectively bear date. Official acts of orphans' courts declared valid.

2. *And be it enacted*, That all official acts and proceedings had, made, or done by the surrogates of the counties of Salem, Gloucester, and Atlantic, respectively, on the several Mondays preceding the day fixed by law for holding the courts of general quarter sessions of the peace in said counties, and all advertisements and notices given by said surrogates of acts or things to be done on such Mondays by the orphans' courts of said counties, shall, and the same are hereby declared to be as valid and effectual, to all intents and purposes, as if such official acts and proceedings had been made or done by such surrogates on the Tuesday next succeeding the day on which they were made or done; and all such advertisements and notices shall, and the same are hereby declared to be as valid and effectual, to all intents and purposes, as if such advertisements and notices had been given by said surrogates for the Tuesday next succeeding the Monday for which they were respectively given. Acts of surrogate declared valid.

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

Approved March 3, 1848.

AN ACT to authorize an election to determine upon the location of the seat of justice in the county of Camden.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That an election for the seat of justice Time and mode of holding election.

of the county of Camden, where the court-house, jail, and other public buildings shall be erected, shall be held in said county on the second Tuesday of April next; and it shall be the duty of the clerk of said county to give timely notice of such election, in writing, to the clerks of the several townships in said county, whose duty it shall be to give public notice thereof, by setting up, in three or more of the most public places in their respective townships, copies of said notice, at least ten days prior to the time above appointed for holding said election; and the polls shall be opened in each of the townships in said county, at the place appointed by them, respectively, at their then last annual town meetings, for holding elections during the ensuing year; and the election shall be held by the same officers, under the same qualifications, opened and closed at the same hours, the same qualification of voters shall be required, and the said election shall be conducted, continued, and concluded, in all respects as nearly as may be, according to the same rules and regulations, and under the same restrictions and penalties, as are prescribed by the laws regulating the elections of members of the Senate and General Assembly of this state.

Voting to be
by ballot.

2. *And be it enacted*, That each voter shall give his vote by a single ballot, which shall be a paper ticket, on which shall be written or printed the the name of the city, village, or cross-roads, for which the person casting such ballot intends to vote; and no ballot shall contain more than one such name; and in case any person shall give his vote by more than one ballot, or any ballot voted shall contain more than one such name, such vote shall not be counted.

Duties of offi-
cers of elec-
tion.

3. *And be it enacted*, That the judges and inspectors of the said election in the several townships of said county, at the close of the polls, shall carefully count the votes received at said election, and make a certificate, under their hands and seals, containing the whole number of votes taken in their respective townships, and the number taken for each place mentioned in the second section of this act, as the seat of justice of said county; and shall, on or before the hour of three in the afternoon of the Saturday next after the day of said election transmit and deliver to the clerk of the inferior court of common pleas of said county their respective certificates, together with the list of voters whose votes were taken at the said election, which certificates and lists shall be filed by said clerk in his office; and the said clerk shall faithfully count the said votes, and the city, village, or cross-roads having the majority of the whole number of votes taken at said election shall be the seat of justice for said county, as soon as the aforesaid public buildings shall be erected thereat, as herein after provided for; but if no place shall have a majority of votes, the board of chosen freeholders

shall then erect the public buildings at Longacoming, which shall be the seat of justice for said county.

4. *And be it enacted*, That the clerk of said county, judges, inspectors, and other officers of said election, shall be entitled to the same fees as they are entitled to for like services by the laws of this state regulating elections; and the clerk of said county, for any extra services required of him by this act, shall be allowed such further compensation as the board of chosen freeholders of said county shall deem just, to be paid by the collector of said county.

Compensation to officers of election.

5. *And be it enacted*, That the board of chosen freeholders of said county shall, upon the call of their director, or upon their own adjournment from time to time, and as often as occasion may require, meet together at such place or places in said county as they may appoint for that purpose; and they shall have full power to contract for and take a deed or deeds for land on which to erect said court-house, jail, and other public buildings, and they shall erect the same thereon; and for that purpose they shall be, and are hereby authorized to borrow, from time to time, any sum or sums of money, not exceeding in all the sum of twenty-five thousand dollars, and pledge the faith of the county for the repayment of the same, with interest.

Board of chosen freeholders to erect public buildings.

6. *And be it enacted*, That when the court-house and clerk's and surrogate's offices shall be so far completed as to be suitable for their respective purposes, it shall be the duty of the director of the board of chosen freeholders of said county to send or deliver a certificate thereof to the clerk of the inferior court of common pleas of said county, who shall file the said certificate in his office, and enter it at length in the minutes of said court, with the time of his receiving the same, and give notice thereof, by advertisements published in at least two of the newspapers printed in said county; and it shall be the duty of said clerk and surrogate, as soon thereafter as conveniently may be, to remove all the records, files, vouchers, and public books and papers in their custody into the said offices so erected for them respectively; and any circuit court, court of oyer and terminer and general jail delivery, inferior court of common pleas, general quarter sessions of the peace, and orphans' court, which may be held in said county, after the the said certificate shall be filed and entered by said clerk as aforesaid, shall be held in said court-house; and all writs and other process which may be issued out of either of said courts, after the entering and filing of said certificate as aforesaid, shall be returnable to the place chosen as aforesaid for the seat of justice; and all such writs and other process, and all other writs and process previously issued, and, at the time of

Certificate of completion of buildings to be filed.

entering and filing said certificate, in the hands of the sheriff of said county or other officer, and returnable to either of said courts, shall be returned to the said place chosen as aforesaid for said seat of justice; and all persons who may be under recognizance, bond, or other obligation, or may be summoned to appear before either of said courts, at any time subsequent to the entering and filing of said certificate, shall appear before the court before which he shall have been so recognized, bound, or summoned to appear, at the said place chosen for said seat of justice; and such place, from and immediately after the time of entering and filing said certificate, shall be the seat of justice for said county.

Prisoners to be removed when jail is completed.

7. *And be it enacted*, That when the common jail of said county shall be so far completed as to be suitable for the safe keeping of prisoners, it shall be the duty of the said director of the board of chosen freeholders to send or deliver a certificate thereof to the clerk of the inferior court of common pleas of said county, who shall file the same in his office, and enter it at length in the minutes of said court, with the time of his receiving it; and he shall deliver a copy thereof to the sheriff of said county, whereupon it shall be the duty of said sheriff to remove all the prisoners of said county that may be in his custody into the said common jail, there to be confined according to law; and such removal shall not be deemed an escape, or in any wise chargeable to said sheriff.

Part of former act repealed.

8. *And be it enacted*, That the sixth, seventh, eighth, ninth, tenth, eleventh, and twelfth sections of the act entitled, "A further supplement to the act entitled, an act to erect a part of the county of Gloucester into a new county, to be called the county of Camden," approved April first, eighteen hundred and forty-six, and all other provisions of said act, and of any other act repugnant to the provisions of this act, shall be, and the same are hereby repealed; and this act shall take effect immediately.

Approved March 3, 1848.

AN ACT to provide for the recovery of damages in cases where the death of a person is caused by wrongful act, neglect, or default.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That whenever the death of a person shall be caused by wrongful act, neglect, or default, and the act, neglect, or default is such as would, if death had not ensued, have entitled the party injured to maintain an action and recover damages in respect thereof, then and in every such case the person who, or the corporation which, would have been liable if death had not ensued, shall be liable to an action for damages, notwithstanding the death of the person injured, and although the death shall have been caused under such circumstances as amount in law to felony. Damages when death is caused by neglect, &c.

2. *And be it enacted*, That every such action shall be brought by and in the names of the personal representatives of such deceased person; and the amount recovered in every such action shall be for the exclusive benefit of the widow and next of kin of such deceased person, and shall be distributed to such widow and next of kin in the proportions provided by law in relation to the distribution of personal property left by persons dying intestate; and in every such action the jury may give such damages as they shall deem fair and just, with reference to the pecuniary injury resulting from such death to the wife and next kin of such deceased person; *provided*, that every such action shall be commenced within twelve calendar months after the death of such deceased person. Amount of damages, how distributed.

3. *And be it enacted*, That on request by the defendant, or the defendant's attorney, the plaintiff on the record shall be required to deliver to the defendant, or to the defendant's attorney, a particular account in writing, of the nature of the claim in respect to which damages shall be sought to be recovered. Nature of claim to given in writing.

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

Approved March 3, 1848.

AN ACT requiring the mayor and common council of the city of Newark to protect and keep in repair the old burying ground in said city, and quieting the possession of such parts of said burying ground as are already occupied.

Preamble.

WHEREAS the old burying ground of the city of Newark hath for many years ceased to be used as a place for burying the dead; and whereas it has so occurred, by lapse of time, that a portion of the land originally allotted for the purpose of a burying ground, lying adjacent to the premises now designated by enclosures as the old burying ground, has been appropriated for other purposes, and has been improved for the most part by erecting thereon expensive buildings; and whereas it hath been insisted that the portion of said ground appropriated and occupied otherwise than for a burying ground, should be restored to the use for which it was originally set apart, and according to the trust to which it is alleged the same is subject, which would be attended with great inconvenience, and subject innocent purchasers to great pecuniary loss, and be of no public utility, in as much as the location of said ground renders it improper and inexpedient to make any further interments therein; and whereas it is desirable that the said burying ground, enclosed as aforesaid, should be protected, and that the occupancy of the portion thereof occupied otherwise than for a burying ground should be quieted—therefore,

Mayor and
common
council to
preserve bu-
rying ground

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the mayor and common council of the city of Newark to protect and preserve the burying ground, as now enclosed as aforesaid, and the enclosures thereof; and that the occupation of such parts of said ground, originally allotted as aforesaid, as are now occupied for purposes other than as a burying ground as aforesaid, shall remain undisturbed, and that the mayor and common council of the city of Newark shall apply such proceeds and profits thereof as they may receive, to the protecting and keeping in repair the burying ground aforesaid, and the enclosures thereof; *provided nevertheless*, that nothing in this act contained shall in any manner affect the vested rights, if any, of any person or persons in the said lands, independent of the said alleged trusts; *and provided*, that this act shall not confer any additional rights to any person or persons, as to lands south of the town lot bordering on the said burying ground, and which have within the last ten years been enclosed.

Approved March 3, 1848.

AN ACT relative to the field books and maps of the partition of the common lands in the township of Bergen, made by the commissioners appointed by two acts, passed, respectively, December seventh, seventeen hundred and sixty-three, and August twenty-sixth, seventeen hundred and eighty-four.

WHEREAS, by two several acts of the legislature of New Jersey, passed, respectively, the seventh day December, A. D. seventeen hundred and sixty-three, and on the twenty-sixth day of August, A. D. seventeen hundred and eighty-four, providing for the appointment of commissioners to make partition of the common lands in the township of Bergen, and for other purposes in the said acts mentioned, full and complete records of which partition were made in books provided for the purpose, accompanied by maps of the land so divided, all of which, in accordance with the provisions of the aforesaid acts, were deposited in the office of the clerk of the county of Bergen, (said lands at that time lying within the limits of said county) and have there been kept to the present time; and whereas further, by the erection of the county of Hudson, said lands are now entirely within the limits of the county of Hudson, and said books and maps are of great importance to the inhabitants of the said county—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the clerk of the county of Hudson is hereby authorized and required to demand of and to receive from the clerk of the county of Bergen, and the clerk of the county of Bergen is hereby directed and required to deliver to the clerk of the county of Hudson, the said field books and maps, prepared by the commissioners aforesaid, now in the office of the said clerk of the county of Bergen, who shall require and receive a receipt for the same from the clerk of the county of Hudson.

2. *And be it enacted*, That the said field books and maps shall hereafter be kept by the clerk of the county of Hudson in his office, to remain as evidence of the partition of said lands, as provided for by the acts mentioned in the foregoing preamble, to which said books and maps every person, so desiring, shall have access at proper times, and be entitled to transcripts from the same, on paying the fees allowed by the laws of this state in relation to the records of deeds in this state.

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

Approved March 3, 1848.

AN ACT for the exchange of a part of the lands belonging to the state at Paterson, and for vacating a road, and laying another road over the same.

Preamble.

WHEREAS it has been represented that the Paterson and Ramapo Railroad has been so located across the lands belonging to the state at Paterson, as to intersect a public road heretofore laid out by commissioners under the authority of this state, and to leave a triangular piece of ground, belonging to the state, on the east side of the railroad, adjoining lands of one James Van Blarcom, and a triangular piece belonging to James Van Blarcom on the west side of the railroad, adjoining lands of the state; and further, that the public conveniencē would be promoted by exchanging the said pieces, and vacating the public road on the east of the railroad, and laying out a public road over the state lands on the west side of the railroad—therefore,

Commissioners to exchange land and vacate road.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That William Dicky, Joseph Gledhill, and John S. Van Winkle be commissioners to make an exchange of said lands, and to vacate the road called "the state road," on map F. of state lands, filed at the clerk's office in Paterson, and to lay out a public road over the lands of the state, on the west side of the railroad, from the land of John S. Van Winkle to the public road leading from Paterson to the house of Cornelius Van Winkle, of such width as they may deem to be convenient and proper; and shall make a return thereof, with a map or draft of the same, to the clerk of the county of Passaic, to be recorded by him in the book of returns of roads; whereupon the road so to be laid out by them shall become a public highway, in the same manner as if it had been laid out by the commissioners who were appointed under an act entitled, "An act relating to the lands belonging to the state, situate in the township of Paterson, in the county of Passaic," passed March second, one thousand eight hundred and thirty-nine.

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

Approved March 3, 1848.

A supplement to an act entitled, "An act to incorporate the Delaware Manufacturing Company of Trenton," passed March third, eighteen hundred and thirty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the act to which this is a supplement, as fixes the number of directors of the Delaware Manufacturing Company of Trenton at five, is hereby repealed, and that the number of said directors hereafter shall be seven; and that the present board of directors may appoint two additional directors, whenever it shall seem to them expedient, which two additional directors shall hold office until the next election of directors of said Delaware Manufacturing Company. Part of former act repealed.

And whereas the act to which this is a supplement, was passed in the year of our Lord one thousand eight hundred and thirty-seven, but the said Delaware Manufacturing Company was not organized until ten years thereafter, that is to say, in the year of our Lord one thousand eight hundred and forty-seven—therefore,

2. *Be it enacted*, That the term of twenty-five years for which the said company was incorporated, by the act to which this is a supplement, be, and the same is hereby extended for the term of ten years beyond the expiration of the said term of twenty-five years, mentioned in the act to which this is a supplement. Term of incorporation extended.

Approved March 3, 1848.

AN ACT relating to the registry and returns of births, marriages, and deaths, in the state of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the clerks of the several townships in this state shall annually, in the month of June, transmit to the secretary of state of this state a certified copy of their record of births, marriages, and deaths, which have occurred within their respective townships during the year next preceding the first day of said month; the births shall be numbered and recorded in the order in which they are received by the clerk; Township clerks to transmit copy of record

The record of births shall state, in separate columns, the date of the birth, the place of birth, the name of the child (if it have any), the sex of the child, name and surname of one or both of the parents, occupation of the father, residence of the parents, and the time when the record was made: the marriages shall be numbered and recorded in the order in which they are received by the clerk; the record of marriages shall state, in separate columns, the date of the marriage, the place of the marriage, the name, residence, and official station of the person by whom married, the names and surnames of the parties, the residence of each, the age of each, the condition of each (whether single or widowed), the occupation, names of the parents, and the time when the record was made: the deaths shall be numbered and recorded in the order in which they are received by the clerk; the record of deaths shall state, in separate columns, the date of the death, the name and surname of the deceased, the sex, condition (whether single or married), age, occupation, place of death, place of birth, names of the parents, disease or causes of death, and the time when the record was made.

Compensation to clerk for return of Births.

2. *And be it enacted*, That the township clerk of each township, or some person duly authorized by him, shall annually, in the month of May, ascertain from actual inquiry, or otherwise, all the births which have happened within such township during the year next preceding the first day of said May, together with the facts concerning births required by the first section of this act, and shall make a record thereof, and file the same, with the papers of such township, on or before the last day of said May; and the said township clerk, or other person authorized by him to make such returns, shall be entitled to receive from the treasury of such township five cents for each and every birth so returned.

Justices, &c., to make return of marriages.

3. *And be it enacted*, That every justice, minister, and clerk or keeper of the records of the meeting wherein any marriages among the Friends or Quakers shall be solemnized, shall make a record of each marriage solemnized before him, together with all the facts relating to marriages required by the first section of this act; and each such justice, minister, clerk, or keeper shall, between the first and tenth days of each month, return a copy of the record for the month next preceding to the clerk of the township in which the marriage was solemnized; and every person, as aforesaid, who shall neglect to make the returns required by this section, shall be liable to a penalty of ten dollars for every such neglect, to be recovered by action of debt, with costs of suit, before any court of competent jurisdiction, for the use of the township to whose clerk such returns ought to have been made.

4. *And be it enacted*, That each sexton or other person having the charge of any burial ground or cemetery in this state, shall, on or before the tenth day of each month, make returns of all the facts required by the first section of this act, connected with the death of any person whose burial he may have superintended during the month next preceding, to the clerk of the township in which such deceased person resided at the time of his death, if such death happened in this state; and such sexton or other person shall be entitled to receive from the treasury of the township to which such return is made five cents for the return of each death made, agreeably to the provisions of this act.

Sextons, &c.
to make
return of
deaths.

5. *And be it enacted*, That the clerk of each township shall be entitled to receive from the treasury of such township five cents for the record of each marriage and death; *provided*, such clerk shall, in all respects, faithfully perform his duties under this act.

Fees for re-
cord of death
&c.

6. *And be it enacted*, That the secretary of state of this state shall prepare and furnish to the clerks of the several townships in this state blank books, of suitable quality and size, to be used as books of record, according to the provisions of this act, and also blank forms of returns, as herein before specified, and shall accompany the same with such instructions and explanations as may be necessary and useful; and he shall receive said returns, and prepare therefrom such tabular results as will render them of practical utility, and shall make report thereof annually to the legislature, and generally shall do whatever may be required to carry into effect the provisions of this act; and, for the faithful discharge of his duties under this act, he shall be entitled to receive annually, the sum of fifty dollars, to be paid by the treasurer, on a warrant produced to him signed by the governor, or person administering the government of this state.

Secretary of
state to pre-
pare forms,
&c.

7. *And be it enacted*, That any clerk who shall neglect to comply with the requirements of this act shall be liable to a penalty of ten dollars, to be recovered by action of debt, with costs of suit, before any court of competent jurisdiction, for the use of the township where such neglect shall be proved to have existed.

Penalty for
neglect to
comply with
require-
ments of act.

8. *And be it enacted*, That the clerk of the common council or board of aldermen of any incorporated city or borough in this state, when such city or borough shall extend to and include the limits of an entire township, shall perform the same duties, receive the same compensation, and be liable to the same penalties, as are by this act provided in respect to the clerks of the several townships in this state; and that in con-

Clerk of
common
council to
perform du-
ties of town-
ship clerk.

struing this act, the word "clerk," meaning thereby the town clerk of any township in this state, shall be deemed and taken to include and mean the clerk of the common council or board of aldermen of any incorporated city or borough as aforesaid, and the word "township" shall be deemed and taken to include and mean any incorporated city or borough as aforesaid.

9. *And be it enacted*, That this act shall take effect from and after the first day of June next.

Approved March 3, 1848.

A supplement to the act entitled, "An act authorizing the enclosure of a certain tract of land, situate in the township of Caldwell, in the county of Essex, called the Great Piece," passed February third, eighteen hundred and twenty.

Managers to
make allot-
ment of
fence.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the managers now elected under the authority of the act to which this is a supplement, and of the supplement herein after mentioned, and hereby repealed, or their successors in office, as soon as conveniently may be after the passage of this act, to make a just and equitable allotment of the portion of fence that each owner or possessor of any part of said lot or tract of land described in said original act, their heirs or assigns, ought to make, allotting to each, as nearly as conveniently may be, the portion of said fence that he, she, or they, or the persons under or from whom he, she, or they hold, derive, or claim title, have heretofore made, amended, or kept in repair; which said allotments, plainly and distinctly described, shall be entered in a book of their proceedings, to be kept by the said managers.

Appraisements to be made.

2. *And be it enacted*, That the said managers, or their successors in office, shall also, with all convenient despatch, make a careful examination of the fences now constituting the enclosure of said tract of land, and shall make separate, just, and equitable valuations and appraisements of the several portions thereof made by the present owners or possessors of parts of said tract of land, or by those under whom they hold, derive, or claim title, respectively, and shall enter such valuations in their said book of proceedings, designating distinctly

the appraised value of the portions of each of said owners or possessors of the said fence heretofore made as aforesaid.

3. *And be it enacted*, That the said managers, or their successors in office, shall make a careful account and estimate of the sum of money necessary to be raised, in order to enclose by a new and substantial fence, lawful according to the act of the legislature of this state respecting fences, the said tract of land; and shall thereupon apportion said sum of money among the said several owners or possessors of said tract of land equitably, according to the portions of said fence which by the apportionment aforesaid it shall appear they ought respectively to make, as aforesaid, thereby ascertaining the amount to be paid by each of the owners or possessors of parts of said tract of land towards the expense of said enclosure, if he, she, or they shall neglect to make his, her, or their portion of said fence, as herein after mentioned; which said proceedings shall also be plainly and distinctly entered in the said book to be kept by said managers as aforesaid.

Fence, how
to be made.

4. *And be it enacted*, That the said managers, or their successors in office, shall cause notice in writing, signed by them, or one of them, to be served on the said owners or possessors, respectively, by delivering the same to them, or leaving the same at their respective dwelling-houses or usual places of abode, designating the portion of the fences aforesaid which, according to the allotment aforesaid, ought to be made by said owners or possessors, their heirs or assigns, respectively; and also, of the amount of the valuation of the part of the fences now constituting the enclosure of said tract of land, made by such owners or possessors, or the person or persons under whom they hold, derive, or claim title, the sum of money estimated by said managers as being necessary to be raised in order to enclose the said tract of land by a new, substantial, and lawful fence, as aforesaid; and, also, of the apportionment made of the said sum of money among said owners and possessors, and of the sums of money to be paid by them, respectively, towards the expenses of said enclosure, in case such owner or owners, possessor or possessors, shall neglect to make his, her, or their portion of said fence, as herein after mentioned, and requiring said owners or possessors to make their portions of said fence, allotted to them as aforesaid, within thirty days after the service of the said notice.

Notice to be
served on
owners.

5. *And be it enacted*, That if the said owners or possessors, or any of them, their heirs or assigns, shall neglect for the space of thirty days after service of the notice aforesaid, to make the portion of the said fences, in manner aforesaid, which ought to be made by him, her, or them, according to the allotment aforesaid, then that such owners or possessors so neglect-

Penalty for
neglect to
make fence.

ing, their heirs, executors, administrators, or assigns, shall be liable to pay to said managers, or to their successors in office, the sums ascertained by the said managers as aforesaid, to be paid by said owners or possessors, respectively, in case of their neglecting to make their portions of said fence as aforesaid; and the said managers, or their successors in office, may thereupon sue for and recover the same in their own names, in an action of debt, before any court having cognizance thereof; *provided*, that it shall be lawful for any owners or possessors neglecting to make their portions of said fences, as aforesaid, at any time before suit brought, to give notice in writing to said managers, or their successors in office, that they intend to abandon any claim to their portion of said fence, now constituting the enclosure of said tract of land; and thereupon the sum at which such fence has been valued, as aforesaid, shall be deducted from the sum to be paid by such owners or possessors towards the expenses of said enclosure, and such fence shall thereupon become the property of such managers, the said value thereof to be accounted for by them as for so much money received.

Moneys received for penalties, how applied.

6. *And be it enacted*, That it shall be the duty of said managers, and their successors, to apply all moneys received by them from any owners or possessors neglecting as aforesaid, to making the portions of said fence allotted to said delinquent owners or possessors, respectively.

Description of fence.

7. *And be it enacted*, That the fence enclosing said tract of land shall be of the height and description declared lawful by the act of the legislature of this state for partition and other fences; *provided*, that no ditch shall be deemed to be a fence, within the meaning of this act.

Managers to keep fences in repair.

8. *And be it enacted*, That when said enclosure shall have been completed, as herein before mentioned, it shall be the duty of the said managers, and their successors in office, from time to time and at all times, to make, maintain, amend, and keep in good order the whole of the fences, swing-gates, and any other erections constituting said enclosure, so that the same shall at all times be of the height and description herein before mentioned.

Expenses of fencing, how defrayed.

9. *And be it enacted*, That, in order to provide funds for making, maintaining, amending, and keeping in repair the said enclosure, and the swing-gates or other erections necessary to the same, it shall be lawful for said managers, and their successors, once in each year, to make an assessment of the amount or sum of money necessary for those purposes, and to ascertain and determine the quota or sum which each of the owners or possessors of lands within said enclosure ought to

pay of the same, and also, to enter the same plainly and distinctly in the book to be kept by said managers as aforesaid; and the said owners or possessors shall thereupon, respectively, be liable to pay to said managers, or their successors in office, their respective quotas so ascertained and entered in said book; and the said managers, or their successors in office, may sue for and recover the same, in their own names, in an action of debt, before any court having cognizance thereof; *provided*, that at least thirty days before any action shall be brought, in virtue of the preceding section, against any owner or owners, possessor or possessors, their heirs, executors, administrators, or assigns, the said managers, or their successors in office, shall cause notice in writing, signed by them, or one of them, of the said assessment, and of the amount of the quota thereof to be paid by such owner or owners, possessor or possessors, and requiring payment thereof to be made to said managers, or their successors, or to one of them, to be served on such owner or owners, possessor or possessors, his, her, or their heirs, executors, administrators, or assigns, by delivering the same to him, her, or them, or leaving the same at his, her, or their usual place of abode.

10. *And be it enacted*, That if any of the owners of lands within said enclosure are not known, or cannot conveniently be found, it shall be lawful, instead of serving the notices and demand, herein before mentioned as herein before directed, to set up copies thereof in three public places in the neighbourhood of said tract of land, for the space of thirty days; and such owner or owners shall thereupon be bound and liable, and may be sued and proceeded against, in the same manner as if the said notices had been duly served as herein before directed; and further, that it shall be lawful for any justice of the peace of the county of Essex, upon application of said managers, or their successors in office, and the sum which ought to be paid by such owner or owners not known, or not conveniently to be found, being duly verified and ascertained, to issue his warrant or process authorizing any constable of said county of Essex to enter upon the land of such owner, within said enclosure, and make any such sum of money, by sale of the wood and timber, grass or herbage, lying, standing, and growing therein, together with the reasonable costs of such proceedings, to be ascertained by said justice, giving notice of any such sale in the same manner as is directed in case of executions issuing out of the courts for the trial of small causes.

Proceedings
in case own-
ers cannot be
found.

11. *And be it enacted*, That in case it shall appear, by the return made to any execution issued upon any judgment recovered under the provisions of this act, that sufficient goods and chattels of the defendant or defendants cannot be found

Proceedings
in case goods
and chattels
of defendant
cannot be
found.

whereof to make the debt and costs mentioned in such execution, that then it shall be lawful for the court wherein such judgment is recovered to issue, or cause to be issued, an execution commanding the proper officer to levy and make the said costs, or any part thereof remaining unpaid, by sale of any wood, timber, grass, or herbage lying or standing and growing upon the land of the defendants within said enclosure, notice of the the sale whereof shall be given as in case of the sale of goods and chattels under executions; and the purchaser and purchasers under the authority of this and the next preceding section shall have the right to enter upon the lands and remove, or cut down and remove, the wood, timber, grass, and herbage purchased, at any time within sixty days from the time of the purchase, without hinderance or interruption.

Division
fences.

12. *And be it enacted*, That in all cases where the said tract of land adjoins any enclosed lands, the owners or possessors of such enclosed lands shall be subject and liable to make one half of the division fence, in manner aforesaid; according to the laws of this state in such case made and provided; and in case any such owners or possessors shall neglect to make his, her, or their just proportion of such division fence, then it shall be lawful for said managers, and their successors in office, to proceed in the manner directed by the act of the legislature of this state entitled, "An act regulating fences;" and the said managers and their successors shall be entitled to all the remedies provided and given by said act.

Owners to
make by-
laws, &c.

13. *And be it enacted*, That the said owners or possessors of said tract of land, present at any annual meeting, may, by a plurality of votes, to be regulated according to the third section of the act to which this is a supplement, agree to pasture the aforesaid tract of land, any time between the tenth day of October and the first day of December in any year, and at no other time; and that they may, by such plurality of votes, agree to and pass by-laws consistent with this act, which agreement and by-laws shall be fairly and distinctly entered in said book of proceedings of the managers, and shall be binding until the next annual meeting, and no longer.

Penalty for
injuring
works.

14. *And be it enacted*; That if any person or persons shall at any time wilfully open or break down any fence, or any swing-gate or other erection made for the purpose of enclosing said tract or shall in any way wilfully injure or destroy any such fence, swing-gate, or other erection, or violate any of the by-laws aforesaid, such person or persons shall for every offence forfeit and pay the sum of ten dollars, to be recovered by action of debt, in any court having cognizance thereof, with costs of suit, in the names of the managers, or their successors in office.

15. *And be it enacted*, That the meetings of said owners and possessors shall be held on the first Monday in October, annually, and not on the first Monday in April, annually, as provided for by the said original act. Annual meetings.

16. *And be it enacted*, That all penalties and damages recovered by virtue of this act and the act to which this is a supplement, shall be appropriated to the making, erecting, and maintaining swing-gates, the keeping of said enclosure in good order and repair, and to such other expenses as necessarily result from carrying into effect the provisions of this act and the act to which this is a supplement. Moneys for penalties, how appropriated.

17. *And be it enacted*, That the said managers shall at all times keep accurate, just, and true accounts of all moneys collected and received by them, and of all expenditures by them made; and shall at each annual meeting submit their accounts of such receipts and expenditures to the examination of said meeting; and shall pay over to their successors in office all surplus or sum or sums remaining in their hands unexpended; and shall, on demand, deliver to their successors in office the books by them kept, immediately on their going out of office; and if any manager shall offend against the provisions of this section, he shall, for every such offence, forfeit and pay the sum of one hundred dollars, to be sued for and recovered, in an action of debt, in the name of their successors, in any court having cognizance thereof, with costs, to be appropriated, when recovered, to the purposes contemplated by this act and said original act; and that if any manager shall wilfully neglect to perform any other duty required of him by this act or said original act, he shall forfeit and pay the sum of ten dollars, to be recovered in an action of debt, with costs, in any court having cognizance thereof, by any person, being the owner of land within said enclosure, who will sue for the same, and to be appropriated, when recovered, in manner aforesaid. Annual statement of accounts to be made.

18. *And be it enacted*, That said managers shall receive such reasonable compensation for their services, as by the said owners and possessors, at their annual meetings, shall from time to time be agreed upon and allowed. Compensation to managers.

19. *And be it enacted*, That if it shall at any time hereafter become necessary to make a new allotment of the expenses requisite for keeping the said tract of land enclosed as aforesaid, it shall be lawful for the managers to make such new allotment; and the same, when made, shall be entered in manner aforesaid, and shall be proceeded upon in all respects as herein before mentioned and directed. New allotment may be made.

20. *And be it enacted*, That the said books of their proceedings, to be kept by said managers as herein before mentioned, Books of proceedings to be evidence.

shall be received in all courts and places as evidence of all the proceedings of said managers and of the said annual meetings, by this act or the said original act directed to be entered in said books of proceedings; and that in all proceedings where the service or setting up of notice or notices in pursuance of the provisions of this act, or of the said original act, shall come in question, the testimony of said managers shall be deemed competent touching the service or setting up of such notice or notices, notwithstanding they, or any of them, shall be parties to such proceedings.

Part of former act repealed.

21. *And be it enacted*, That the fifth, sixth, seventh, and eighth sections of the said act to which this is a supplement, and all other parts of said act inconsistent with the provisions of this act, be, and the same are hereby repealed; and, also, that the act entitled, "A supplement to the act entitled, an act authorizing the enclosure of a certain tract of land situated in the township of Caldwell, in the county of Essex," passed the third day of February, eighteen hundred and twenty, be, and the same is hereby repealed; *provided however*, that this repeal shall not invalidate or make void any proceedings heretofore had under said original act or said supplement.

Approved March 3, 1848.

AN ACT to incorporate the South Flemington Mining Company.

Names of corporators.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That Peter I. Clark, Alexander V. Bonnell, Henry F. Tallmadge, Edward Lambert, and George N. Sanders, and such others as are or may hereafter be associated with them, shall be, and are hereby ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "the South Flemington Mining Company," to be located in the county of Hunterdon, in the state of New Jersey.

Time and mode of election of directors.

2. *And be it enacted*, That the stock, property, concerns, and affairs of the said corporation shall be managed and conducted by seven directors, a majority of whom shall be residents of this state, who shall be annually elected on the second Tuesday of January, at such time of the day and at such place in the county of Hunterdon, state of New Jersey, as the by-laws of the said corporation shall direct; and public notice

shall be given of the time and place of holding such election, not less than thirty days previous thereto, in one of the newspapers printed at Flemington and in one of the newspapers printed in the city of Trenton; and the election shall then and there be made by such of the stockholders as shall attend for that purpose, in person or by proxy; and all elections shall be by ballot, each share having one vote; and the persons who shall have the greatest number of votes shall be the directors; and the said directors, so soon as may be after their election, shall proceed, in like manner, to elect by ballot one of their number to be their president, who shall be a resident of this state; and if any vacancy or vacancies shall at any time happen among the directors elected by the stockholders, by death, removal, resignation, or otherwise, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint; *provided*, that the first election shall be held within ninety days after the passage of this act, twenty days' notice in the papers aforesaid to be given of said election, by the persons named in the first section of this act; and the directors so elected shall serve until the second Tuesday of January next ensuing, and until others are elected in their places.

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

Corporation
not dissolved
for failure to
elect on day
prescribed.

4. *And be it enacted*, That the capital stock of the said corporation shall consist of the tracts of lands, mines, mining privileges, minerals and ores, engines, smelting furnaces, and all the improvements thereon, situated and being in the said county of Hunterdon, belonging to the above named corporation, or which they or the said company may hereafter acquire, not exceeding in value the sum of one hundred and fifty thousand dollars, which shall be divided into fifteen thousand shares, of ten dollars each; and it shall be lawful for the directors of said corporation to assess, from time to time, upon each share of the stock of said corporation a sum not exceeding the gross amount of five dollars, in sums not exceeding one dollar at any one time, and at intervals of not less than thirty days; and it shall be lawful for the directors to assess a still further sum of five dollars on each share of the capital stock; *provided*, that two-thirds in interest of the said stockholders of said corporation shall advise and consent thereto, at a meeting of the stock-

Amount of
capital stock.

holders called for this purpose, and notice given of the same, as provided for in the second section relating to the election of directors; any stockholder refusing to pay any assessment regularly laid, and of which notice shall have been given as heretofore provided for, shall forfeit to said corporation each and every share of stock upon which such assessments remain unpaid for the period of thirty days after notice shall have been given, in such form as the directors may ordain in the by-laws, to the stockholders that such assessment was due and unpaid.

Quorum. 5. *And be it enacted*, That a majority of the directors for the time being shall form a board or quorum for the transaction of the business of the said corporation.

Stock transferable. 6. *And be it enacted*, That the stock of the said corporation shall be deemed personal estate, and be transferred in such manner as shall be prescribed by the by-laws of the said corporation.

Transfers to be registered 7. *And be it enacted*, That no transfer of stock of said corporation shall be valid and effectual until such transfer shall be entered and registered in the book or books to be kept by the president and directors for that purpose; which book shall at all times be open to the inspection of the stockholders.

Limitation. 8. *And be it enacted*, That this act shall continue in force for the term of twenty years; and the said corporation shall possess the general powers, and be subject to the restrictions and liabilities, contained in the act entitled, "An act concerning corporations," approved the fourteenth day of February, eighteen hundred and forty-six, so far as they are applicable.

Approved March 3, 1848.

AN ACT to authorize Jacob Woolley to build, maintain, and keep in repair a dock or wharf in front of his lands, in the township of Shrewsbury, in the county of Monmouth.

Preamble. WHEREAS Jacob Woolley, of the township of Shrewsbury, in the county of Monmouth, and state of New Jersey, hath in his petition represented that he is the owner of certain lands, situate in the township of Shrewsbury, in the county of Monmouth, adjoining waters of South, or Shrewsbury river,

and hath prayed that a law may be passed authorizing him to build, maintain, and keep in repair a dock or wharf extending a sufficient distance into the said river, for the accommodation of vessels navigating the same—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for Jacob Woolley, his heirs and assigns, to build, maintain, and keep in repair a dock or wharf upon and in front of his lands, in the township of Shrewsbury, in the county of Monmouth, a sufficient distance into said river for the purposes aforesaid; and from time to time to rebuild and repair the same; and to lay vessels at said dock or wharf, and to receive dockage or wharfage therefor, from all persons using the same; *provided*, this act shall not affect the legal rights of any other person, or of this state, or the common rights of the citizens of this state; *and provided further*, that nothing in this act shall be construed to confer any right of ferry, or claim of right of ferry, upon the owner or owners of said dock or wharf, nor to authorize the extension of said dock or wharf so far into said river, as to injure or impede the navigation of the same.

J. Woolley
authorized
to build dock

2. *And be it enacted*, That if any person or persons shall in any way wilfully injure the said dock or wharf, such person or persons shall be responsible and shall make good all damage which the owners may sustain, recoverable by action of trespass, in any court having jurisdiction of the same.

Penalty for
injuring
dock.

Approved March 7, 1848.

AN ACT to authorize Deborah Parker to build, maintain, and keep in repair a dock or wharf in front of her lands, in the township of Shrewsbury, in the county of Monmouth.

WHEREAS Deborah Parker, of the township of Shrewsbury, in the county of Monmouth, and state of New Jersey, hath in her petition represented that she is the owner of certain lands, situate in the township of Shrewsbury, in the county of Monmouth, adjoining waters of South, or Shrewsbury river, and hath prayed that a law may be passed authorizing her to build, maintain, and keep in repair a dock or wharf extending a sufficient distance into said river, for the accommodation of vessels navigating the same—therefore,

Preamble.

D. Parker
authorized
to build dock

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for Deborah Parker, her heirs and assigns, to build, maintain, and keep in repair a dock or wharf upon and in front of her lands, in the township of Shrewsbury, in the county of Monmouth, a sufficient distance into said river for the purposes aforesaid, and from time to time to rebuild and repair the same, and to lay vessels at said dock or wharf, and receive dockage or wharfage therefor, from all persons using the same; *provided*, this act shall not affect the legal rights of any other person, or of this state, or the common rights of the citizens of this state; *and provided further*, that nothing in this act shall be construed to confer any right of ferry, or claim of right of ferry, upon the owner or owners of said dock or wharf, nor to authorize the extension of said dock or wharf so far into said river, as to injure or impede the navigation of the same.

Penalty for
injuring
dock.

2. *And be it enacted*, That if any person or persons shall in any way wilfully injure the said dock or wharf, such person or persons shall be responsible, and shall make good all damage which the owners may sustain, recoverable by action of trespass, in any court having jurisdiction of the same.

Approved March 7, 1848.

Section 10 of the Act

A supplement to "An act making provision for ascertaining the boundaries of counties and townships," passed March fifth, seventeen hundred and ninety-eight.

Survey of
township
and county
lines to be
made and
filed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where any new county or township shall be formed, or the lines of any existing county or township shall be altered, or in any wise changed, an accurate survey of such new county or township shall be made, and such altered line or lines shall be carefully run, and two full and complete maps of the same be prepared, on a scale of two inches to the mile, the one to be deposited in the office of the secretary of state, and the other in the clerk's office of the county so newly formed, or in which such new township or altered lines are embraced, within six months after the passage of any act making such alteration or change.

2. *And be it enacted*, That the duty above enjoined shall be

performed agreeably to the provisions, and in the mode prescribed by the act to which this is a supplement. Duty, how performed.

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

Approved March 7, 1848.

AN ACT to change the name of Abigail Prior Vreeland, of the county of Hudson, to that of Abigail Prior Post.

WHEREAS it is represented to the legislature that Abigail Prior Vreeland, of the county of Hudson, now aged ten years, has been, by and with the consent of her parents, adopted from her birth by John E. Post, of the same county, her grand uncle, as his own child, and that he has heretofore supported and maintained her, and that he intends to educate her and to provide for her for the future, and a petition being presented praying that a law may be passed to change her surname to that of her adopted father—therefore, Preamble.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of Abigail Prior Vreeland, of the county of Hudson, be, and the same is hereby changed to that of Abigail Prior Post. Name of A. Prior changed.

Approved March 7, 1848.

A further supplement to the act entitled, "An act to incorporate the Paterson Fire Association," passed November third, eighteen hundred and twenty-one.

WHEREAS it is represented that the laws now in force organizing and regulating the Paterson Fire Association of Paterson, in the county of Passaic, are inadequate to the end proposed in their enactment—therefore, Preamble.

Firemen ex-
empted from
jury duty.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the officers of the Paterson Fire Association, and the members of the fire department of said association, be, and the same hereby are exempted from service as jurymen, in all the courts of the county of Passaic, during their legal term of service in the said association and fire department.

Approved March 7, 1848.

AN ACT for the relief of Mary Osborn, of the county of Essex.

Pension of
\$50 to Mary
Osborn.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be, and he hereby is authorized and directed to pay unto Mary Osborn, of the county of Essex, widow of the late Nehemiah Osborn, a soldier of the Revolutionary war, or to her order, the sum of fifty dollars per annum, during her natural life, in half-yearly payments, of twenty-five dollars each, the first payment to be made on the fourth day of March next.

Approved March 7, 1848.

AN ACT for the relief of Mary Vansyckle, of the county of Morris.

Pension of
\$50 to Mary
Vansyckle.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state is authorized and required to pay to Mary Vansyckle, of the county of Morris, the widow of Cornelius Vansyckle, a Revolutionary soldier, on her order, the sum of fifty dollars per annum, during her natural life, in semi-annual payments, of twenty-five dollars each, the first payment to be made the fourth day of March next; and the receipt of the said Mary Vansyckle shall be a sufficient voucher to the treasurer, in the settlement of his accounts.

Approved March 7, 1848.

AN ACT to authorize John E. Norris and William H. Hanford to build, maintain, and keep in repair a dock or wharf in front of their lands, in the township of Shrewsbury, in the county of Monmouth.

WHEREAS John E. Norris and William H. Hanford, of the township of Shrewsbury, in the county of Monmouth, and state of New Jersey, have in their petition represented that they are the owners of certain lands, situate in the township of Shrewsbury, in the county of Monmouth, adjoining waters of the North, or Navesink river, and have prayed that a law may be passed authorizing them to build, maintain, and keep in repair a dock or wharf extending a sufficient distance into said river, for the accommodation of vessels navigating the same—therefore,

1: BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That it shall and may be lawful for John E. Norris and William H. Hanford, their heirs and assigns, to build, maintain, and keep in repair a dock or wharf upon and in front of their lands, in the township of Shrewsbury, in the county of Monmouth, a sufficient distance into said river for the purposes aforesaid, and from time to time to rebuild and repair the same, and to lay vessels at said dock or wharf, and receive dockage or wharfage therefor, from all persons using the same; *provided*, this act shall not affect the legal rights of any other person, or of this state, or the common rights of the citizens of this state; *and provided further*, that nothing in this act shall be construed to confer any right of ferry, or claim of right of ferry, upon the owner or owners of said dock or wharf, nor to authorize the extension of said dock or wharf so far into said river, as to injure or impede the navigation of the same.

2. *And be it enacted*, That if any person or persons shall in any way wilfully injure the said dock or wharf, such person or persons shall be responsible, and shall make good all damage which the owners may sustain, recoverable by action of trespass, in any court having jurisdiction of the same.

Approved March 7, 1848.

J. E. Norris
and W. Hanford
authorized to build
dock.

Penalty for
injuring dock

AN ACT to establish a new township in the county of Warren, to be called the township of Frelinghuysen.

Boundaries
of township.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey,* That all that part of the township of Hardwick, lying within the boundaries and descriptions following, to wit: beginning at the centre of the Paulinskill river, or stream, where it crosses the line dividing the townships of Hardwick and Blairstown; thence, up the middle of said stream or natural watercourse, to the line dividing the counties of Sussex and Warren; thence, along said county line; to the line dividing the townships of Independence and Hardwick; thence, along said line dividing the townships of Independence and Hardwick, to the line dividing the townships of Hardwick and Hope; thence, along the line dividing the township of Hardwick from the townships of Hope and Blairstown, to the place of beginning, shall be, and is hereby set off into a separate township, to be called and known by the name of "the Township of Frelinghuysen."

Inhabitants
of township
incorporated

2. *And be it enacted,* That the inhabitants of the said township of Frelinghuysen shall be, and they are hereby constituted a body politic and corporate, and shall be styled and known by the name of "the Inhabitants of the township of Frelinghuysen, in the county of Warren," and shall be entitled to all the rights, powers, authority, privileges, and advantages, and subject to the same regulations, government, and liabilities, as the inhabitants of the said township of Hardwick, in the said county of Warren, are now entitled or subject to by the existing laws of the state.

Town meet-
ing of Fre-
linghuysen.

3. *And be it enacted,* That the inhabitants of the township of Frelinghuysen shall hold their first annual town meeting at the house of Jonathan Jones, innkeeper, in Johnsonsburg, in the said township of Frelinghuysen, on the second Monday in April next.

Town meet-
ing of Hard-
wick.

4. *And be it enacted,* That the inhabitants of the township of Hardwick shall hold their next annual town meeting at the house of Philip Titman, in the said township of Hardwick.

Township
committees
to divide
property.

5. *And be it enacted,* That the township committees of the townships of Hardwick and Frelinghuysen shall meet, on the Monday next after their first annual town meetings, at the hotel now kept by Robert Slater, in Marksboro', in the said township of Frelinghuysen, at ten o'clock in the forenoon, and then and there proceed by writing, signed by a majority of those present, to allot and divide between the said townships all properties and moneys on hand, due, or to become due, in

proportion to the taxable property and ratables, as taxed by the assessor within their respective limits at the last assessment, and may adjourn the said meeting, from time to time, as a majority of those present may think proper; and the inhabitants of the township of Frelinghuysen shall be liable to pay their just proportion of the debts, if any there be; and if any of the members of the said township committees shall neglect or refuse to meet as aforesaid, those assembled may proceed to make the division, and the decision of a majority of those present shall be final and conclusive.

6. *And be it enacted*, That nothing in this act shall be so construed as to impair, or in any wise affect the right of the said township of Frelinghuysen of, in, and to any portion of the surplus revenue of the general government, to which the said township may now or at any time hereafter be entitled in the distribution of said surplus revenue. Rights of township in surplus revenue not to be affected.

7. *And be it enacted*, That all paupers who may be chargeable to the said township of Hardwick, at the time this act goes into operation, shall thereafter be chargeable to and supported by that township, within the bounds of which they have respectively acquired their legal settlements. Settlement of paupers.

8. *And be it enacted*, That this act shall take effect on the day of holding the first annual town meeting of the township of Frelinghuysen. Act, when to take effect.

Passed March 7, 1848.

AN ACT to incorporate the Clinton Mutual Insurance Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel H. Gardner, Jonathan T. Squier, William Brown, Samuel Baldwin, John C. Beardsley, Lewis Pierson, Richard Townley, James J. Mapes, Obadiah Meeker, Alyah Sherman, Ezra Durand, Isaac Miller, Cyrus Durand, and others, who have associated themselves together for the purposes of this act, and all such other persons as shall make a contract of insurance upon the mutual principle, with the corporation hereby created, shall be, and hereby are constituted a body corporate and politic, in fact, law, and name, by the name of "the Clinton Mutual Insurance Company of Clinton, in the county of Essex;" and by that name they and their successors shall and may have succession during Names of incorporators. Style of incorporation and general powers.

the continuance of this act, and be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever, and shall and may have a common seal, and alter the same at pleasure; and shall and may purchase, take, hold, receive, possess, and enjoy any estate or property, real or personal, for the uses and purposes of the said corporation, and sell, convey, lease, invest, loan, and otherwise dispose of the same at pleasure; *provided*, the lands which it shall be lawful for the said corporation to hold shall be only such as are necessary in the transaction of its business, or such as shall have been bona fide mortgaged to it by way of satisfaction of debts contracted in the course of its business, or such as shall have been purchased by it under judgments which shall have been obtained for such debts.

Persons en-
suring, to be
members.

2. *And be it enacted*, That all persons who shall make any such contract of insurance with the said corporation as aforesaid, shall thereby become and be members thereof, but only during the period they shall remain so insured; and that all persons who shall be the holders of scrip, as herein after provided, shall thereby become and be members thereof, but only during the period they shall be the holders of such scrip; and that after the first Wednesday of January next after the passage of this act, no other persons than such as are mentioned in this section shall be deemed and taken to be members of the said corporation.

Time and
mode of an-
nual election
of directors.

3. *And be it enacted*, That the property, concerns, and business of the said corporation shall be managed and conducted by thirteen directors, to be chosen by ballot by and among the members of the said corporation, a majority of whom, including the president, and not otherwise, shall constitute a board for the transaction of business; that the several persons above named shall be the first directors of the said corporation, and shall continue in office until the first Wednesday of May next after the passage of this act, and until others shall be elected or chosen in their stead; that an election of directors for the said corporation shall be held annually thereafter on the first Wednesday of January, at such place and time, and upon such notice, and under such regulations, as the board of directors for the time being shall appoint and direct; that a majority of the members of the said corporation, voting in person or by proxy, shall be necessary to the election of directors; that each member shall have at least one vote in the election of directors, and an additional vote for every ten dollars of the stock of the said corporation represented by such scrip as shall be held by him; that, as soon as conveniently may be after the passage of this act, and after each successive election of directors, they shall proceed to choose one of their own number, to be the pre-

sident of the said corporation, who shall act as such; that in case any vacancy shall occur among the directors of the said corporation, by death, resignation, or otherwise, such vacancy shall be filled, from among members of the said corporation, by the residue of the said directors for the time being, and the persons so chosen shall continue in office until the next following election or until another is elected or chosen in his stead; that in case it shall so happen that an election of directors should not be held on any day when pursuant to this act it ought to have been made, the said corporation shall not for that reason be deemed to be dissolved.

4. *And be it enacted*, That the board of directors shall have power to make and prescribe all such by-laws, rules, and regulations as to them shall appear needful and proper touching the management and disposition of the property, concerns, and business of the said corporation, so that the same shall not be repugnant to the constitution or laws of the United States or of this state. Directors to make by-laws.

5. *And be it enacted*, That all policies of insurance, and other contracts founded thereon, to be made or entered into by the said corporation, though not under seal, if subscribed by the president and countersigned by a secretary or clerk of the said corporation, shall be binding and obligatory upon the said corporation, and shall be made upon such terms and conditions, and for such period of time, as shall be prescribed by the by-laws of the said corporation; and that the business of the said corporation may be conducted and carried on by committees, or otherwise, without the presence of the board of directors, and shall be binding and obligatory on the said corporation, so that the same shall be done under or in conformity to the by-laws of the said corporation. Policies of insurance, how made.

6. *And be it enacted*, That no assignment or transfer of any policy of insurance of the said corporation, by the act of the insured or by operation of law, shall be valid, unless with the consent in writing of the said corporation given thereto, or endorsed on or annexed to such policy. Transfers, how made.

7. *And be it enacted*, That, for the purpose of raising and providing a fund for the greater security of such persons as shall make contracts of insurance in and with the said corporation, and to be accepted and applied under such conditions and limitations as shall be prescribed by the by-laws of the said corporation, it shall be lawful for the board of directors to receive from the members of the said corporation, or any of them, such sums of money as they may pay in and contribute to the funds of the said corporation for the purposes aforesaid, so that the same shall not exceed ten thousand dollars in Funds of corporation, how raised.

the whole, and that no such contribution, by any one person, be less than five dollars, or of any amount not divisible by five, without leaving a fraction less than five dollars; that such sums of money shall thereafter remain a part of the funds of the said corporation for the purpose aforesaid, and that every such member as shall make such contributions as aforesaid shall be entitled to receive from the said corporation a certificate or scrip, signed by the president, and countersigned by a secretary or clerk of the said corporation, expressing the amount which shall have been so paid in or contributed by such member as aforesaid; *provided*, that it shall be lawful for the holder of any such certificate or scrip, and he shall be at liberty to surrender the same to the said corporation, and to relinquish to the said corporation the share of the said funds represented thereby, and to have credit for the amount thereof at par on account of any premium upon any contract of insurance which he may make in and with the said corporation at the time of such surrender.

Holders of unexpired policies to receive certificate.

8. *And be it enacted*, That every member of the said corporation who, on the first Wednesday of January in each and every year hereafter, during the continuance of this act shall hold any unexpired or renewed policy of insurance which shall have been issued by the said corporation to him, or assigned to him unconditionally, shall be entitled to receive from the said corporation a certificate or scrip, signed by the president and countersigned by a secretary or clerk of the said corporation, expressing the amount of money which shall have been paid to the said corporation for the premium or premiums on such unexpired or renewed policy; *provided*, that such policy shall have been subsisting for at least five years next preceding such first Wednesday of January, and that such member shall make application for such certificate or scrip within twelve calendar months after the day on which he shall become entitled to receive the same, or, in default thereof, the same shall be deemed and taken to have been relinquished to the said corporation, and constitute a part of its funds, and that every such certificate or scrip, whenever issued, shall bear date on the first Wednesday of January of the year in which the same may be issued, and not otherwise, and shall be transferable only on the books of the said corporation, in such manner as shall be prescribed by the by-laws of the said corporation; *and provided also*, that no such certificate or scrip shall be issued for any sum less than five dollars, nor for any fractional part less than five dollars of any other sum, which, if divided by five, would leave a fraction less than five dollars; but the person claiming such certificate or scrip may, if he elect so to do, pay to the said corporation so much money as, with such frac-

tional part, will be equal to five dollars, and thereupon receive a certificate for the same, and otherwise such fractional part shall be deemed and taken to have been relinquished to the said corporation, and constitute a part of its funds.

9. *And be it enacted*, That each of the certificates or scrip, ^{Certificate transferable.} to be so issued as aforesaid, shall be considered as representing so much as is therein mentioned of the funds of the said corporation, and shall be deemed and taken to be personal property, and shall be transferable, but only upon the books of the said corporation; and that it shall and may be lawful for the board of directors from time to time to declare and cause to be paid, to the holders of such certificates or scrip as aforesaid, such dividends as they shall deem expedient; *provided*, the same ^{Proviso} shall not impair the aggregate amount of the premiums paid in or secured on policies of insurance then subsisting, or the principal money so raised and provided by contributions, and not relinquished as aforesaid.

10. *And be it enacted*, That this act shall go into effect ^{Act may be amended.} immediately, and that the legislature shall have power to alter, annul, or repeal the same, at any time hereafter when the public good shall require it.

Approved March 7, 1848.

AN ACT to authorize John A. Lewis to build, maintain, and keep in repair a dock or wharf in front of his lands in the township of Shrewsbury, in the county of Monmouth.

WHEREAS John A. Lewis, of the township of Shrewsbury, in ^{Preamble.} the county of Monmouth, and state of New Jersey, hath in his petition represented that he is the owner of certain lands situate in the township of Shrewsbury, in the county of Monmouth, adjoining waters of South, or Shrewsbury river, and hath prayed that a law may be passed authorizing him to build, maintain, and keep in repair a dock or wharf, extending a sufficient distance into said river, for the accommodation of vessels navigating the same—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of* ^{J. A. Lewis authorized to build dock.} the State of New Jersey, That it shall and may be lawful for John A. Lewis, his heirs and assigns, to build, maintain, and keep in repair a dock or wharf upon and in front of his lands

in the township of Shrewsbury, in the county of Monmouth, a sufficient distance into said river for the purposes aforesaid, and from time to time to rebuild and repair the same, and to lay vessels at said dock or wharf, and receive dockage or wharfage therefor, from all persons using the same; *provided*, this act shall not affect the legal rights of any other person, or of this state, or the common rights of the citizens of this state; *and provided further*, that nothing in this act shall be construed to confer any right of ferry, or claim of right of ferry, upon the owner or owners of said dock or wharf, nor to authorize the extension of said dock or wharf so far into said river, as to injure or impede the navigation of the same.

Penalty for
injuring
dock.

2. *And be it enacted*, That if any person or persons shall in any way wilfully injure the said dock or wharf, such person or persons shall be responsible, and shall make good all damage which the owners may sustain, recoverable by action of trespass, in any court having jurisdiction of the same.

Approved March 7, 1848.

AN ACT to authorize John P. Lewis to build, maintain, and keep in repair a dock or wharf in front of his lands in the township of Shrewsbury, in the county of Monmouth.

Preamble.

WHEREAS John P. Lewis, of the township of Shrewsbury, in the county of Monmouth, and state of New Jersey, hath in his petition represented that he is the owner of certain lands, situate in the township of Shrewsbury, in the county of Monmouth, adjoining waters of the North, or Shrewsbury river, and hath prayed that a law may be passed authorizing him to build, maintain, and keep in repair a dock or wharf, extending a sufficient distance into said river, for the accommodation of vessels navigating the same—therefore,

J. P. Lewis
authorized to
build dock.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for John P. Lewis, his heirs and assigns, to build, maintain, and keep in repair a dock or wharf upon and in front of his lands, in the township of Shrewsbury, in the county of Monmouth, a sufficient distance into said river for the purposes aforesaid, and from time to time to rebuild and repair the same, and to lay vessels at said dock or wharf, and receive dockage or wharfage therefor, from all persons using the same; *provided*,

this act shall not affect the legal rights of any other person, or of this state, or the common rights of the citizens of this state; *and provided further*, that nothing in this act shall be construed to confer any right of ferry, or claim of right of ferry, upon the owner or owners of said dock or wharf, nor to authorize the extension of said dock or wharf so far into said river, as to injure or impede the navigation of the same.

2. *And be it enacted*, That if any person or persons shall in any way wilfully injure the said dock or wharf, such person or persons shall be responsible, and shall make good all damage which the owners may sustain, recoverable by action of trespass, in any court having jurisdiction of the same. Penalty for injuring dock.

Approved March 7, 1848.

AN ACT to authorize Henry Wardell to build, maintain, and keep in repair docks or wharves in front of his lands in the township of Shrewsbury, in the county of Monmouth.

WHEREAS Henry Wardell, of the township of Shrewsbury, in the county of Monmouth, and state of New Jersey, hath in his petition represented that he is the owner of certain lands, situate in the township of Shrewsbury, in the county of Monmouth, adjoining waters of South, or Shrewsbury river, and hath prayed that a law may be passed authorizing him to build, maintain, and keep in repair docks or wharves, extending a sufficient distance into said river, for the accommodation of vessels navigating the same—therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for Henry Wardell, his heirs and assigns, to build, maintain, and keep in repair docks or wharves upon and in front of his lands, in the township of Shrewsbury, in the county of Monmouth, a sufficient distance into said river for the purposes aforesaid, and from time to time to rebuild and repair the same, and to lay vessels at the said dock or wharf, and receive dockage or wharfage therefor, from all persons using the same; *provided*, this act shall not affect the legal rights of any other person, or of this state, or the common rights of the citizens of this state; *and provided further*, that nothing in this act shall be construed to confer any right of ferry, or claim of right of ferry, H. Wardell authorized to build dock.

upon the owner or owners of said dock or wharf, nor to authorize the extension of said docks or wharves so far into said river, as to injure or impede the navigation of the same.

Penalty for
injuring
dock.

2. *And be it enacted*, That if any person or persons shall in any way wilfully injure the said docks or wharves, such person or persons shall be responsible, and shall make good all damage which the owners may sustain, recoverable by action of trespass, in any court having jurisdiction of the same.

Approved March 7, 1848.

AN ACT to incorporate the Passaic Mining and Manufacturing Company.

Preamble.

WHEREAS James S. Gwynne has, in behalf of himself and his associates, by his petition set forth that he is interested in certain tracts of land in the county of Hudson, and state of New Jersey, containing mines of copper and other minerals and metals, and has requested the legislature to pass an act incorporating the said petitioner and his associates, for the purpose of enabling them to work the said mines, and any other mines they may hereafter possess in said county of Hudson, and also to manufacture the ores thereof, and any chemical products connected therewith, in such manner as they may think proper—therefore,

Style of incorporation.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That James S. Gwynne, and such others as may hereafter be associated with him for the purposes aforesaid, shall be, and hereby are ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of “the Passaic Mining and Manufacturing Company;” and the said company shall be capable of purchasing, holding, and conveying any lands, tenements, and hereditaments in the county of Hudson, and any goods and chattels, wares and merchandise, whatsoever, necessary to the objects of the incorporation.

Time and mode of annual election of directors.

2. *And be it enacted*, That the stock, property, concerns, and affairs of the said corporation shall be managed and conducted by five directors, a majority of whom shall be residents of this state, who shall be annually elected on the first Tuesday of January, at such time of the day and at such place

in the state of New Jersey, as the by-laws of the said corporation shall direct; and public notice shall be given of the time and place of holding such election, not less than thirty days previous thereto, in a newspaper printed in the county of Hudson, and in one printed in the city of New York; and the election shall then and there be made by such of the stockholders as shall attend for that purpose, either in person or by proxy; and all elections shall be by ballot, each share having one vote; and the persons who shall have the greatest number of votes shall be the directors; and the said directors, so soon as may be after their election, shall proceed in like manner to elect by ballot one of their number to be their president, who shall be a resident of this state; and if any vacancy or vacancies shall at any time happen among the directors elected by the stockholders, by death, removal, resignation, or otherwise, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint; *provided always*, that the number of directors shall not exceed five persons.

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

Corporation not to be dissolved for failure to elect on day prescribed.

4. *And be it enacted*, That the capital stock of the said corporation shall not exceed the sum of two hundred and fifty thousand dollars, and that a share in the said stock shall be twenty-five dollars; but so soon as twenty-five thousand dollars shall be subscribed and paid in, and an affidavit thereof shall be made by a majority of the directors, and filed in the clerk's office of the county of Hudson, it shall be lawful for the said corporation to commence business; and it shall also be lawful for the president and directors of the said corporation to call for and demand of the stockholders, respectively, all such sums of money as are by them subscribed, at such time and in such proportion as they shall deem fit, under the penalty of the forfeiture of their shares, and all previous payments made thereon, to the said corporation, always giving at least thirty days' notice of such call and demand in the newspapers before mentioned.

Amount of capital stock.

5. *And be it enacted*, That a majority of the directors for the time being shall form a board or quorum for the transacting of the business of the said corporation, and shall have power to make and prescribe by-laws.

Quorum.

Stock trans-
ferable.

6. *And be it enacted*, That the stock of the said company shall be deemed personal estate, and be transferred in such manner as shall be prescribed by the by-laws of the said company; and that for all debts which shall be due and owing by the said company, the persons then composing such company shall be individually responsible to the extent of their respective shares of stock in said company, and no further; but this act shall not be construed to exempt the said corporation, or any estate, real or personal, which they may hold as a body corporate from being liable.

Transfers of
stock to be
registered.

7. *And be it enacted*, That no transfer of stock of said company shall be valid or effectual unless such transfer shall be entered or registered in the book or books to be kept by the president and directors for that purpose, which books shall at all times be open to the inspection of the stockholders.

Former con-
tracts to be
binding.

8. *And be it enacted*, That the contracts entered into by the said James S. Gwynne, touching and concerning leases of any part of the said tract or tracts of land, shall be, and the same are hereby made obligatory on the president and directors hereafter elected, and their successors to fulfil the same, as if made by themselves.

Public act.

9. *And be it enacted*, That this act shall be, and hereby is declared to be a public act, and shall be judicially referred to by all judges and justices and others, without being specially pleaded.

Limitation.

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

Rights of
other corpo-
rations not
to be affect-
ed.

11. *And be it enacted*, That nothing in this act contained shall be so construed as to affect the legal rights of any person or persons, or of any other corporation.

Approved March 8, 1848.

A supplement to "An act concerning inns and taverns," approved March third, eighteen hundred and forty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the licenses granted under the authority of this state to keep inns and taverns, shall not be construed to authorize the sale of any vinous, spirituous, or other intoxicating liquors upon the sabbath, commonly called Sunday; and all persons offending against the provisions of this act shall be subject to all the penalties and liabilities of persons selling liquor without license, as specified in the revised laws, in the thirty-seventh section of the "Act concerning inns and taverns," and shall likewise be subjected to the forfeiture of the license, at the discretion of the court having jurisdiction of the case.

No liquor to be sold on the sabbath.

2. *And be it enacted*, That the act entitled, "A supplement to an act entitled, an act concerning inns and taverns," approved April seventeenth, eighteen hundred and forty-six, which supplement was approved the third of March, eighteen hundred and forty-seven, be, and the same is hereby repealed.

Part of former act repealed.

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

Approved March 8, 1848.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the several provisions of the act to which this is a supplement, excepting so much thereof as relates to the election of overseers of the highways, be, and the same are hereby extended to the township of Wantage, in the county of Sussex; and that the overseers of the highways

Provisions of former act extended.

in the said township shall be elected in the manner now provided by law.

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

Approved March 8, 1848.

A supplement to the act entitled, "An act for the punishment of crimes," approved April sixteenth, eighteen hundred and forty-six.

Penalty for disposing of property without consent of owner.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person or persons, engaged in transporting coal, iron, lumber, or other articles of merchandise, or any property whatsoever, on any highway, river, railroad, or canal, within this state, shall sell, dispose of, or pledge the same, or any part thereof, without the consent of the owner or owners thereof, such person or persons shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding five hundred dollars, or shall suffer imprisonment in the county jail in which the offence is committed, for a term not exceeding one year, or both, at the discretion of the court.

Penalty for purchasing.

2. *And be it enacted*, That if any person or persons, after the passage of this act, shall purchase, without the consent of the owners of said property, any coal, iron, or other articles of merchandise, or any property whatever, consigned to any person in this state or any other state, knowing the same to be so consigned, from any captain of a canal boat or any other person engaged in transporting the said property, he, she, or they, so purchasing, shall be liable to pay such owners double the value of the property so purchased, to be recovered, with costs of suit, by action of trover or trespass on the case; and the said action may be brought in the name of the consignor or consignee.

Approved March 8, 1848.

A supplement to the act entitled, "An act to incorporate the Camden Gas Light Company," approved February seventeenth, eighteen hundred and forty-eight.

WHEREAS a mistake hath occurred in the name of one of the ^{Preamble.} commissioners named in the act to which this is a supplement, by inserting the name of George Browning instead of Genge Browning, the person intended—therefore,

BE IT ENACTED *by the Senate and General Assembly of* ^{Misnomer rectified.} *the State of New Jersey,* That the name of George Browning, whenever it occurs in the said act to which this a supplement, shall be deemed and considered as stricken out, and the name of Genge Browning inserted in its stead.

Approved March 8, 1848.

A further supplement to the act entitled, "An act concerning landlords and tenants."

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Mode of trial} *the State of New Jersey,* That at any trial to be had under the act entitled, "Supplement to an act entitled, an act concerning landlords and tenants," approved March fourth, eighteen hundred and forty-seven, it shall be necessary for the plaintiff therein, if required by the defendant, to prove to the satisfaction of the court, or the jury, if the trial be by jury, the facts which, according to the first section of said act, authorize the removal of a tenant, and if the said trial be by jury, it shall be by a jury of twelve men.

2. *And be it enacted,* That if, upon the said trial mentioned in the first section of this act, the said plaintiff shall not be able ^{Plaintiff to prove right of possession} to prove, by lease or other evidence of right of possession, his right to the possession of the said premises claimed by him, without proving title to lands, tenements; and hereditaments, that then it shall be the duty of the said justice to dismiss the said action.

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

Approved March 8, 1848.

AN ACT to incorporate the Red Bank and Woodbury Turnpike
or McAdamized Road Company.

Commissioners to open books of subscription.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey,* That the subscription books of the capital stock of the Red Bank and Woodbury Turnpike or McAdamized Road Company shall be opened by Joseph W. Reeves, John C. Smallwood, Benjamin C. Tatem, Charles Whitall, William C. Bridges, George R. Graham, and A. H. Simmons, or any four of them, who are hereby appointed commissioners to receive subscriptions to the said stock, at such times and places as they, or a majority of them, may direct, giving notice thereof, at least twenty days prior to the opening of said books, by publishing the same in at least two of the newspapers published in this state.

Amount of capital stock.

2. *And be it enacted,* That the capital stock of the said company shall be twenty thousand dollars, with liberty for the said company to increase the same to fifty thousand dollars, and shall be divided into shares of twenty-five dollars each; and that when four hundred shares shall be subscribed for, the persons holding the same shall be, and they are hereby incorporated into a company, by the name of "the Red Bank and Woodbury Turnpike or McAdamized Road Company;" and by that name shall have, hold, enjoy, and exercise all the rights, powers, and privileges appertaining to corporate bodies, and necessary to carry the objects of this act into effect.

Instalments, how paid.

3. *And be it enacted,* That, at the time of subscribing for said stock, two dollars shall be paid upon each share subscribed for, to the commissioners, or any of them, which money shall be paid over to the treasurer of the company, as soon as one shall be appointed; and that the residue of the subscriptions shall be paid in instalments, and at such times and places, and to such persons, as the president and directors of the company shall from time to time direct, and give public notice thereof in manner aforesaid; and upon failure of the payment thereof, as so directed, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay the said instalments; *provided,* that if the number of shares subscribed for shall exceed the number of shares authorized by this act, the said commissioners shall apportion the said stock among such subscribers, in proportion to the amount or number of shares by them subscribed for as aforesaid; *provided also,* that no subscription for less than six shares of said stock shall be reduced by such apportionments.

4. *And be it enacted,* That if the number of shares herein

before made necessary for the incorporation of the said company, be not subscribed for within two years from the time of opening said subscription books, this act, and all the subscriptions under it, shall be null and void; and the said commissioners, after deducting thereout the expenses incurred, shall return the residue of the money paid in to the respective subscribers, or their representatives, in proportion to the sums paid in by them.

Limitation of time for subscription.

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

Election of directors.

6. *And be it enacted*, That, within twenty days after the annual election as aforesaid, the said directors shall elect from their number a president of their said company, who shall hold his office for one year and until another shall be elected, and receive such compensation for his services as a majority of the said directors shall direct; and he shall be the presiding officer at all meetings of said directors, and shall have the casting vote when they shall be equally divided; he shall have charge of the seal of the company, and shall appoint the judge or judges of all elections of the stockholders, or, in case of his death, absence, or inability so to do, the said directors shall appoint some other suitable person, who for the time being shall possess the same power and authority, and perform all the duties herein prescribed.

Duties and powers of president.

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

Duties and powers of directors.

upon, and may exact from them security for the due performance of their respective trusts, as they may think expedient; they shall regulate the tolls and have the superintendence and direction of all the receipts and disbursements, and all other affairs of the company, and make and enforce such ordinances and by-laws as they may think expedient for regulating the transfers of the stock, and for the general government of the company and management of its affairs; *provided*, the same are not repugnant to the constitution or laws of this state or of the United States.

Annual statement to be made.

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

Special meetings, how called.

9. *And be it enacted*, That special meetings of the stockholders may be called by the order of the said president and directors, or by the stockholders holding one-fourth of the whole stock of the said company, by giving notice of the time and place of holding the same, as herein before directed with regard to annual meetings, which said notice shall specify the particular object of the meeting; but that no business of the company shall be transacted at such special meetings, unless a majority in value of the stockholders attend and concur therein, who may require the books, accounts, and all other papers and proceedings of the company to be exhibited to them by the president and directors.

Corporation not dissolved for failure to elect on day prescribed.

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

Company authorized to construct road.

11. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike or McAdamized road, four rods wide, from Red Bank, on the river Delaware, to Woodbury, or some point near thereto, in Gloucester county, which turnpike or McAdamized road shall be made on the most direct and convenient route for the purpose of constructing said road; and it shall be lawful for the said company, by their officers, agents, or other persons in their employ, to enter from time to time, and at all times, upon all lands, for the purpose of searching for stone, gravel, sand, clay, or other materials for the construction or use of said

road; doing thereto no unnecessary damage; *provided*, that before the said company shall construct the said road, they shall pay to the respective owners of the lands over which the said road shall pass, all damages which the said owners will sustain by reason of the construction of the said road; and in case the said company and any of such owners cannot agree upon the amount of said damages, then the said damages shall be ascertained and determined, as nearly as may be, in the manner herein after provided for the ascertaining and determining the damage which any land owner or owners shall sustain, by the taking of stone, gravel, or other material from his or her lands for the constructing or maintaining of said road.

12. *And be it enacted*, That the said turnpike road shall be constructed at least thirty-two feet in breadth, along the middle, as nearly as may be, of the said highway, and shall be sufficiently arched and drained to make and keep the same dry; and at least sixteen feet six inches thereof shall be sufficiently bedded and faced with stone or gravel to make a solid, firm, and even road, at all seasons of the year; and it shall be so graded that in its progress no part of said road shall rise above an angle of four degrees with the plane of the horizon; and the said company shall make and maintain good and sufficient bridges, where necessary, along the line of the said road, not less than twenty-two feet in breadth; and whenever the said road, in passing over low ground, shall be raised so much at the margin, or side, as to render carriages passing thereon liable to be upset, the said company shall cause good and sufficient railings to be erected and maintained on the sides, so as to prevent horses and carriages from running off said roads.

13. *And be it enacted*, That it shall be lawful for the said company, their officers, superintendents, engineers, workmen, labourers, and other persons by them employed, with carts, wagons, and other carriages, and with their beasts of burthen and draught, and all necessary materials, tools, and implements, to enter upon all lands contiguous or near to the route of said road, doing as little damage thereto as possible, repairing any breach they may make in the enclosures thereof, and to make all such ditches and underdrains across and through such lands as may be necessary for properly draining said lands, and to take and carry away any stone, gravel, clay, sand, earth, or other materials there being most conveniently situated, and being most suitable for making or repairing said road, the said owners or occupants of such lands being entitled to a fair compensation or remuneration for their materials taken and damage done; and in case of a disagreement as to the amount of such damage sustained, or the value of such materials taken away,

Description
of road.

Proceedings
in case com-
pany and
owners of
land cannot
agree.

then it shall be lawful for either party to apply to one of the judges of the court of common pleas of the county of Gloucester, or to one of the justices of the supreme court, not being a stockholder or in any way interested, whose duty it shall be, upon such application, to appoint three judicious and disinterested freeholders of this state as appraisers, and thereupon the said appraisers, having given at least five days' previous notice, in the manner aforesaid, of the time and place of their meeting to each party, to meet at such time and place; and having taken an oath or affirmation fairly and impartially to inquire into and report the value of the said materials; and the amount of the said damages, which may be submitted to their judgment, shall proceed to view and examine the premises, and make a valuation and appraisalment under their hands and seals, or the hands and seals of any two of them, and deliver the same to the clerk of the said county of Gloucester, to be filed by him in his office, and remain of record in his office; which said valuation and appraisalment shall be conclusive evidence of the value of said materials, and the amount of damages sustained by such owner or owners of such lands, in any suit to be brought therefor; and every such owner or owners of the said land, having first made demand of the said company for the amount so valued or appraised, may sue for and recover the same by action of debt, with costs of suit.

Rates of toll. 14. *And be it enacted*, That as soon as the said company shall have constructed the said road according to the provisions of this act, it shall and may be lawful for the said company to erect gates or turnpikes across the said road, not exceeding two in number; and to demand and receive toll for travelling each mile of said road, not exceeding the following rates, to wit:

For every carriage, sleigh, or sled, drawn by one beast, two cents.

For every additional beast, one cent.

For every horse and rider, or led horse or mule, one cent.

For every dozen of calves, sheep, or hogs, one cent.

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

And it shall and may be lawful for the toll-gatherers to stop persons riding, leading, or driving any horses, cattle, mules, calves, sheep, or hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpikes; until they shall have paid the toll, as above specified; *provided*, that nothing in this act shall be construed so as to entitle the said company to demand or receive toll of or from any person passing to or from public worship on the sabbath day, or to or from any mill to which he may usually resort for the grinding

of grain for his family use, or horses, carriages, sleighs, or sleds, carrying persons to or from a funeral, or any person passing to or from his common business on his farm, or any militiaman passing to or from any training on muster day appointed by law, or any other military officer or soldier passing or re-passing, when called to duty by the laws of this state or of the United States.

15. *And be it enacted,* That before the said company shall receive toll for travelling on said road, they shall cause mile stones or posts to be erected and maintained, one for each and every mile on said road; and on each stone or post shall be fairly and legibly marked the distance the said stone or post is from Red Bank to Woodbury, or the termination of said turnpike or McAdamized road; and shall cause to be fixed and always kept up at the gates or turnpikes aforesaid, in some conspicuous place, a printed list of the rates of toll which may be lawfully demanded, and also a board on which shall be printed in large letters, "Keep to the right, as the law directs."

Mile stones
or posts to
be erected.

16. *And be it enacted,* That if any person shall wilfully break, throw down, or deface any of the mile stones or posts so erected on the said road, for the information of the people travelling the same, or wilfully tear down or deface any of the printed rates of toll or directions, or shall cut, break down, or destroy, or otherwise injure any gates, turnpikes, or bridges that shall be erected pursuant to this act, or shall forcibly pass the same, without having paid the legal toll at such gates or turnpikes, such person shall forfeit and pay the sum of twenty dollars, besides being subject to an action for damages for the same, to be recovered by the said company, by an action of debt or other proper action, in any court of competent jurisdiction, with costs of suit; and if any person, with his or her carriage, team, or horse, turn out of the said road to pass a gate or gates, on private grounds adjacent thereto, and again enter on the said road, so as to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gates, to be recovered by the said company, for the use thereof, in an action of debt, with costs of suit.

Penalty for
injuring
works.

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

Penalty for
delaying tra-
vellers.

18. *And be it enacted,* That all the drivers of carriages,

Regulations
for travelling
in road.

sleighs, or sleds, of every kind and description, whether of burthen or pleasure, or persons on horseback, using the said road, shall keep their horses, carriages, sleighs or sleds, on the right hand of the said road, in the passing direction, leaving the other side of the said road free and clear for other carriages or persons on horseback to pass; and if any person shall offend against this provision, such person shall forfeit and pay the sum of ten dollars to any person who shall be obstructed in his or her passage, and will sue for the same, and shall also be subject to an action for damages for every such offence, to be recovered, with costs of suit.

Proceedings
in case road
is not kept in
repair.

19. *And be it enacted*, That if the said company shall not keep the said road and bridges in repair, and complaint thereof shall be made to any justice of the peace of the county or Gloucester, who may be disinterested, the said justice shall immediately appoint by writing, under his hand and seal, three of the township committee of the township of Deptford, which three persons, being disinterested in the said road, or a majority of them, on notice being given to the keeper of the nearest gate or turnpike, shall meet at such time and place as the said justice may appoint; and, having taken an oath or affirmation to act impartially, shall proceed to view and examine said road so complained of, and to report to the said justice, in writing, under their hands and seals, or under the hands and seals of any two of them, whether it be in such state as the law requires it to be kept; and if the report be unfavourable to said road, the said justice shall immediately, in writing, under his hand and seal, order the keeper of the said gate or turnpike to keep open the same until otherwise ordered; and if the said keeper shall, notwithstanding the order of the said justice to open the said gate or turnpike, exact toll of travellers, he shall, for each offence, forfeit and pay twenty dollars, to be sued for by any person who will prosecute for the same, in an action of debt, with costs of suit; and the justice shall be allowed for his services fifty cents, and the persons appointed one dollar each, to be paid by the said company; and it shall be the duty of the persons so appointed, or a majority of them, on application from said company, again to view the said road, and report as aforesaid, their opinion to the said justice, who shall, if authorized by the report of the said persons, or any two of them, by license under his hand and seal, directed to the toll-gatherer, permit the gates or turnpikes to be shut, and the toll to be collected as before; and the said fees shall be allowed and paid as before directed; but if, on the first view before mentioned, the report of the persons appointed shall be in favour of the company, the same fees shall be allowed, as before prescribed, and paid by the person making the complaint; and in

case three of the township committee aforesaid are not disinterested, then the said justice shall appoint, in the same manner above prescribed, one or more respectable freeholders in the township or townships, who may be disinterested, to serve in the place and stead of any member or members of the township committee so disqualified.

20. *And be it enacted*, That this corporation shall possess the several powers, and be subject to the restrictions and liabilities, contained in the act entitled, "An act concerning corporations," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same are applicable. Limitations and restrictions.

Approved March 8, 1848.

AN ACT to incorporate Cape Island into a borough.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the island of Cape Island, or a certain portion thereof, as will herein after be described, in the county of Cape May, shall be, and the same is hereby incorporated into a borough, to be called "the Borough of Cape Island," the boundaries of which shall be as follows: beginning at a corner post standing on Jonas Miller's land, bearing south, eighty-four degrees east, from Cape May light-house, and north, thirty-nine degrees thirty minutes east, from the old Cape Island bridge, and four chains from low water mark; running from thence north, six degrees west, to a post standing in the edge of Cape Island creek, then, following the several courses of the said creek eastwardly, to a post standing on the southernmost side of the said creek, directly opposite to the mouth of a creek called Leaming's creek; from thence to a post standing on the southeast end of Aaron Schellinger's landing; from thence to a post standing on the southernmost end of the Sand hills on Poverty beach; from thence, along the sea shore at low water mark, to the place of beginning. Boundaries of borough.

2. *And be it enacted*, That James Mecray be, and he is hereby appointed chief burgess, James Clark assistant burgess, Thomas B. Hughes high constable, and William Cassidy borough clerk, to continue chief burgess, assistant burgess, high constable, and clerk, until the first Tuesday in May, in the year one thousand eight hundred and forty-nine, and from thence Borough officers.

until others shall be duly elected and appointed in their places, as herein after provided.

Style of incorporation and general powers.

3. *And be it enacted*, That the said burgesses and the inhabitants of the said borough, and their successors hereafter, shall be, and they are hereby constituted a body corporate and politic, by the name of "the Burgesses and Inhabitants of the Borough of Cape Island," and by that name shall have perpetual succession, and shall at all times hereafter be able and capable in law to have, get, receive, possess, and hold lands, tenements, and hereditaments, to them and their successors, in fee-simple or for term of life, lives, years, or otherwise; and also goods and chattels; and also to give, grant, let, sell, and assign the same lands, tenements, hereditaments, goods, and chattels, and to do and execute all other things about the same, by the name aforesaid; and by that name they shall be able and capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all or any of the courts of this state or other places, and before any judges, justices, or other persons whatsoever within this state, in all manner of actions, suits, complaints, pleas, causes, and matters whatsoever; and that it shall and may be lawful to and for the said burgesses and inhabitants of the borough of Cape Island aforesaid, and their successors, to have and use a common seal, of which the chief burgess shall be the keeper, and the same from time to time, at their will, to change and alter.

First town meeting.

4. *And be it enacted*, That the inhabitants of the said borough, who are entitled to vote at town meetings, shall meet on the first Tuesday in May next, at the hour of ten o'clock in the forenoon, at the school-house on Cape Island, to choose an assessor and collector, and determine whether any and what sum shall be raised by tax for the purposes provided for by this act, and to transact such other business as by this act may be authorized.

Time of annual election.

5. *And be it enacted*, That on the first Tuesday in May, one thousand eight hundred and forty-nine, and annually thereafter, on the first Tuesday in May, at such place as shall have been designated by a majority of the electors present at the preceding election, at the hour of ten in the forenoon, the persons qualified to vote, as herein after provided, shall choose by ballot one chief burgess, one assistant burgess, one assessor, one collector, one high constable, and one borough clerk, to serve for the term of one year; and at any such election every white male citizen of this state, above the age of twenty-one years, who shall have resided within the said borough six months next preceding any such election, and have paid a tax for the support of said corporation, shall be entitled to vote.

6. *And be it enacted*, That the borough clerk shall give at least ten days' notice of every election, whether stated or special, by advertisements set up in at least five of the most public places within the borough, mentioning the time and place thereof; and if the last borough meeting shall have neglected to name a place, the clerk shall himself name some fit and convenient place, at which the same shall be held.

Notice of election to be given.

7. *And be it enacted*, That every election shall be held in the following manner: the chief burgess or assistant burgess shall, at the hour mentioned for the opening of the meeting, open the same, and announce the offices to be filled; he shall preside until the meeting shall have chosen, viva voce or by count, three judges and one clerk of the election then to be held, who shall not be candidates at such election for any office; the presiding burgess shall then administer to the said judges and clerk of election an oath or affirmation for the faithful execution of their respective offices, according to law; and the said judges shall then proceed to open the poll and receive votes, and the clerk to record the name of the voters; after the closing of the polls, which shall not be earlier than three o'clock in the afternoon, the votes shall be counted, and the judges of the election shall certify the names of the persons elected, and their respective offices, under their hands and seals, to the burgesses then in office, who shall cause the same to be duly and fairly entered and recorded in the books of record of said corporation; but in case it shall so happen that the said inhabitants shall neglect or refuse to choose officers in the manner aforesaid, then the burgesses and other officers of the preceding year shall continue to hold and exercise their several offices, powers, and authorities for the year, and until an election shall be duly made, at the times and in the manner aforesaid.

Manner of conducting election.

8. *And be it enacted*, That whenever a vacancy shall occur in any of the borough offices, by death, removal, or otherwise, which the burgesses shall deem it necessary to have filled before the next annual election, they shall cause an entry of the fact to be made on the records of the borough, and shall direct the clerk to advertise for a meeting of the inhabitants to hold an election to fill such vacancy; and the same notice shall be given of such election, and the same shall be conducted, and the result thereof certified, in all respects, after the manner prescribed for the regular borough elections.

Vacancies, how supplied.

9. *And be it enacted*, That the said burgesses for the time being shall be, and are hereby empowered and authorized to remove all nuisances and encroachments in the streets, lanes, alleys, and highways within the said borough, as they shall see occasion.

Duties of burgesses.

Burgesses to
be justices of
the peace.

10. *And be it enacted*, That the said burgesses shall be, within the bounds of the said borough, conservators of the peace by virtue of their said office, and, for the better preserving the peace of the state within the said borough, shall have and exercise the same powers and authorities as justices of the peace have and exercise within the bounds aforesaid, under the act entitled, "An act for suppressing vice and immorality," approved the fifteenth day of April, one thousand eight hundred and forty-six; and the said burgesses may from time to time, as occasion requires, appoint such and so many special constables, and for such limited periods of time, as to them shall seem expedient; and said special constables shall have, during the time for which they may be so appointed, the same powers which township constables possess under the provisions of said act, and the same powers as the high constable shall possess under any of the ordinances of said borough.

Duties and
powers of
high constables.

11. *And be it enacted*, That the high constable of said borough shall have the same power and authority, and be authorized to perform the same duties, in all respects, in civil as well as criminal cases, and be entitled to receive the same fees and compensation for his services, as if he had been lawfully elected to the office of constable at an annual town meeting of the inhabitants of the Lower Township, in the county of Cape May, and had taken the oath or affirmation, and given the security required by law; *provided always*, that before any such high constable shall proceed to exercise the powers conferred upon him by this act, he shall take and subscribe such oath or affirmation for the due execution of his office, and enter into bond with such sureties, to be given to the burgesses and inhabitants of the borough of Cape Island, and to be approved by the burgesses of said borough, as he would be by law required to take and enter into if he had been so elected to the office of constable at an annual town meeting of the inhabitants of the said Lower Township, before he proceeded to the execution of the duties of his office; and that the said bond shall be recorded and filed by the clerk of the said borough, in his office.

Officers to
take oath or
affirmation.

12. *And be it enacted*, That before any of the said burgesses or other officers shall take upon themselves their respective duties, they shall take and subscribe an oath or affirmation for the due execution of their respective offices, before one of the justices of the peace of the county of Cape May, who are hereby authorized and required to administer the same; and the collector shall also give bond to the said borough, in such sum and with such sureties as the burgesses shall approve, for the faithful execution of his office.

13. *And be it enacted*, That it shall and may be lawful for the burgesses and inhabitants of the said borough, qualified to vote at the annual election in said borough, to assemble in borough meeting, as often as occasion may require; at which meetings they may make such ordinances and rules, not repugnant to or inconsistent with the constitution or laws of the United States or of this state, as to the greater part of the inhabitants, so assembled as aforesaid, shall seem necessary and convenient for the government of the said borough; and for the grading and levelling the roads, highways, streets, and alleys of the borough, and the regulating and improving the pavements and side-walks thereof, and the same to repeal, alter, or make anew, as occasion may require; which rules and ordinances, so made, shall be entered and recorded in the books of record of said corporation, to be kept by the clerk; and the said burgesses and high constable shall execute and enforce the same, in such manner as in and by such rules and ordinances shall be provided and directed; and at such meetings, any fines imposed for any violation or nonobservances of the said rules and ordinances, may be mitigated or wholly released; which meetings shall be assembled by the burgesses aforesaid, at their discretion, who shall require the clerk to give at least five days' public notice of any such intended meeting by advertisements, set up in at least five of the most public places within the said borough, mentioning the time and place, and, as far as possible, the object of the meeting; *provided always*, that nothing in this act shall be construed to give any power or authority to the said borough to lay any tax or assessment upon any vehicles or carriages, or horses, used or hired for the conveyance of passengers, and owned by nonresidents of said borough.

Burgesses,
&c., to make
by-laws.

14. *And be it enacted*, That until the said borough shall provide a suitable jail within the same, it shall be lawful for said burgess or assistant burgess to commit every offender against the laws of this state, whom by law they may be authorized to commit, to the county jail of the county of Cape May; and the high constable, or either of the special constables, are hereby authorized to convey and deliver, and the keeper of the said jail is hereby required to receive and safely keep in custody, all offenders who may be committed to the said jail, by either of the burgesses of said borough, until such offenders be severally discharged by due course of law.

Jail to be
provided.

15. *And be it enacted*, That the annual meeting of the inhabitants of said borough shall be held at the time and place of holding the annual election in each year; and it shall be the duty of the burgesses to prepare a full and clear account of all the moneys received by them, for and on account of said

Annual ac-
count to be
exhibited.

borough, for fines, taxes, or any other account; and also, the manner in which said moneys have been paid and disbursed, particularly stating each item, and showing the balance, if any, remaining in their hands; and shall cause a copy thereof to be put up at three of the most public places in said borough within two weeks, and not less than five days, before such annual meeting; and at the said annual meetings the inhabitants of the said borough shall determine, by ballot, what sums of money shall be raised for the working, making, and keeping in repair the roads thereof, and for the exigencies of the said borough; which sum, so determined, the assessor shall assess upon the persons and property in said borough, in the same manner and at the same rates and proportions in which township taxes are rated and assessed, and the borough collector shall collect the same; and the said assessor and collector shall be subject to the same penalties for neglect, and be entitled to the same compensation for their services as the assessors and collectors of townships are subject and entitled to.

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

Approved March 8, 1848.

AN ACT to prevent the spread of the Canada thistle.

Preamble.

WHEREAS, in the appearance of the Canada thistle in this state, the farmer and husbandman has met with a great enemy, its seeds being light and capable of being driven by the winds to a considerable distance, so that no one can tell where it may be left, and once deposited it soon takes root, its roots penetrating deep in the soil, it becomes very difficult to exterminate or remove them—therefore,

Penalty for violation of act.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That if any person or persons owning, possessing, or having care or charge of any land or lands, improved or unimproved, enclosed or unenclosed, in this state, shall knowingly, willingly, or wilfully permit or suffer any Canada thistle to grow up thereon, and suffer the same to stand until its seeds get ripe, he, she, or they shall, for every stalk or branch thereof so suffered to grow up, forfeit and pay a fine of twenty-five cents, to be sued for and recovered, with costs, by any person, in his name, before any court of competent jurisdiction.

Approved March 8, 1848.

AN ACT to set off from the township of Freehold, in the county of Monmouth, a new township, to be called the township of Manalopan.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Freehold, in the county of Monmouth, lying within the following bounds, to wit: beginning at Asher Smith's tavern, at the southeast corner of the township of Millstone, in the road leading from Mount Holly to Freehold, and from thence running along the middle of said road northwardly to the mouth of the road leading to Black's mills; thence, in a northwardly course, to a stone planted in the middle of the road leading from Englishtown to Freehold, said stone being the corner of the farms now owned by William T. Sutphin (formerly the parsonage farm of the first presbyterian church of Freehold) and that of John E. Gordon's; thence north, forty degrees and thirty seconds east, till it strikes the line of the township of Marlborough; thence, along the southerly line of Marlborough, until it strikes the boundary line between the counties of Monmouth and Middlesex; thence, following said boundary line southwardly, to the northeast corner of the township of Millstone; thence, along the southern boundary line of said township, to the place of beginning, shall be, and the same is hereby set off from the township of Freehold, and made a separate township, to be called and known by the name of "the Township of Manalopan."

Boundaries
of township.

2. *And be it enacted*, That the inhabitants of the said township of Manalopan shall be, and the same are hereby constituted a body politic and corporate, and shall be styled and known by the name of "the Inhabitants of the township of Manalopan, in the county of Monmouth," and vested with and entitled to all the powers, privileges, authorities, and advantages, and subject to all the like regulations and government, as other townships of this state.

Inhabitants
incorporated

3. *And be it enacted*, That the inhabitants of the said township of Manalopan shall hold their first town meeting at the inn of Mrs. Phebe Perrine, in the village of Englishtown, in said township of Manalopan, on the day appointed by law for holding the annual town meetings in the other townships in the county of Monmouth.

First town
meeting.

4. *And be it enacted*, That the township committees of Freehold and Manalopan shall meet, on the second Tuesday of April next, at ten o'clock in the forenoon, at the inn of Mrs. Phebe Perrine, in the said township of Manalopan, and shall

Commissioners
to divide
property.

then and there proceed by writing, to be signed by a majority of those present, to allot and divide between the said townships all the property and money on hand or due, in proportion to the taxable property and ratables, as valued and assessed by the assessor within the respective limits of said township at the last assessment; and may adjourn the said meeting from time to time, and to such time and place, as a majority of those present may think proper; and the township of Manalapan shall be liable to pay their just proportion of the debts, if any there be; and if any of the members of the said township committees shall neglect to meet as aforesaid, those present may proceed to make such division, and their decision, or a decision of a majority of them, shall be final and conclusive.

Settlement
of paupers.

5. *And be it enacted*, That all paupers who may be chargeable to the said township of Freehold at the time this act goes into operation, shall thereafter be chargeable to and supported by that township within the bounds of which they acquired their settlements, respectively, or in which the said paupers may have resided at the time of acquiring their respective settlements.

Inhabitants,
where to vote

6. *And be it enacted*, That all persons residing within the limits of the said township of Manalapan, who would have been entitled to vote at the next annual town meeting of the township of Freehold, if this act had not been passed, shall be entitled to vote at the next annual town meeting of the township of Manalapan.

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

Approved March 9, 1848.

AN ACT to incorporate the Readington Mining Company.

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Alexander Wurts, George C. Seymour, Nathaniel T. Eldredge, James N. Reading, and John G. Reading, and such others as are or may hereafter be associated with them, shall be, and are hereby ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "the Readington Mining Company," to be located in the county of Hunterdon, in the state of New Jersey.

2. *And be it enacted*, That the stock, property, concerns, and affairs of the said corporation shall be managed and conducted by seven directors, a majority of whom shall be residents of this state, who shall be annually elected on the second Tuesday of January, at such time of the day and at such place in the county of Hunterdon, state of New Jersey, as the by-laws of the said corporation shall direct; and public notice shall be given of the time and place of holding such election, not less than thirty days previous thereto, in one of the newspapers printed at Flemington, and in one of the newspapers printed in the city of Trenton; and the election shall then and there be made by such of the stockholders as shall attend for that purpose, in person or by proxy; and all elections shall be by ballot, each share having one vote; and the persons who shall have the greatest number of votes shall be the directors; and the said directors, so soon as may be after their election, shall proceed in like manner to elect by ballot one of their number to be their president, who shall be a resident of this state; and if any vacancy or vacancies shall at any time happen among the directors elected by the stockholders, by death, removal, resignation, or otherwise, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint; *provided*, that the first election shall be held within ninety days after the passage of this act, twenty days' notice in the papers aforesaid to be given of said election by the persons named in the first section of this act; and the directors so elected shall serve until the second Tuesday of January next ensuing, and until others are elected in their places.

Time and mode of annual election of directors.

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

Corporation not dissolved for failure to elect on day prescribed.

4. *And be it enacted*, That the capital stock of the said corporation shall consist of the tracts of lands, mines, mining privileges, minerals and ores, engines, smelting furnaces, and all the improvements thereon, situated and being in the said county of Hunterdon, belonging to the above named corporation, or which they or the said company may hereafter acquire, not exceeding in value the sum of one hundred and fifty thousand dollars, which shall be divided into fifteen thousand shares, of ten dollars each; and it shall be lawful for the directors of said corporation to assess, from time to time, upon each share

Amount of capital stock

of the stock of said corporation, a sum not exceeding the gross amount of five dollars, in sums not exceeding one dollar at any one time, and at intervals of not less than thirty days; and it shall be lawful for the directors to assess a still further sum of five dollars on each share of the capital stock; *provided*, that two-thirds in interest of the said stockholders of said corporation shall advise and consent thereto, at a meeting of the stockholders called for this purpose, and notice given of the same, as provided for in the second section relating to the election of directors; any stockholder refusing to pay any assessment regularly laid, and of which notice shall have been given as heretofore provided for, shall forfeit to said corporation each and every share of stock upon which such assessments remain unpaid for the period of thirty days after notice shall have been given, in such form as the directors may ordain in the by-laws, to the stockholder that such assessment was due and unpaid.

Quorum.

5. *And be it enacted*, That a majority of the directors for the time being shall form a board or quorum for the transaction of the business of the said corporation.

Stock transferable.

6. *And be it enacted*, That the stock of the said corporation shall be deemed personal estate, and be transferred in such manner as shall be prescribed by the by-laws of the said corporation.

Transfers to be registered

7. *And be it enacted*, That no transfer of stock of said corporation shall be valid and effectual until such transfer shall be entered and registered in the book or books to be kept by the president and directors for that purpose, which books shall at all times be open to the inspection of the stockholders.

Limitation.

8. *And be it enacted*, That this act shall continue in force for the term of twenty years; and the said corporation shall possess the general powers, and be subject to the restrictions and liabilities, contained in the act entitled, "An act concerning corporations," approved the fourteenth day of February, eighteen hundred and forty-six, so far as the same are applicable.

Approved March 9, 1848.

AN ACT to incorporate the Sussex Mine Railroad Company.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That David Ryerson, Peter Cooper, Nathan Smith, Abraham S. Hewitt, Andrew A. Smalley, John Wells, Alexander McKain, and Edward Cooper, and such other persons as may hereafter be associated with them, shall be, and are hereby ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "the Sussex Mine Railroad Company," and by that name they and their successors and assigns shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and shall have power to make and use a common seal, and the same at pleasure to alter; and they and their successors, by the same name and style, shall be capable of purchasing, holding, and conveying any lands, tenements, goods, and chattels, whatsoever, necessary or expedient to the objects of this incorporation.

Names of corporators.

Style of incorporation and general powers.

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

Amount of capital stock.

3. *And be it enacted*, That the above named persons may open books to receive subscriptions to the capital stock of said corporation at such time or times and place or places as they, or a majority of them, may think proper; and at the time of the subscribing for said stock, five per cent. on each share subscribed shall be paid to said commissioners; that whenever there shall be five hundred shares of said stock subscribed, the said commissioners may give notice for a meeting of the stockholders to choose not less than five, nor more than nine directors, a majority of whom shall be residents of this state; and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the said above named persons, or a majority of them, shall be inspectors of the first election of directors of the said incorporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books to said directors; and the time and place of holding the first meeting of directors shall be fixed by the persons named in the first

Books of subscription to be opened.

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

Corporation
not to be dis-
solved for
failure to
elect on day
prescribed.

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

Instalments,
now paid.

5. *And be it enacted,* That a majority of said directors shall be competent to transact all business of the said corporation; and they shall have power to call in the capital stock of said company, by such instalments, not to exceed five dollars on each share at any one time, and at such times as they may direct; *provided,* that such instalments shall not be called for at a shorter period than thirty days from each other; and in case of the nonpayment of said instalments, or any one of them, to forfeit the share or shares upon which such default shall arise; and to make and prescribe such by-laws, rules, and regulations as to them shall appear needful and proper touching the management and regulation of the stock, property, estate, and effects of the said corporation; and also, shall have power to appoint a secretary and so many clerks and servants as to them shall seem meet, and to establish and fix such salaries to them, and also to the president, as to the said board shall appear proper.

Company
authorized
to construct
railroad.

6. *And be it enacted,* That the president and directors of the said company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct a railroad from the Andover mines, in the county of Sussex, to some convenient and accessible point on the Morris canal, in said county, and with the privilege of extending the said railroad to the village of Newton, in the said county of Sussex, and of constructing such spurs or lateral roads, not exceeding, each, five miles in length, as may be necessary to afford access to the adjacent mines in the said county, the said railroad and spurs not to exceed sixty-

six feet wide, with as many sets of tracks and rails as they may deem necessary; and it shall be lawful for the said company, their agents, engineers, superintendents, and others in their employ, to enter at all times upon all lands or water, for the purpose of exploring, surveying, levelling, or laying out the route of such road and spurs, and of locating the same, and to do and erect all necessary works, buildings, and appendages thereof, doing no unnecessary injury to private or other property; and when the route or routes of such road shall have been determined upon, and a survey of the same deposited in the office of the secretary of this state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, use, occupy, and excavate any such lands, and to erect embankments, bridges, and all other works necessary to lay rails, and to do all other things which shall be suitable or necessary for the completion or repair of such road, subject to such compensation as is herein after provided; *provided, always*, that the payment, or tender of payment, of all damages for the occupancy of lands through which the said railroad may be laid out, be made before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said roads, unless the consent of the owner or owners of such lands be first had and obtained.

7. *And be it enacted*, That if the owners of the land on which such railroad or railroads shall be made, shall not be willing to give the same for such purpose, and the said company and owner cannot agree as to the price of the same, it shall be the duty of any judge of the court of common pleas of the county in which the said disputed lands shall lie, who is disinterested in the premises, upon the application of either party, and after giving ten days' notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested commissioners of such county to assess the price or value of said land, who are also directed and required to assess the damages which any individual or individuals may sustain by the said road, arising from the removing, making, and maintaining the fencing on the line of the route of the said road through any improved lands over which the same may run, who shall be sworn before said judge faithfully to execute the duties of such appointment; and, after like notice to both parties of the time and place, shall meet, view the premises, and hear the parties and evidence, if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such award and decision,

Proceedings in case company cannot agree with owners.

together with a description of the said land and the quantity taken, by whom owned, and how situate, bounded, and described, in writing, under their hands and seals, or the hands and seals of a majority of them, to the judge who appointed them, to be by him returned and filed, together with all papers before him relating thereto, in the clerk's office of the county, there to be kept as a public record, and copies taken, if required by either party; and if either party shall feel aggrieved by the decision of such commissioners, the party so aggrieved may appeal to the court of common pleas of the county, at the next term after such decision of the commissioners, by proceeding in the form of petition to the said court, with five days' notice in writing to the opposite party of such appeal; which proceeding shall vest in the said court of common pleas full right and power to hear and adjudge the same; and, if required, they shall award a venire in proper form for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of the said lands, and all damages sustained; and if the said jury be demanded by the company, and they shall find a greater sum than the said commissioners, then judgment shall be given, with costs, against the said company, and execution issue, if need be; but if the said jury shall be demanded by the owner or owners, and shall find the same or a less sum than the commissioners awarded, then the cost shall be paid by the owner or owners, and shall be deducted out of the said sum so awarded, or execution issue therefor, as the court shall direct; and upon payment or tender of the sum so found by the commissioners or by the jury, with costs, if any, the said corporation shall be deemed to be seized and possessed in fee-simple of all such lands and real estate appraised as aforesaid.

Proceedings
in case own-
ers are non-
resident, &c.

8. *And be it enacted*, That in case any owner or owners of such land or real estate shall be feme covert, under age, non compos, out of the state, or under any legal disability which would prevent their agreement with the said company, then it shall be the duty of the said corporation to pay the amount of any award or report, so made in behalf of any such person, such specification, under oath, of the land required, and notice or publication thereof having been made and given, as the said judge shall have directed, into the court of chancery, to the clerk thereof, subject to order of the said court, for the use of said owner or owners; all of which said proceedings, as well under this as the preceding section of this act, shall be at the proper cost and charges of the said corporation, except in cases of appeal, above provided for; and the said judge shall and may order and direct the amount of costs and charges of such specification, valuation, notice, appraisement, and witness' fees, to be paid as aforesaid.

9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over or under the said railroad or roads, where any public or other road shall cross the same, so that the passage of carriages, horses, and cattle on the said road shall not be impeded thereby; and also, where the said road shall intersect any farm or lands of any individual, to provide and keep in repair suitable wagon ways over or under said road, so that he may pass the same; and if the company neglect to perform the same, after giving twenty days' notice to the company, by the owners or possessors so to do, the owner or possessor may do it himself, and recover the value of the work from the corporation by common process of law.

Company to
make and re-
pair bridges.

10. *And be it enacted*, That the president and directors of the said company shall have power to construct or to purchase with the funds of the company, and to place on any railroad constructed by them, all machines, engines, wagons, carriages, or vehicles for the transportation of persons or any species of property thereon, as they may think reasonable, expedient, or right; *provided*, they shall not charge more than at the rate of twelve and a half cents per mile per ton for the transportation of property on the said road or roads, or eight cents per mile for carrying each passenger on said railways; and that the railroad or roads, and their appendages, and the land over which the same shall pass, and all the works and improvements, steam engines, carriages, and all other property whatsoever, belonging to the said company at any time or times, are hereby vested in the said company incorporated by this act, and their successors and assigns, during the continuance of this act.

Rates for
transportation
of pas-
sengers and
property.

11. *And be it enacted*, That the president and directors shall, within one year after the said railroad shall have been completed, declare and make such dividends as they may deem prudent and proper of the net proceeds thereof, and shall, in like manner, semi-annually declare such dividends, and pay the same to the stockholders of the said company, in proportion to the amount of shares held by them, respectively.

Semi-annual
dividends to
be made.

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

Penalty for
injuring
works.

What real estate company may hold.

13. *And be it enacted*, That the said company may have and hold real estate at or near the commencement and terminations of said road and spurs, or at any other points along the line of said road where the directors may think proper to establish a depot, not exceeding two acres at each place; and may erect and build thereon houses, warehouses, machine shops, wharves, and other such buildings and improvements, as they may deem expedient for the safety of property and construction of carriages and other necessary uses, and take and receive the rents, profits, and emoluments thereof.

Statement of cost to be filed.

14. *And be it enacted*, That as soon as the railroad, with its appendages, shall be finished so as to be used, the president and treasurer of said company shall file, under oath or affirmation, a statement of the amount of the costs of said road, including all expenses, in the office of the secretary of state; and annually thereafter the president and treasurer of the said company shall, under oath or affirmation, make a statement to the legislature of this state of the proceeds of said road; and as soon as the net proceeds of said road shall amount to six per centum upon its cost, the said corporation shall pay to the treasurer of this state a tax of one half of one per centum on the cost of said road, to be paid annually thereafter on the first Monday in January of each year; *provided*, that no other tax or impost shall be levied or assessed upon the said company for the use of the state.

Road, when to be completed.

15. *And be it enacted*, That if the said road shall not be completed and in use, from the Andover mines to the Morris canal, within seven years from the fourth of July next ensuing, then and in that case this act shall be void.

Company may deviate from line of road.

16. *And be it enacted*, That the said company shall have power to make such deviations from the line of said road, as from time to time the directors thereof may deem expedient; *provided however*, the right of any individual or individuals to demand and recover damages for any injury sustained in consequence of such deviation or change, shall not be affected by the provisions of this section, and that such deviations shall not extend beyond one mile from the line of the road, as surveyed.

Not to engage, in banking, &c.

17. *And be it enacted*, That no part of the capital stock or moneys of the company incorporated by this act shall be used or employed by said company for banking or any other purposes not clearly indicated by the provisions of this act, under penalty of forfeiting their charter; and that it may be lawful for the legislature at any time hereafter to alter, modify, or amend this charter, whenever in their opinion the public good shall require it; and that this act shall be taken and deemed

as a public act, and shall at all times be recognized as such in all courts and places whatsoever.

Approved March 9, 1848.

Supplement to an act entitled, "An act to authorize the establishment of the New Jersey Lunatic Asylum," approved March twenty-sixth, eighteen hundred and forty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state is hereby directed to pay to the commissioners for building the State Lunatic Asylum, on the warrant of the governor, the sum of five thousand five hundred and thirteen dollars and fifty-eight cents, being the balance remaining unpaid on the cost of erecting said building, as shown by the report of the said commissioners, made to the governor, dated January twelfth, eighteen hundred and forty-eight, the accounts for which have been audited according to law, and certified to be correct.

Treasurer
authorized
to pay ba-
lance due.

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

Approved March 9, 1848.

AN ACT to incorporate the Middlesex Mining Company.

WHEREAS George J. Janeway has, in behalf of himself and future associates, by his petition set forth, that he is proprietor and owner in fee of a certain tract of land in the county of Middlesex, and state of New Jersey, containing mines of copper and other minerals and metals, and has full right, by virtue thereof, to work the said mines, and has requested the legislature to pass an act incorporating the said petitioner and his future associates, for the purpose of enabling them to work the said mines, and also to manufacture the ores thereof, in such manner as they may think proper—therefore;

Preamble.

Style of incorporation and general powers.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That George J. Janeway, and such others as may hereafter be associated with him for the purposes aforesaid, shall be, and hereby are ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "the President and Directors of the Middlesex Mining Company;" and by that name they and their successors and assigns shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters, and causes whatsoever; and that they and their successors may have a common seal, and make, change, and alter the same at their pleasure; and that they and their successors, by the same name and style, shall be capable of purchasing, holding, and conveying any lands, tenements, hereditaments, within the county of Middlesex, goods and chattels, wares and merchandise whatsoever, necessary to the object of the incorporation.

Annual election of directors.

2. *And be it enacted*, That the stock, property, concerns, and affairs of the said corporation shall be managed and conducted by five directors, a majority of whom shall be residents of this state, who shall be annually elected on the first Tuesday of May, at such time of the day, and at such place in the state of New Jersey, as the by-laws of the said corporation shall direct; and public notice shall be given of the time and place of holding such election, not less than thirty days previous thereto, in one of the newspapers printed in the county of Middlesex, and in one printed in the city of New York; and the election shall then and there be made by such of the stockholders as shall attend for that purpose, in person or by proxy; and all elections shall be by ballot, each share having one vote; and the persons who shall have the greatest number of votes shall be the directors; and the said directors, so soon as may be after their election, shall proceed in like manner to elect by ballot one of their number to be their president, who shall be a resident of this state; and if any vacancy or vacancies shall at any time happen among the directors elected by the stockholders, by death, removal, resignation, or otherwise, such vacancy or vacancies shall be filled, for the remainder of the year in which they may happen, by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint; *provided always*, that the number of directors shall not exceed five persons.

Corporation not dissolved for failure to elect on day prescribed.

3. *And be it enacted*, That in case it should at any time happen that an election of directors should not be made on the

day that pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved; but it may be lawful to hold such election on such other day, in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of said corporation.

4. *And be it enacted*, That the capital stock of the said corporation shall not exceed the sum of one hundred thousand dollars; and that each share in the said stock shall be twenty-five dollars; and it shall be lawful for the president and directors of the said corporation to call for and demand of the stockholders, respectively, all such sums of money as are by them subscribed, at such time and in such proportion as they shall deem fit, under the pain of the forfeiture of their shares, and all previous payments made thereon, to the said corporation, always giving at least thirty days' notice of such call and demand in the newspapers before mentioned. Amount of capital stock.

5. *And be it enacted*, That a majority of the directors for the time being shall form a board or quorum for the transacting of the business of the said corporation, and shall have power to make and prescribe such by-laws, rules, and regulations; not repugnant to the constitution and laws of the United States or of this state, as to them shall appear needful and proper touching the management and disposition of the stock, property, estate, and effects of the said corporation, the election of directors, and all such other matters as pertain to the concerns of the said corporation. Directors to make by-laws.

6. *And be it enacted*, That nothing in this act contained shall authorize said corporation to use its funds for banking operations, or the loan of moneys, or for any other purposes except for mining and manufacturing operations. Funds not to be used for banking, &c

7. *And be it enacted*, That the stock of the said company shall be deemed and considered personal estate, and be transferred in such manner as shall be prescribed by the by-laws of the said company; and for all debts which shall be due and owing by the said company, the persons then composing such company shall be individually responsible to the extent of their respective shares of stock in said company, and no further; but this shall not be construed to exempt the said corporation, or any estate, real or personal, which they may hold as a body corporate from being liable. Stock transferable.

8. *And be it enacted*, That no transfer of stock of said company shall be valid or effectual until such transfer shall be entered or registered in the book or books to be kept by the president and directors for that purpose, which books shall at all times be open to the inspection of the stockholders. Transfers of stock to be registered.

Limitation.

9. *And be it enacted*, That this act shall continue in force for twenty years, and shall possess the general powers, and be subject to the general restrictions and liabilities, set forth in the act entitled, "An act concerning corporations," approved on the fourteenth day of February, in the year of our Lord one thousand eight hundred and forty-six.

Approved March 9, 1848.

AN ACT to extend the time for completing the Camden and Eggharbour Railroad.

Time for completion of road extended.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the time for completing the railroad, limited in the seventeenth section of the act entitled, "An act to incorporate the Camden and Eggharbour Railroad Company," passed March tenth, eighteen hundred and thirty-six, be extended for the period of twelve years from the fourth day of July, eighteen hundred and forty-one, and that the said act shall not be deemed void by reason of the said road not having been completed and in use within the time limited in said section.

Part of former act repealed.

2. *And be it enacted*, That so much of said act as prevents the company thereby incorporated from placing steam engines on said road be, and the same is hereby repealed.

Approved March 9, 1848.

AN ACT to validate and confirm the official acts of William Gledhill, of the township of Paterson, in the county of Passaic.

Preamble.

WHEREAS it appears that, through misapprehension of the real intent and meaning of the second section of the act entitled, "An act relative to commissioners for taking the acknowledgments and proofs of deeds," William Gledhill, of the township of Paterson, in the county of Passaic, was, on the third day

of March, one thousand eight hundred and forty-seven, appointed and commissioned one of the commissioners for taking the acknowledgments and proofs of deeds in and for said county; and whereas it is deemed right and proper by the legislature to validate and confirm the official acts of the said William Gledhill, made in pursuance of said appointment—therefore,

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the several acknowledgments and proofs of deeds, and other instruments, taken and certified by William Gledhill, esquire, as one of the commissioners of deeds for the county of Passaic, be, and the same are hereby confirmed and declared as valid and effectual as if the said appointment had been made in strict conformity to the law.

Official acts
of W. Gled-
hill declared
valid.

Approved March 9, 1848.

A supplement to an act entitled, "An act to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the insane," approved February twenty-third, eighteen hundred and forty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of the State Lunatic Asylum shall not be required to reside in the Asylum, nor be designated a resident officer thereof, any thing in the third section of the act to which this is a supplement to the contrary in any wise notwithstanding.

Treasurer
not to be re-
sident officer
of Asylum.

2. *And be it enacted*, That if the judge to whom application shall be made, on behalf of any insane pauper, shall be satisfied upon the examination of the case, made in the manner prescribed by the twentieth section of the act to which this is a supplement, that such insane pauper cannot be provided for by the overseers of the poor of the township, or at the poor-house of the township or county upon which he is chargeable, with comfort and without danger or prejudice to himself or others, the said judge shall order the said pauper to be removed to the Lunatic Asylum, to be kept and supported in the manner and for the time in the said twentieth section mentioned.

Judge may
order insane
paupers to
be removed
to Asylum.

3. *And be it enacted*, That if the board of chosen freeholders

Patient may be kept at Asylum beyond limited time, on payment of expenses.

of the county upon which any insane patient may be chargeable, shall, at any regular or special meeting, request that such patient be continued at the Lunatic Asylum for a period of time beyond the three years mentioned in the act to which this is a supplement, the said patient shall be kept and supported at the Asylum for such period of time at the expense of the said county, to be raised and paid in the manner prescribed by the said act; *provided*, that the said board of chosen freeholders may at any time revoke the said request; *and further*, that such patient may be discharged or sent back to the overseers of the poor, or to the poor-house of the township or county whence he came, in the manner and for the reasons mentioned in the thirty-sixth section in the said act.

Salaries, how paid.

4. *And be it enacted*, That the annual salaries and allowances of the resident officers and treasurer of the Asylum shall be paid quarterly, on the first days of January, April, July, and October, by drafts drawn in their favour by the treasurer of the Asylum, countersigned by the secretary of the board of managers, upon the state treasurer.

Investigation of insane cases.

5. *And be it enacted*, That the investigation required, by the twentieth and twenty-first sections of the act to which this is a supplement, to be made with the assistance of two respectable physicians, shall be sufficient if made with the assistance of one such physician, whose certificate shall be sufficient; and that the application required to be made in the twenty-first section of the said act, to any two judges of the court of common pleas, shall be sufficient if made to one such judge as is therein mentioned, who shall be competent to discharge all the duties assigned to the two judges in said section mentioned.

Certificate of clerk to be sent.

6. *And be it enacted*, That in all such cases as are provided for in the twentieth section of the act to which this is a supplement, a certificate from the clerk of the county, under his official seal, that such order has been issued, as is mentioned in said section, shall be sent with the pauper, and filed by the superintendent of the Asylum.

Part of former act repealed.

7. *And be it enacted*, That the words "under sentence of imprisonment," in the twenty-eighth section of the act to which this is a supplement, be, and the same are hereby repealed.

Part of former act repealed.

8. *And be it enacted*, That the twenty-third section of the act to which this is a supplement be, and the same is hereby repealed.

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

Approved March 9, 1848.

AN ACT to incorporate the Mantua Milling and Manufacturing Company at Paulsboro'.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That Charles Reeves, David Whittall, John Fleming, John B. Miller, Joseph C. Gill, and their associates and successors, are hereby made and created a body politic and corporate in law, by the name of "the Mantua Milling and Manufacturing Company at Paulsboro'," for the purpose of milling and manufacturing by steam power, and for the transaction of such business as may be necessarily connected therewith; and may erect such mills and other works and buildings as may be required to carry on such branches of milling and manufacturing as they may think most advantageous; and may purchase and hold such personal and real estate as may be necessary, useful, and convenient for the said corporation to carry on their business, together with all such real estate as shall have been bona fide mortgaged or pledged to them by way of security, or conveyed to them in satisfaction of any debt or debts previously created in their business, or purchased at any sale upon any judgment which shall have been obtained for any debt or liabilities, and to dispose of the same.

Names of
corporators.

General
powers.

2. *And be it enacted*, That the capital stock of said company shall not exceed fifty thousand dollars, to be subscribed for in shares of fifty dollars each; and that the said Charles Reeves, David Whittall, John Fleming, John B. Miller, Joseph C. Gill, or any three of them, may open books and take subscriptions for the capital stock of said company, first giving two weeks' notice, in one or more newspapers published in the county of Gloucester, of the time, place, and object of said meeting; and, as soon as two hundred shares of said stock shall be subscribed for, the persons above named, or any three of them, may in like manner call a meeting of the stockholders for an election of five directors, who shall hold their office, respectively, until the first Monday in January next ensuing, and until others be appointed in their stead.

Commissioners to open
books of subscription.

3. *And be it enacted*, That the stock, property, and concerns of said company shall be managed and conducted by five directors, being stockholders, one of whom shall be president, who, together with a majority of the directors, shall be residents of this state; and, after the first Monday in January next ensuing after the first election, shall hold their office for one year and until others be elected in their places; and the stockholders may vote either in person or by proxy, and shall be entitled to one vote for each share of the capital stock they may severally

Time and
mode of
election of
directors.

hold in said company; and in every election of directors, the stockholders having the greatest number of votes shall be directors; and the persons above named, or any three of them, shall be inspectors and judges of the first election; and the said directors, when elected, shall choose out of their own number a president; and the said president and directors shall annually thereafter, on the first Monday in January, by public notice as aforesaid, call meetings of the stockholders for electing directors of the said company, and shall appoint three of the stockholders judges of the election.

When to commence operations.

4. *And be it enacted*, That as soon as twenty-five dollars on each share subscribed of the capital stock of said company shall have been paid in, and an affidavit thereof shall be made by a majority of the directors, and filed in the clerk's office of the county of Gloucester, it shall and may be lawful for the said company to commence their business; and the said president and directors, or a majority of them, shall have power to call in said stock, from time to time, in such instalments as they shall see fit, giving at least thirty days' notice as aforesaid, not exceeding ten dollars on each share, for every instalment; and if any stockholder or stockholders shall neglect or refuse, for the space of six months after the expiration of the thirty days' notice as aforesaid, to pay his or their respective instalment or instalments on his or their respective share or shares, so called as aforesaid, then the stock of such stockholder or stockholders so neglecting or refusing, and all previous payments thereon, may be forfeited to the said company, for the use and benefit of the same.

Stock transferable.

5. *And be it enacted*, That the stock of the said company shall be deemed personal property, and shall be transferable on the books of said company, or in such manner as shall be prescribed by the by-laws of said corporation.

Corporation not to be dissolved for failure to elect on day prescribed.

6. *And be it enacted*, That in case at any time it should so happen that an election shall not be held upon the day designated for that purpose by this act, the corporation shall not be deemed to be dissolved for that cause; but it may be lawful for the stockholders to hold such election on such other day or days as shall be prescribed by the by-laws of the said corporation, of which public notice shall be given, as is provided in the second section of this act.

Directors to make by-laws, &c.

7. *And be it enacted*, That a majority of the directors for the time being shall constitute a board for transacting the business of the said corporation, and shall have power to make and enforce by-laws for the government and regulation of the business of the corporation; *provided*, they be not repugnant to the laws of this state and of this act.

8. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, proper books, in which shall be regularly entered all the transactions and business of the said corporation; and no transfer of stock shall be valid or effectual until such transfer shall be entered or registered in the book or books to be kept for that purpose. Transfers to be registered

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

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

Approved March 9, 1848.

AN ACT to protect the private rights of the owners of docks, wharves, store-houses, and piers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it may and shall be lawful for the owners and holders of all docks, wharves, store-houses, and piers, to use, possess, repair, and keep in order, and to lay any steamboat, vessel, or other craft at the same; and to demand, take, sue for, and recover reasonable wharfage, demurrage, rent, or dockage, of and from any steamboat, vessel, or other craft using the same, and from all persons who may use the said docks; wharves, store-houses, and piers, in any way whatever, and shall also be authorized to recover for any damage that may be done to the same; *provided*, that this act shall not impair the legal rights of any other persons or authorize any hinderance to the navigation. Owners of docks may demand dockage.

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

Approved March 9, 1848.

A supplement to "An act prescribing the duties of the directors on behalf of the state, of the Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies," approved April sixteenth, eighteen hundred and forty-six.

Directors to
make annual
statement.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of said directors, annually, on or before the twentieth day of January, to report to the governor, in writing, a complete statement of the affairs of the said companies during the past year, and all such matters concerning their management, transactions, and business, as may be supposed to affect the interest of this state; and also, a statement of the number of passengers transported on said road or roads, over which line of said road or roads transported, the amount of passage money paid to the company by such passengers, and the amount of the transit duty accruing to the state therefor; also, the number of tons of goods, wares, and merchandise transported thereon, on what line or branch of said road transported, the amount of freight paid the company therefor, and the amount of transit duties accruing to the state on said goods, wares, and merchandise; and also, a similar statement respecting the transportation of passengers, coal, goods, wares, and merchandise, and the transit duty thereon, on the Delaware and Raritan Canal; all of which statements shall be, by the governor, laid before the legislature.

Part of former act repealed.

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

Approved March 9, 1848.

Supplement to an act entitled, "An act making an appropriation for furnishing and conducting the State Lunatic Asylum," approved March fourth, eighteen hundred and forty-seven.

Appropriation for Lunatic Asylum.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state is hereby directed to pay to the managers of the State Lunatic

Asylum, on the warrant of the governor, such sum as they may require to provide the necessary stock, furniture, and property for conducting the institution, and to pay the salaries of the officers for the present year, not exceeding in the whole the sum of twenty thousand dollars; and it shall be the duty of the secretary of state to audit the accounts of said managers.

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

Approved March 9, 1848.

AN ACT for the relief of Mary English, of the county of Atlantic.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state is hereby authorized and directed to pay to Mary English, widow of Joseph English, a soldier of the Revolutionary war, or her order, fifty dollars per annum, during her natural life, in semi-annual payments, of twenty-five dollars each, the first payment to be made on the fourth day of March, eighteen hundred and forty-eight. Pension of \$50 to Mary English.

Approved March 9, 1848.

AN ACT to extend the provisions of the mechanics' lien law to the township of Willingborough, in the county of Burlington.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled, "An act securing to mechanics and others payment for their labour and materials, in erecting any house or other building within the limits therein mentioned," approved April fifteenth, eighteen hundred and forty-six, and all the benefits and provisions of said act, be, and the same are hereby extended to the township of Willingborough, in the county of Burlington. Provisions of former act extended.

Approved March 9, 1848.

A supplement to the act entitled, "An act to encourage the establishment of mutual savings associations," approved March fourth, eighteen hundred and forty-seven.

Funds may
be invested
in real estate

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any mutual savings association, established under the act to which this is a supplement, to invest their funds in the purchase of lots, and the erection thereon of dwelling-houses, to be ultimately divided among the members.

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

Approved March 9, 1848.

A supplement to an act entitled, "An act to authorize the United States to hold its courts in the state-house," passed November twenty-second, A. D. eighteen hundred and twenty-four.

Preamble.

WHEREAS it has been represented to the legislature of this state, that it sometimes happens that the room appropriated, by the act to which this is a supplement, to the courts of the United States, is occupied by the supreme court of this state, during the session of the said courts of the United States—therefore,

Rooms to be
used by
court.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passing of this act, it shall and may be lawful for the United States to hold its courts in any room in the state-house, which may at the time be unoccupied, whenever the room appropriated to the supreme court of this state shall be occupied by the said supreme court.

Compensa-
tion for use
of court-
room, how
appropri-
ated.

2. *And be it enacted*, That any and all sums of money, which shall be received by this state from the United States, as compensation for the use of the state-house, as granted in the act to which this is a supplement, and in this act, shall be appropriated as follows: one hundred dollars, annually, to the New Jersey Law Library Association, for the increase of its library; *provided*, the said law library be accessible to the members

of the legislature, during future sessions, so long as said appropriation continues, and the residue for the increase of the state library.

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

Approved March 9, 1848.

AN ACT for the purchase and preservation of the public newspapers printed in the several counties of this state.

WHEREAS the preservation of copies or files of public newspapers, printed in this state, would be of great public utility, in preserving many records of the courts, advertisements of a legal character, and other notices of public concernment, the want of which, after the lapse time, has often been attended with much public and private inconvenience—therefore,

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That the clerks of the several counties of this state be, and they are hereby authorized and required to subscribe for such newspapers, at least one, and not exceeding two, printed and published in each of the counties in which they officiate, as the boards of chosen freeholders in said counties may determine, and file the same in their respective offices, causing them to be bound from time to time in a substantial manner; in volumes of convenient size for the use of the inhabitants of the county, who shall have access to them, free from all charge or expense, during office hours.

2. *And be it enacted*, That such papers, and the binding thereof, shall be paid for by the respective boards of chosen freeholders out of the county treasury, upon the order of the clerk of the county; and the said boards of chosen freeholders are hereby authorized and required to pay all orders drawn as aforesaid by the said clerks for the papers, and binding thereof, aforesaid.

Approved March 9, 1848.

AN ACT to incorporate the Delaware and Big Timber Creek Steamboat Company of New Jersey.

Names of
corporators.

1. BE IT ENACTED by the Senate and General Assembly of the State of New Jersey, That Edmund Brewer, George Brewer, Hiram Morgan, Ephraim Tomlinson, Joshua Sickler, Uriah Norcross, Robert Brewer, Joseph Wolohon, Samuel Richards, and Ralph V. M. Cooper, and their associates and successors, be, and they are hereby incorporated and made a body politic and corporate, in fact and in law, by the name of "the Delaware and Big Timber Creek Steamboat Company of New Jersey," and shall possess the general powers, and shall be subject to the general restrictions and liabilities, set forth in the act entitled, "An act concerning corporations," approved on the fourteenth day of February, eighteen hundred and forty-six.

Amount of
capital stock.

2. And be it enacted, That the capital stock of the said corporation shall be fifty thousand dollars, with liberty to increase the same to one hundred thousand dollars, in shares of twenty-five dollars each; and that as soon as five thousand dollars of the said capital stock shall have been subscribed and paid in, in lawful money or current bank notes, and an affidavit thereof made by a majority of the directors, to be chosen in pursuance of this act, and filed in the office of the clerk of Camden county, it shall and may be lawful for the said corporation to commence their business, and with that capital to conduct and carry it on, until they shall find it expedient to extend the same, not exceeding one hundred thousand dollars; and that the said capital stock shall be employed in running one or more steamboats from Chew's landing and Cheeseman's landing, or any other place on the said Big Timber creek, to the city of Philadelphia or elsewhere; and shall be vested in the purchase or building of one or more steamboats, with steam engines, boilers, and machinery, and all their rigging, furniture, and apparatus, and in the repairs thereof, and in the purchase, renting, repairing, or building of suitable landings, wharves, and store-houses, and for the deepening or widening of the said Big Timber creek, as they may deem best and proper for improving the navigation of the said creek, and removing obstructions in the channel or bed of the same; and the said capital stock shall be deemed personal estate, and shall be assignable and transferable upon the books of the said corporation, agreeably to the by-laws for that purpose to be made and adopted; and no part of the said capital stock shall at any time, nor under any pretence whatever, be divided among the stockholders for dividends; and no dividend shall

Objects of
association.

be made or paid except from the actual profits; and each stockholder shall, in the election of directors, have one vote for each share of stock he holds in said company; *provided*, that no stockholder shall have more than ten votes.

3. *And be it enacted*, That Edmund Brewer, George Brewer, Hiram Morgan, Ephraim Tomlinson, Joshua Sickler, Uriah Norcross, Robert Brewer, Joseph Wolohon, Samuel Richards, and Ralph V. M. Cooper, or a majority of them, shall be commissioners to receive subscriptions to the capital stock of the said corporation, first giving two weeks' notice, in a newspaper circulating in the county of Camden, of the time and place of receiving the same, and also of the amount of the first instalment to be then paid; and, as soon as the same shall be subscribed, shall give a like notice for the meeting of stockholders, to choose directors for conducting the affairs of the company.

Commissioners to open books of subscription.

4. *And be it enacted*, That the affairs, property, and concerns of the said corporation shall be conducted by five directors, a majority of whom shall be a quorum, and at least three shall be residents in this state, and shall be chosen on the first Monday in March annually, by ballot, by the stockholders, either in person or by proxy; no person shall be eligible as a director who shall not be a stockholder in the said company; should a vacancy occur at any time in the board of directors, the place shall be supplied by the remaining directors until the next annual election; said directors shall elect one of their number president.

Election of directors.

5. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, at their office in the county of Camden, proper books of account, in which shall be regularly entered all the dealings and transactions of said corporation, which books shall at all times be subject to the inspection of the stockholders of the company; and that in the month of January, in each year, the directors shall submit to the stockholders a written statement of the amount of capital stock paid in, and the amount of all existing debts against the company; and no dividends shall be declared or paid to the stockholders, when such payment would render the company insolvent; and the debts of the said corporation shall at no time be suffered to exceed the capital stock actually paid.

Annual statement to be made.

6. *And be it enacted*, That if an election of directors shall not be made during the day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any time thereafter; upon notice as aforesaid; and the directors for the time being shall continue, in all cases, to hold their offices until new ones shall have been chosen in their stead.

Corporation not dissolved for failure to elect on day prescribed.

A supplement to an act entitled, "An act concerning distresses," approved April sixteenth, eighteen hundred and forty-six.

Provisions of former act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fourteenth section of the act to which this is a supplement, shall extend to all cases where rent shall have accrued, and shall be unpaid, upon any demise or contract hereafter made, although by the terms thereof, the rent shall not be payable.

Under tenant liable for rent.

2. *And be it enacted*, That when premises shall be underlet by any tenant, the under tenant shall be liable to pay to the lessor or landlord the rent which shall accrue, from and after notice in writing shall be served for that purpose upon the said under tenant, or which shall be unpaid by said under tenant at the time of such notice; and the lessor or landlord shall have all the remedy for the recovery of the same, as is provided in this act, or in the act to which this is a supplement; *provided however*, that the rent to be paid by such under tenant shall in no case exceed the amount agreed to be paid by the first tenant; *and provided also*, that in case a part of the premises shall be underlet, payment shall be required only for the part underlet to such tenant, and at a rate proportioned to the rent agreed to be paid by the first tenant or lessee.

Proviso.

Approved March 9, 1848.

AN ACT to incorporate the Pahaquarry Mining Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James N. Reading, Charles Bartles, Peter I. Clark, Jonathan Ogden, and Jesse Godley, and such others as are or may hereafter be associated with them, shall be, and are hereby ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "the Pahaquarry Mining Company," to be located in the county of Warren, in the state of New Jersey.

Time and mode of annual election of directors.

2. *And be it enacted*, That the stock, property, concerns, and affairs of the said corporation shall be managed and conducted by seven directors, a majority of whom shall be residents of this state, who shall be annually elected on the

second Tuesday of January, at such time of the day and at such place in the county of Warren, state of New Jersey, as the by-laws of the said corporation shall direct; and public notice shall be given of the time and place of holding such election, not less than thirty days previous thereto, in one of the newspapers printed at Belvidere, and in one of the newspapers printed in the city of Trenton; and the election shall then and there be made by such of the stockholders as shall attend for that purpose, in person or by proxy; and all elections shall be by ballot, each share having one vote; and the persons who shall have the greatest number of votes shall be the directors; and the said directors, so soon as may be after their election, shall proceed in like manner to elect by ballot one of their number to be their president, who shall be a resident of this state; and if any vacancy or vacancies shall at any time happen among the directors elected by the stockholders, by death, removal, resignation, or otherwise, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint; *provided*, that the first election shall be held within ninety days after the passage of this act, twenty days' notice in the papers aforesaid to be given of said election, by the persons named in the first section of this act; and the directors so elected shall serve until the second Tuesday of January, A. D. eighteen hundred and forty-nine, and until others are elected in their place.

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

Corporation not to be dissolved for failure to elect on day prescribed.

4. *And be it enacted*, That the capital stock of the said corporation shall consist of the tracts of lands, mines, mining privileges, minerals and ores, engines, smelting furnaces, and all the improvements thereon, situated and being in the said county of Warren, belonging to the above named corporations, or which they or the said company may hereafter acquire, not exceeding in value the sum of two hundred thousand dollars, which shall be divided into ten thousand shares, of twenty dollars each; and it shall be lawful for the directors of said corporation to assess, from time to time, upon each share of the stock of said corporation, a sum not exceeding the gross amount of five dollars, in sums not exceeding one dollar at any one time, and at intervals of not less than thirty days; and

Amount of capital stock.

it shall be lawful for the directors to assess a still further sum of five dollars on each share of the capital stock; *provided*, that two-thirds in interest of the said stockholders of said corporation shall advise and consent thereto, at a meeting of the stockholders called for this purpose, and notice given of the same, as provided for in the second section relating to election of directors; any stockholder refusing to pay any assessment regularly laid, and of which notice shall have been given as heretofore provided for, shall forfeit to said corporation each and every share of stock upon which such assessments remain unpaid for the period of thirty days after notice shall have been given, in such form as the directors may ordain in the by-laws, to the stockholder that such assessment was due and unpaid.

Quorum.

5. *And be it enacted*, That a majority of the directors for the time being shall form a board or quorum for the transaction of the business of the said corporation.

Stock transferable.

6. *And be it enacted*, That the stock of said corporation shall be deemed personal estate, and be transferable in such manner as shall be prescribed by the by-laws of the said corporation.

Transfers to be registered

7. *And be it enacted*, That no transfer of stock of said corporation shall be valid and effectual until such transfer shall be entered or registered in the book or books to be kept by the president and directors for that purpose, which book shall at all times be open to the inspection of the stockholders.

Limitation.

8. *And be it enacted*, That this act shall continue in force for the term of twenty years; and the said corporation shall possess the general powers, and be subject to the restrictions and liabilities, contained in the act entitled, "An act concerning corporations," approved fourteenth of February, eighteen hundred and forty-six, so far as the same are applicable.

Approved March 9, 1848.

AN ACT directing bills of exceptions to be sealed in certain criminal cases.

Provisions of former act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled, "An act directing bills of exceptions to be sealed," passed March seventh,

seventeen hundred and ninety-seven, and each and every of the provisions thereof, shall be taken, deemed, and adjudged to extend to trials of indictments for crimes and misdemeanors which by law are punishable by imprisonment at hard labour.

2. *And be it enacted*, That if, on the trial of any indictment heretofore had in any court in this state, for any crime or misdemeanor included within the provisions of the first section of this act, any exception hath been taken or had to any decision of the court during the trial of such indictment, to the prejudice or injury of any defendant in the same indictment, it shall be the duty of the judge to settle a bill of the said exceptions, and to sign and seal the same bill, when two counsellors at law shall have certified the said exceptions to have been well taken, to the end that the same be returned with a writ of error to the court having cognizance thereof, and to the end that full and speedy justice be done.

Judge to sign and seal bill of exceptions in certain cases.

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

Approved March 9, 1848.

AN ACT respecting taxes for county and township purposes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the assessors of the several townships, cities, or boroughs of this state, in assessing the taxes authorized by law for township and county purposes, shall assess and rate the same persons, articles, and things in the same manner as they are rated and specified in the act, approved March fourth, eighteen hundred and forty-seven, entitled, "An act to raise by tax the sum of twenty thousand dollars," except in such cases as are otherwise provided by law.

Assessments, how made.

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

Approved March 9, 1848.

AN ACT to authorize the inhabitants of school district number one, in the township of Plainfield, in the county of Essex, to raise money to build school-houses.

Boundaries
of district.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey,* That the inhabitants of school district number one, in the township of Plainfield, included within the following boundaries, viz: beginning at the middle of Green brook, where the Essex county line intersects the line of Middlesex county; thence, up Green brook, to the line of Westfield township; thence, along the Westfield township line, to the road which passes immediately in front of Jotham Meeker's dwelling; thence, along that road, to the road leading to Rahway; thence, along the road leading from Plainfield to Metuchin, to the Middlesex county line east of Samuel Stelle's dwelling; thence, along the Middlesex and Essex county lines, to the place of beginning, shall be, and are hereby authorized to raise money for the purposes, and in the manner herein after prescribed.

Trustees in-
corporated.

2. *And be it enacted,* That the trustees of said district, elected in pursuance of the act entitled, "An act to establish public schools," may, in their official capacity, purchase and hold such real estate as may be necessary for the purpose of one or more public school-houses, not exceeding five acres, and may sell, exchange, or mortgage the same, as may be most for the public benefit, and may from time to time apply the money which shall be raised under the direction of this act, for the erection and maintenance of one or more suitable school-houses, and for the support of one or more public schools therein.

Money to be
raised by tax.

3. *And be it enacted,* That at the next annual town meeting, and at any subsequent town meeting to be held in the township of Plainfield, the legal voters residing in said district may raise within the district by tax, in the same manner as other moneys are raised for township purposes, any such sums of money, not to exceed two thousand dollars, for the purposes mentioned in this act, as they, or a majority of them, may think proper.

Amount of
money to be
raised to be
advertised.

4. *And be it enacted,* That it shall be the duty of the said trustees, together with the town superintendent of public schools, to agree upon such sum of money as they, or a majority of them, may think proper to recommend to be raised at any one town meeting, and advertise the same for three weeks, successively, prior to such town meeting, in a newspaper published in Plainfield.

5. *And be it enacted*, That it shall be the duty of the town superintendent of public schools, or one of the said trustees, to sit with the board of election, and keep a separate poll list, entering thereon the name of every person who votes for this object, which vote must be distinctly stated upon a separate ballot, and deposited by the judge of election in a separate box, to be provided for that purpose; said poll list shall be filed by the clerk of the township, and the result, when duly canvassed by the board of election, be entered by him in the poll book of the township.

Mode of conducting election.

6. *And be it enacted*, That in case a majority shall not vote for the same sum or amount, or for any amount, the sum to be raised or specified shall be determined by the town committee of said township, in the manner prescribed in the act authorizing the inhabitants of the township of Plainfield to vote by ballot at their annual town meetings.

Town committee to determine amount of money to be raised, if not settled by election.

7. *And be it enacted*, That it shall be the duty of the township collector to pay the tax money which he shall have received under the direction of this act, to the town superintendent of public schools for the said township of Plainfield, by the first day of February next ensuing, and in case of failure, shall be liable to prosecution, in the same manner as provided in the twenty-fifth section of the act entitled, "An act concerning taxes;" and for the money so paid, the said superintendent shall give a receipt, which shall be a sufficient voucher to exonerate and discharge the said township collector to the amount therein named.

Money raised to be paid to town superintendent

8. *And be it enacted*, That the said town superintendent shall pay over no money so placed in his hands, except upon the written order of the trustees, or a majority of them, which order shall state the purpose for which it is given, and be made payable to the order of the person entitled to receive the money.

No money to be paid except upon order.

9. *And be it enacted*, That the said township collector and the said town superintendent shall, each of them, before entering upon the duties assigned them by this act, enter into bonds to the trustees of said school district, in their corporate name, with such sureties and in such sums as said trustees shall direct, conditional for the faithful performance of all the duties herein required.

Officers to give bond.

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

Approved March 9, 1848.

Supplement to the act entitled, "An act concerning taxes," approved April fourteenth, eighteen hundred and forty-six.

Collector to enter names omitted by assessor.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey,* That it shall be lawful for the collector, at any time before the meeting of the commissioners of appeal in cases of taxation, to enter the name of any person with a proper assessment which may have been omitted or overlooked by the assessor, giving said person immediate notice of such entry, and of the time and place of the next meeting of the said commissioners of appeal.

Commissioners of appeal may make addition to assessment.

2. *And be it enacted,* That if any person or persons, body politic or corporate, shall be assessed at too low a rate, or be omitted in the assessment, it shall be lawful, upon complaint made, for the commissioners of appeal in cases of taxation, after five days' notice in writing to the party interested, by the party complaining, and after due examination of the facts and consideration of the case, to make such addition to the assessment as shall be agreeable to the principles of justice; and the judgment of the said commissioners shall be final and conclusive, and shall be rendered within ten days after the making of said complaint.

Approved March 9, 1848.

AN ACT TO INCORPORATE THE LUMBERTON, VINCENTOWN, AND PEMBERTON RAILROAD AND TRANSPORTATION COMPANY.

AN ACT to incorporate the Lumberton, Vincentown, and Pemberton Railroad and Transportation Company.

Names of incorporators.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey,* That Barclay Haines, Isaac W. Morris, David B. Coles, Franklin C. Doughten, William S. Jones, Benjamin R. Peacock, Joseph Kirkbride, Guy Bryan, Richard W. Earl, Richard Wilkins, Job H. Gaskill, Joseph R. Dobbins, and such other persons as may hereafter be associated with them, shall be, and are hereby ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "the Lumberton and Pemberton Railroad and Transportation Company;" and by that name they and their successors shall and may have continued succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered

Style of incorporation and general powers.

unto, defending and being defended, in all courts and places whatsoever; and shall have power to make and use a common seal, and the same at pleasure to alter; and they and their successors, by the same name and style, shall be capable of purchasing, holding, and conveying any real or personal estate necessary or expedient to the objects of this corporation.

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

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times and place or places, within the county of Burlington, as they, or a majority of them, may think proper, giving twenty days' notice of the same in two newspapers published in the county of Burlington; and that at the time of subscribing ten per cent. shall be paid upon each share subscribed for, to the commissioners, or some one of them; and as soon as one half of the capital stock shall be subscribed, such commissioners shall give like publication for a meeting of the stockholders to choose nine directors, a majority of whom shall be residents of this state; and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the said above named persons, or any three of them, shall be inspectors of the first election of directors of said incorporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books and money paid in, deducting a reasonable compensation for their own services, to the said directors; and the time and place of holding the first meeting of said directors shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at such meeting, or at the annual election of said corporation, shall, as soon as may be after every election, choose out of their own number a president, who shall be a resident of this state; and in case of the death, resignation, or removal of the president, or any director, such vacancy or vacancies may be filled for the remainder of the year in which they may happen by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such Commissioners to open books of subscription.

power and functions as the by-laws of the said corporation shall provide.

Corporation
not dissolved
for failure to
elect on day
prescribed.

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

Instalments,
now paid.

5. *And be it enacted*, That five directors of said corporation shall be competent to transact all business of the said corporation; and they shall have power to call in the remaining capital stock of said company, by such instalments, and at such times as they may direct, by giving thirty days' previous notice in two of the newspapers of the county of Burlington; *provided*, that no such instalment shall exceed five dollars upon each share, and that no two instalments shall be required within thirty days of each other; and in case of the nonpayment of said instalments, or any one of them, they shall have power to forfeit such share or shares upon which such default shall arise, to and for the use of the said company; and to make and prescribe such by-laws, rules, and regulations, not inconsistent with the constitution or laws of this state or of the United States, as to them shall appear needful and proper for the management and regulation of the affairs, stock, property, estate, and effects of the said corporation; and also, shall have power to appoint a secretary, a treasurer, and so many clerks, agents, superintendents, or workmen, as to them shall seem meet, and the same at pleasure to remove, and to establish and fix such salaries to them, and also to the president, as to the said directors shall seem proper.

Company
authorized
to construct
railroad.

6. *And be it enacted*, That the president and directors of the said company be, and are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct a railroad from some suitable point on the South branch of Rancocus creek, between the town of Lumberton and where the said branch makes a junction with the North branch, to some point in the borough of Pemberton, not exceeding seventy-five feet in width, with as many sets of tracks and rails as they deem necessary; and it shall be lawful for the said president and directors, their agents, engineers, superintendents, or others in their employ, to enter at all times upon all lands or water for the purpose of exploring, surveying, levelling, or laying out the route of such railroad, and of locating the same, and to do and erect all necessary works, buildings, and appendages thereof, doing no un-

necessary injury to private or other property; and when the route of such road shall have been determined upon, and a survey of such route deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy, and excavate any such lands, and to erect embankments, bridges, and all other works necessary to lay rails, and to do all other things which shall be suitable or necessary for the completion or repair of said road, subject to such compensation as is herein after provided; *provided always*, that the payment, or tender of the payment, of all damages for the occupancy of lands through which the said railroad may be laid out, be made before the said company, or any person under their direction or in their employ, shall enter upon or break ground on the premises, except for the purpose of surveying or laying out said road, unless the consent of the owner or owners of such lands be first had and obtained.

7. *And be it enacted*, That if the said company, or its agents, cannot agree with the owner or owners of such required lands, for the use or purchase thereof, or if, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land so required for the use of the said company in the construction of said road shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the judges of the court of common pleas of the said county, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown or out of this state to make publication thereof, as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of the commissioners herein after named; at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial, and judicious freeholders, residents in the county of Burlington, commissioners to examine and appraise the said lands and to assess the damages, upon such notice, not less than twenty days, to be given to the persons interested, as shall be directed by the judge making such appointment; and it shall be the duty of the said commissioners (having first taken and subscribed an oath or affirmation, before some person duly authorized to administer the same, faithfully and impartially to

Proceed-
ings in case
company
cannot agree
with owners.

examine the matter in question, and make a true report thereof, according to the best of their skill and understanding,) to meet at the time and place appointed, and proceed to view and examine the said lands, and to make a just and equitable estimate or appraisement of the value of the same, and assessment of damages, which shall be paid by the company for such land and damages aforesaid; the said commissioners are also directed and required to assess the damages which any individual or individuals may sustain by the said road, arising from the removing, making, and maintaining the fencing on the line of the route of the said road, through any improved lands over which the same may run, which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land and the appointment and oaths and affirmations aforesaid, in the clerk's office of said county, to remain of record therein; which report, or a copy thereof, certified by the clerk of the said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess, and enjoy the said land, or of the said owner or owners to recover the amount of the said valuation, with interest and costs, in action of debt, in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall from time to time constitute a lien upon the property of the company, in the nature of a mortgage; and either of the judges of the said court shall, on application of either party, and on reasonable notice to the others, tax and allow such costs, fees, and expenses to the judges of said court, commissioners, clerks, and other persons performing any of the duties prescribed in this section of the act, as he shall think equitable and right, and to order and direct by whom the same shall be paid, under the circumstances of the case.

Parties dissatisfied may have trial by jury.

8. *And be it enacted*, That in case the said company, or owner or owners of the said land, shall be dissatisfied with the report of the commissioners named in the preceding section, the party so aggrieved may appeal to the circuit court of the county, at the first or second term after the filing of the said report, by proceeding in the form of petition to the said court, which proceeding shall vest in the said circuit court full right and power to hear and adjudge the same, and thereupon to direct a proper issue for the trial of the said controversy to be formed between the said parties, and to order a jury to be struck, and a view of the premises to be had, and the said issue to be tried at the next term of the said court to be holden

in the said county, upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land and damages sustained; and if they shall find a greater sum than the said commissioners shall have awarded in favour of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the owner or owners, and shall find a less sum than the company shall have offered, or the said commissioners awarded, then the said costs to be paid by the said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the said court shall direct; but such application shall not prevent the company from taking the said land upon the filing of the aforesaid report.

9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges and passages over or under the said railroad, where any public or other road shall cross the same, so that the passage of carriages, horses, and cattle on the said road shall not be impeded thereby; and also, where the said road shall intersect any farm or lands of any individual, to provide and keep in repair suitable and convenient wagon ways over or under said railroad, so that they may be passable.

Company to
make and re-
pair bridges.

10. *And be it enacted*, That the president and directors of the said company shall have power to construct, or to purchase with the funds of the company, and to place on the said railroad, all machinery, engines, cars, wagons, carriages, or vehicles for the transportation of persons, or any species of property, as they may think reasonable, expedient, or right; and they are hereby authorized to demand and receive such sum or sums of money for the transportation of persons, and every species of property, whatsoever, thereon, as they from time to time may think reasonable and proper; *provided*, that they shall not charge more than at the rate of five cents per mile for carrying each passenger, nor more than ten cents per ton per mile for the transportation of every species of property on said road, in the carriages of the said company, or three cents per mile per ton for property, or three cents per mile for each passenger carried on said road, in the carriages of others, and three cents per mile for each empty carriage; and that the road authorized by this act shall be, and is hereby declared a public highway, and free for the passage of any railroad carriage thereon with passengers or property, upon payment of the tolls prescribed by this act; *provided always*, that the said carriages so used thereon shall be of the same description, in the formation of the wheels and length of

Rates for
transportation
of pas-
sengers and
property.

axle, as those used by the company, and shall be regulated, as to the time of starting and rates of travelling, by the company, in the same manner as the carriages of the company are; and the said railroad and its appendages, and the land over which the same shall pass, and all the works and improvements, and all other property whatsoever belonging to the company, are hereby vested in the said company and their successors, for and during the continuance of this charter; *provided always*, that in case the said company, after the same is completed, shall abandon the said road, or cease to use and keep the same in repair, at any time for three successive years, that then and in that case this charter shall be annulled, and the title to the land over which the said road shall pass shall be re-vested in the person or persons from whom the lands were taken by concession or by inquisition as aforesaid, but that the superstructure of the said railroad, and the materials of which the same is composed, shall in such case be deemed and taken to be the personal property of the said company, and shall be, by the said company removed and disposed of to and for the use of the said corporation.

Charter forfeited if road is abandoned

Semi-annual dividends to be made.

11. *And be it enacted*, That the president and directors shall, within one year after the said railroad shall have been completed, declare and make such dividend of the net profits thereof, and shall, in like manner, semi-annually thereafter, declare such dividends, and pay the same to the stockholders of the said company, or their legal representatives, in proportion to the number of shares held by them, respectively, as they may deem prudent and proper.

What real estate company may hold.

12. *And be it enacted*, That the said company may have and hold real estate at or near the commencement and termination of the said road, not exceeding three acres at each place, and may erect and build thereon houses, warehouses, and such other buildings and improvements as they may deem expedient for the safety of their property and other necessary uses appertaining to their business.

Penalty for injuring works.

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

Statement of cost to be filed.

14. *And be it enacted*, That as soon as the said railroad, with its appendages, shall be finished so as to be used, the president of the said company shall file, under oath or affirmation, a statement of the amount of the cost of said road, including

all expenses, in the office of the secretary of state; and annually thereafter he shall, under oath or affirmation, make a statement to the legislature of this state of the proceeds of said road; and when, after the net proceeds of said road shall amount to six per centum per annum upon its cost, the said corporation shall pay to the treasurer of this state a tax of one half of one per centum on the cost of said road, to be paid annually on the first Monday in January in each year; *provided*, that no other tax or impost for the use of this state shall be levied or assessed upon the said company.

15. *And be it enacted*, That at any time after the expiration of thirty-five years from the passage of this act, the legislature of this state may cause an appraisalment of said railroad, and the appendages thereof, to be made by six persons, three of whom shall be appointed by the chief justice of the state for the time being, and the other three by the said company, who, or a majority of them, shall report the value thereof to the legislature within one year from the time of their appointment, or if they cannot agree, they shall choose a seventh, who, with the aforesaid six, shall report as aforesaid; or in case the said company shall neglect or refuse to appoint the said three persons on their part, for two months after such appointment by the chief justice, then the said three persons so appointed by him shall proceed to make such appraisalment, which shall be binding upon the said company; or in case the said six commissioners shall be appointed as aforesaid, and cannot agree upon the seventh man, then, upon two weeks' notice to the said company, the chief justice shall appoint such seventh man as aforesaid, and thereupon the state shall have the privilege for two years of taking the said road, upon the payment to the company of the amount of said appraisalment within one year after electing to take said road; which report shall be filed in the office of the secretary of state, and the whole property and interest of said road, and the appendages thereof, shall be vested in the state of New Jersey, upon the payment to the said company of the amount so reported; *provided*, that the said valuation shall in no case exceed the first cost of said road, with the appendages thereof.

State may take road on payment of assessment.

Proviso.

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

Commencement and completion of road.

17. *And be it enacted*, That this act shall be deemed and taken as a public act, and shall at all times be recognized as such in all courts and places whatsoever.

Public act.

18. *And be it enacted*, That no part of the capital stock or

Capital not
to be em-
ployed in
banking.

moneys of the company shall be used for banking or other purposes not plainly indicated in this act, under penalty of a forfeiture of this charter; and that it may be lawful for the legislature at any time hereafter to alter, modify, or repeal the same, whenever the public good shall require it.

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

Approved March 9, 1848.

AN ACT to incorporate the Woodstown and Pennsgrove Railroad and Transportation Company.

Names of
corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William S. Clawson, Isaac Johnson, second, Joseph K. Riley, Allen Wallace, Joseph Guest, Moses Richman, and such other persons as may hereafter be associated with them, shall be, and are hereby constituted a body politic and corporate in law, by the name of "the Woodstown and Pennsgrove Railroad and Transportation Company;" and by that name they and their successors shall be known in law, and have power to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places whatsoever; and by that name shall have power to purchase, hold, and convey any lands, tenements, goods and chattels, whatsoever, necessary to the objects of incorporation; shall have perpetual succession, and may have a common seal, and the same to alter or renew at pleasure.

General
powers.

Stock trans-
ferable.

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

Books of sub-
scription to
be opened.

3. *And be it enacted*, That William S. Clawson, Isaac Johnson, second, Joseph Guest, Moses Richman, David M. Davis, Joseph K. Riley, and Allen Wallace, of the county of Salem, be, and they are hereby appointed commissioners to receive subscriptions for the capital stock of said corporation; and they, or a majority of them, are hereby authorized, for that purpose, to open books of subscription, at such times and places

as they, or a majority of them, shall appoint, which shall be kept open three days, giving twenty days' notice of such times and places in the newspapers published in the county Salem, and in such other newspapers of the city of Philadelphia or Wilmington as said commissioners, or a majority of them, shall deem advisable; and at such times and places, so fixed, the said commissioners, or any two of them, shall attend, and receive subscriptions to the said capital stock; and if more shall be subscribed than by this act is authorized, the said commissioners, or a majority of them, shall apportion the same as to them shall seem fair, equitable, and just; and at the time of subscribing for said stock, five dollars on each share subscribed shall be paid to the commissioners, in gold or silver or legal and current bank notes; and the residue thereof may be called in, and shall be paid at such times and in such amounts, by instalments as is by this act herein after directed; and the said commissioners may meet from time to time, until the whole stock be subscribed.

4. *And be it enacted*, That whenever there shall be one thousand shares of the said stock subscribed, and five thousand dollars paid in, as above directed, the said commissioners, or a majority of them, shall give public notice for twenty days, in in one or more newspapers of this state nearest the location of said road, of a meeting of the subscribers to said stock, for the purpose of choosing directors and organizing the said company, and of which said election the said commissioners shall be the judges; which subscribers, when so met, shall proceed to elect, by ballot, from among the subscribers or stockholders, seven directors, who shall be citizens and residents of this state, and hold their offices for one year and until others are elected; and each stockholder, at such election, and at all future elections of said corporation, shall have one vote for each share he, she, or they shall own at the time of such election, not exceeding twenty shares, and for every five shares above twenty, one vote; and that such stockholders may vote at any election by proxy, duly authorized for that purpose.

5. *And be it enacted*, That the said board of directors, so to be chosen as aforesaid, shall and may elect out of their own body, or from among the stockholders, a president, who shall be a resident of this state, and such other officers, with such salaries as they may deem proper, and shall and may employ such artificers, engineers, agents, labourers, and workmen, for the purpose aforesaid, with such compensation as shall appear to the said directors reasonable and just; and shall and may make, ordain, and establish such by-laws and regulations for their own government, and that of the persons by them employed, as shall from time to time be necessary to effectuate

Time and mode of election of directors.

Duties and powers of directors.

this charter; and a majority of the said board shall at all times be a quorum for the transaction of business, and may have power to call in the remainder of the capital stock of said corporation by instalments, not exceeding five dollars on each share, by giving thirty days' notice of such required instalments in one or more newspapers circulating generally in the neighbourhood where such stockholders reside; and if any stockholder shall neglect or refuse, for twenty days after such instalment is due, to pay the same, he, she, or they so neglecting or refusing shall forfeit their stock, and all payments made thereon; and the said board of directors shall and may require from the treasurer such security as to them shall seem just; *provided always*, that no by-law or regulation of said company shall be inconsistent with or repugnant to the constitution or laws of this state or of the United States, or this charter.

Subscription money to be paid over to directors.

6. *And be it enacted*, That when the said board of directors are so elected and chosen, the said commissioners are hereby authorized and required to pay over to the said board of directors, or to such person as they, or a majority of them, shall direct, all money which they have received for the subscription to said capital stock, first deducting therefrom all expenses to which they have been exposed, for books, printing, or other expenditures, and the sum of one dollar per day, for each and every day they have been employed in the duties of their appointment; and the directors so chosen, and their successors, shall annually thereafter cause an election to be held, at such time and place as their by-laws shall direct, for directors of the said corporation; and such directors, so annually chosen, shall in like manner have power to elect their president and other officers, agents, engineers, workmen, and artificers, as is by the fifth section of this charter herein before provided; and shall and may have power at all times to remove their officers and other persons appointed, and to appoint others in their stead, if the interests of the company shall require it, and also have power to fill all vacancies in the offices of said corporation, which may or shall happen by death, resignation, or otherwise.

Corporation not to be dissolved for failure to elect on day prescribed.

7. *And be it enacted*, That in case it should happen that an election of directors should not be made on the day or at the time when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time; and the directors for the time being shall continue to hold their offices until new ones shall have been chosen in their places.

Proceedings in case company and owners of land cannot agree.

8. *And be it enacted*, That the said president and directors of the said company are hereby authorized and invested with all the rights and powers necessary and expedient to survey,

lay out, and construct a railroad, not exceeding sixty-six feet in width, to commence at some point in or near Woodstown, in the county of Salem, and to run thence, by the most eligible route, to some point at or near Pennsgrove, on the river Delaware, in said county of Salem, making in distance, from Woodstown aforesaid to Pennsgrove aforesaid, about nine and a half miles, with as many sets of tracks or rails as they may deem necessary; and it shall be lawful for the said president and directors, their agents, engineers, superintendents, or others in their employ, to enter at all times upon all lands or water, for the purpose of exploring, surveying, levelling, or laying out the route or routes of such road, and of locating the same, and to do and erect all necessary works, buildings, and appendages thereof, doing no unnecessary injury to private property; and when the route of such road shall have been agreed upon, and filed in the office of the secretary of this state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy, and excavate any such lands, and to erect embankments, bridges, and all other works necessary to lay rails, and to do all other things which shall be suitable or necessary to carry into full effect the objects of this charter; *provided always*, that the said corporation shall pay, or make tender of payment, of all damages for the occupancy of the lands through which the said railroad may be laid out, before the said company, or any person in their employ, shall enter upon or break ground in the premises, except for the purpose of surveying said route, unless the consent of the owner or owners of such land be first had and obtained.

9. *And be it enacted*, That if the owners of the land on which such railroad shall be made, shall not be willing to give the same for such purpose, and the said company and owners cannot agree as to the price of the same, it shall be the duty of any judge of the inferior court of common pleas of the county of Salem, who is disinterested in the premises, upon the application of either party, and after ten days' notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested commissioners, freeholders of such county, to assess the price or value of said land, and all damages sustained, who shall be sworn, before said judge, faithfully to execute the duties of such appointment; and, after ten days' notice in writing to both parties of the time and place, shall meet, view the premises, and hear the parties and evidence, if desired, and thereupon make such decision and award as shall to them appear just and proper, and transmit such award and decision, together with a description of said land,

Proceedings
in case com-
pany and
owners of
land cannot
agree.

and the quantity taken, by whom owned, and how situated, bounded, and described, in writing, under their hands and seals, or the hands and seals of a majority of them, to the judge who appointed them, to be by him returned and filed, together with all papers before him relating thereto, in the clerk's office of the county, there to be kept as a public record, and copies taken, if required by either party; and if either party shall feel aggrieved by the decision of such commissioners, the party so aggrieved may appeal to the inferior court of common pleas of the county, at the first or second term after such decision of the commissioners, by proceeding in the form of petition to the said court, with five days' notice in writing to the opposite party of such appeal; which proceeding shall vest in the said court of common pleas full right and power to hear and adjudge the same; and, if required, they shall award a venire in the common form for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of the said land, and all damages sustained, and for that purpose to view the land in question, if required by either party so to do; and if the said jury be demanded by the company, and they shall find a greater sum than the said commissioners, then judgment shall be given, with costs, against the said company, and execution issue, if need be; but if the said jury shall be demanded by the owner or owners, and shall find the same or a less sum than the commissioners awarded, then the cost shall be paid by the owner or owners, and shall be deducted out of the said sum so awarded, or execution issue therefor, as the court shall direct; and upon payment or tender of the sum so found by the commissioners or by the jury, with costs, if any, the said corporation shall be deemed to be seized and possessed in fee-simple of all such lands and real estate so appraised as aforesaid.

Proceedings
in case own-
ers are non-
resident, &c.

10. *And be it enacted*, That in case any owner or owners of such land or real estate shall be feme covert, under age, non-compōs, out of the state, or under any other legal disability which would prevent their agreement with the said company, then it shall be the duty of the said corporation to pay the amount of any award or report, so made in behalf of any such person, into the court of chancery, to the clerk thereof, subject to order of the said court, for the use of the said owner or owners; all of which proceedings, as well under this as the last section of this act, shall be at the proper cost and charges of the said corporation, except in cases of appeal, above provided for; and the said judge shall and may order and direct the amount of costs and charges of such valuation, appraisement, and witness' fees.

11. *And be it enacted*, That it shall be the duty of said com-

pany to construct and keep in repair good and sufficient bridges or passages over, across, or under the said road, where any public or other road shall cross the same, and also, when the said road shall intersect any farm or lands of any individual, to provide and keep in repair suitable wagon ways over, under, or across said railroad, so that he, she, or they may easily pass the same.

Company to construct bridges.

12. *And be it enacted*, That the president and directors aforesaid shall have power, at their discretion, to have constructed, or to purchase with the funds of the company, and to place on the said road by them constructed, all machines, engines, wagons, carriages, or vehicles, for the transportation of persons or any species of property thereon, as they may think expedient and right; *provided*, they shall not charge more than at the rate of six cents per mile per ton for the transportation of property on said road not particularly specified in this act, five cents per mile for each passenger in the carriages of the said company, six cents per ton per mile for marl, six cents per thousand feet for timber per mile, six cents per cord per mile for wood, and one-quarter of a cent per mile per bushel for grain; and that the said railroad and appendages, and the land over which the same shall pass, and all the works, improvements, carriages, and all other property, whatsoever, belonging to the said company at any time, are hereby vested in the said company incorporated by this act, and their successors and assigns, during the continuance of this act.

Rates for transportation of persons and property.

13. *And be it enacted*, That the said company may purchase, have, and hold real estate at each termination of said road, or as near thereto as they can procure the same, and at such intermediate points as the directors may think proper, not exceeding two acres at each place, for the purpose of erecting and building thereon carriage houses, machine shops, warehouses, and such other buildings and improvements, as may be deemed necessary and expedient for the preservation and safety of carriages and property, and other necessary uses, and take and receive the rents, issues, and profits thereof.

What real estate company may hold.

14. *And be it enacted*, That the president and directors of the said company may, whenever the sum of ten thousand dollars is paid in, according to this act, commence the said road, at or near Woodstown aforesaid, or at or near Pennsgrove aforesaid, or such other place or places as they may think proper, and they are then authorized and required to construct the said railroad according to the directions of this act; and if the said road shall not be finished within nine years from the passing of this act, then the rights of the said corporation shall wholly cease and be void.

Road, when to be completed.

Penalty for
injuring
works.

15. *And be it enacted*, That if any person shall wilfully impair, injure, destroy, or obstruct the use of said road, or any part thereof, constructed by the said corporation under the provisions of this act, or any of their works, wharves, carriages, houses, bridges, engines, machines, implements, or tools, such person so offending shall forfeit and pay to the said company the sum of twenty dollars, to be by them recovered in any court of competent jurisdiction, in an action of debt, and shall be also liable for all damages.

Semi-annual
dividends to
be made.

16. *And be it enacted*, That the president and directors of said corporation shall, within one year after the full completion and use of said road, declare and make such dividends out of the clear profits of the said railroad as they may deem prudent, and shall in like manner semi-annually thereafter declare such dividends, and pay the same to the stockholders, or their legal representatives, in proportion to the shares held by them, respectively, as they may deem prudent; *provided*, that the said corporation shall not at any time make, declare, or pay out any dividends of the capital stock of said corporation.

Road to be a
public high-
way.

17. *And be it enacted*, That the road authorized by this act be, and the same is hereby declared a public highway, and shall be free for the passage of any railroad carriage thereon, with passengers or property, upon payment of the tolls by this act allowed; and where the carriages that so pass said road are owned by other persons than the company, the following rates of toll shall be paid to said company: five cents per mile per ton for the transportation of property not herein specified, five cents per mile per thousand feet of lumber, five cents per mile for each cord of wood, one-quarter of a cent per bushel per mile for all kinds of grain, five cents per ton per mile for marl, two and a half cents per mile for each passenger, and two cents per mile for each empty carriage, car, or other vehicle, and the same for each horse, mare, gelding, or mule; *provided*, that the said carriages, so used thereon, shall be of the same description, in the formation of the wheels and length of axle, as those used by the company, and shall be so regulated, as to the time of starting and rates of travelling, as not to interfere with the carriages of the company, or with any regulations they may adopt, under the provisions of this act; and the persons travelling on the road shall at all times be subject to the rules of said corporation.

Statement of
cost to be
filed.

18. *And be it enacted*, That as soon as the railroad, with its appendages, shall be finished and completed, the president and treasurer of said company, under oath or affirmation, shall file a statement, in the office of the secretary of state, of the actual cost of said road, including all expenses; and annually thereafter, the president and treasurer of said company

shall make a statement to the legislature of this state, under like oath or affirmation, of the proceeds of said road; and, as soon as the net proceeds of said road shall amount to six per cent. per annum upon its whole cost, the said corporation shall pay the treasurer of this state a tax of one half of one per cent. per annum on the cost of said road, to be paid annually on the first Monday in January in each year; *provided*, that no other tax for the use of the state shall be imposed upon the said corporation, or their property.

19. *And be it enacted*, That the said corporation shall not, in any manner or form, use or employ any part of their stock, funds, or other estate in banking operations, under penalty of the immediate forfeiture of this charter. Capital not to be used in banking.

20. *And be it enacted*, That this act shall be deemed and taken as a public act, and shall at all times, in all courts and places whatever, be recognized as such, and shall be and continue in full force for the term of forty years; and the legislature reserve the right to alter, amend, or modify this act, whenever in their opinion the public good requires it. Public ct.

Approved March 9, 1848.

A further supplement to "An act to incorporate a part of the township of Newton, in the county of Gloucester," passed the thirteenth day of February, in the year of our Lord one thousand eight hundred and twenty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council of the city of Camden, on the written application of the owners of two-thirds in value of any land in said city, through or upon which any road, street, highway, or alley is proposed to be laid, or any alteration or vacation of any road or a part of a road, street, highway, or alley, already laid, is proposed to be made, whenever they shall judge the public good requires the same, to order the laying of any such road, street, highway, or alley, or cause any road, street, highway, or alley, heretofore laid by the surveyors of the highways, or hereafter to be laid under the provisions of this act, to be vacated or altered; and the said common council shall give notice to the owner or owners of any lands or other real estate, with

the appurtenances, necessary to be taken for either of said purposes, or to his, her, or their agent or legal representative, of their intention to take such land or other real estate and appurtenances, and appropriate it for such street, road, highway, or alley, and shall treat with such person or persons for the same; and if such person or persons shall refuse to treat for any such land or other real estate, with the appurtenances, or the common council cannot agree with such person or persons for the same, then it shall be lawful for the common council to appoint five disinterested freeholders of the said city, at least one from each ward, commissioners to make an estimate and assessment of the damages that any such owner or owners will sustain by laying out, altering, or widening any such street, road, highway, or alley; and in estimating and assessing such damages, the said commissioners shall have due regard, as well to the value of the land or other real estate, with the appurtenances, as to the injury or benefit of the owner or owners thereof, by laying out, altering, or widening any such street, road, highway, or alley.

Commissioners to take oath.

2. *And be it enacted*, That the said commissioners, before they enter upon the execution of the duty required of them, shall be sworn before the mayor, recorder, or any alderman of said city, to make the estimate and assessment submitted to them fairly and impartially, according to the best of their skill and judgment.

Notice to be given of meeting of commissioners.

3. *And be it enacted*, That the said common council shall appoint a time and place within the said city for the said commissioners to meet, notice whereof shall be given by putting up an advertisement in five public places in said city, one whereof shall be in each of the wards of said city, at least twenty days before the time of meeting; which advertisement shall specify the street, road, highway, or alley proposed to be laid out, altered, or widened, the alterations proposed to be made, and the lands or other real estate, with the appurtenances, intended to be taken for such purposes, and also cause a written notice to be served upon each of the owners of any land through or upon which said proposed street, road, highway, or alley is to be laid, or any alteration or vacation of any road, street, highway, or alley is proposed to be made, who reside in said city or whose place of residence is known; and the said commissioners, or a majority of them, when met, shall have power to swear and examine witnesses, and shall review the premises, if necessary, and make just and true estimates and assessments as aforesaid, and make and sign a certificate of such estimates and assessments, and file the same with the clerk of said city, and the same, being ratified by the common council, shall be binding and conclusive upon the owner or

owners of any such lands or other real estate, with the appurtenances, subject only to the appeal hereafter given; and upon payment of the damages so awarded, or a tender and refusal thereof, it shall be lawful for the commissioners to cause the same land or other real estate, with the appurtenances, to be converted and used for the purposes aforesaid; *provided however*, that any person or persons conceiving himself, herself, or themselves aggrieved by the proceedings of the said common council or of the said commissioners, may appeal therefrom to the supreme court of this state, within thirty days from the time of making the final order of the common council; and the supreme court shall order a trial by jury to assess the damages sustained by the party aggrieved, the trial whereof to be conducted as in other cases of trial by jury.

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

Proceedings
in case of
nonpayment
of assess-
ment.

5. *And be it enacted*, That this act shall go into operation immediately.

Approved March 9, 1848.

CERTIFICATE OF NEW JERSEY RAILROAD AND TRANSPORTATION
COMPANY.

WHEREAS the legislature of New Jersey did, at its last session, pass an act entitled, "A further supplement to the act entitled, an act to incorporate the New Jersey Railroad and Transportation Company," passed the eighth day of March, one thousand eight hundred and thirty-two; and whereas, by the third section of the said act, it is enacted, "that this act shall not go into effect until the board of directors of the New Jersey Railroad and Transportation Company shall certify their acceptance of the same, as a supplement to, and part of the charter of said company, under the hands

of the president and secretary, and corporate seal of said company, and file the same in the office of the secretary of this state, a certified copy of which certificate of acceptance the secretary of this state shall cause to be published, in connection with this act, among the laws of this state, which publication shall be deemed competent and plenary evidence of such acceptance"—

BE IT THEREFORE CERTIFIED, That the New Jersey Railroad and Transportation Company do accept this said act, as a supplement to, and part of the charter of said company.

WITNESS the hands of the president and secretary, and the seal of the said the New Jersey Railroad and Transportation Company, this nineteenth day of April, in the year of our Lord one thousand eight hundred and forty-eight.

JOHN S. DARCY, [L. S.]
Pres't N. J. R. R. & Trans. Co.

JOHN P. JACKSON,
Sec'y N. J. R. R. & T. Co.

A true copy.

CHARLES G. McCHESNEY,
Secretary of State.

AN ACT to defray incidental expenses.

Treasurer
authorized
to pay cer-
tain incident-
al charges.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the treasurer of this state to pay, to the several persons herein after named, the following sums, viz:

1. To John G. Skillman, for horse and carriage hire for the use of state prison committee, five dollars.

2. To Edward Williams, for glazing for state house, three dollars and ninety-four cents.

3. To George S. Green, John D. Byrne, and Charles Parker, for appraising stock at the state prison, one hundred and fourteen dollars.

4. To P. J. Gray, for advertising two proclamations of the governor for the arrest of murderers, twenty-five dollars.

5. To Joseph S. Barnett & Co., for stationery furnished the Senate, ten dollars.

6. To E. F. W. Gray, for extra rule and figure work on Assembly Journal of eighteen hundred and forty-seven, fourteen-dollars and twenty-eight cents.

7. To P. J. Gray, for extra rule and figure work on Senate Journal of eighteen hundred and forty-seven, thirty-two dollars and seventy cents.

8. To C. Brearley, for sundries, as per bill, furnished state arsenal, eleven dollars and twelve cents.

9. To J. S. Fish, for coal furnished New Jersey state arsenal, ten dollars.

10. To John C. Miller, for two large stoves for Senate chamber, repairing furnace of Assembly room, and sundry repairs done to state house, one hundred and eighty-three dollars and forty-five cents.

11. To the President and Directors of the Trenton Water Works, for the use of water for state house one year, fifteen dollars.

12. To William D'Hart, for cash paid for cleaning library, and making fires in the same, five dollars and seventy-five cents.

13. To George T. Weart, for horse and carriage hire for the use of the members of the legislature to go to the Asylum and back, thirty-four dollars and fifty cents.

14. To John G. Skillman, for horse and carriage hire for the use of the members of the legislature to and from the Asylum, thirteen dollars and fifty cents.

15. To Isaac Welch, for horse and carriage hire for the use of the members of the legislature to and from the Asylum, six dollars and fifty cents.

16. To William Persons, for repairs done to desks in state house, eleven dollars and thirty-seven cents.

17. To William W. Norcross, for candles used in the court rooms and offices of the state house, sixteen dollars and eighty-two cents.

18. To John Gallagher, for services rendered as night watch, and keeping up the fires in the state house when it was rebuilt, twenty dollars.

19. To Henry Cook, for repairing tables in state house, three dollars.

20. To the committee on the New Hope Delaware Bridge Company, expenses, &c., as per bill, thirty-five dollars and fifty cents.

21. To William B. Kinney, for advertising adjutant general's order relative to New Jersey battalion and governor's proclamation in the Daily and Sentinel, as per bill, thirty dollars and seventy-five cents.

22. To C. Scott, for sundries, as ordered by M. F. Carman, engrossing clerk of last year, six dollars and seventy-five cents.

23. To C. Scott, for sundries, as ordered by C. G. McChesney, for the use of the governor, secretary of state's office, and court of errors and appeals, as per bill, ninety-one dollars and twenty-six cents.

24. To C. Scott, for sundries, as ordered by J. Wilson, for the use of the supreme court, as per bill, forty-four dollars and twenty cents.

25. To C. Scott, for sundries, as ordered by Samuel R. Gummere, for chancery office, as per bill, forty-six dollars and thirty-six cents.

26. To C. Scott, for sundries, as ordered by M. F. Webb, engrossing clerk of Assembly, as per bill, twenty-eight dollars and forty-one cents.

27. To C. Scott, for sundries, as ordered by William D'Hart, for library, as per bill, eighty-eight cents.

28. To C. Scott, for sundries, as ordered by A. M. Cumming, clerk of Assembly, as per bill, ninety-three dollars and seventy-one cents.

29. To George Thompson, as ordered by A. M. Cumming, clerk of Assembly, as per bill, four hundred and forty-eight dollars and ninety-one cents.

30. To Phillips & Boswell, for printing vouchers, blanks, pedlers' licenses, &c., as per bills, one hundred and sixty-four dollars and seventy-five cents.

31. To C. Scott, for sundries, as ordered by William B. Grover, engrossing clerk of Senate, as per bill, thirty-six dollars and sixty-four cents.

32. To Elias Phillips & Co., for pitchers, tumblers, &c., for the use of Senate, as per bill, three dollars and sixty-three cents.

33. To William Pearson, for repairs done to desks, &c., in Senate chamber, six dollars and fifty cents.

34. To Hutchinson & Clark, for candles, &c., for the Senate, as per bill, forty-three dollars and sixty cents.

35. To Charles Scott, for sundries, as ordered for the state treasurer's office, as per bill, nineteen dollars and thirty-two cents.

36. To Brittain & Jones, for advertising governor's thanksgiving proclamation, and proclamation offering reward for murderer of Izra Roberts, as per bill, twelve dollars and eighty cents.

37. To Samuel Mairs, treasurer, for cash paid Sarah Williams, for cleaning state house, Joseph W. Van Cleve, for two months' services, Charles Parker, for services in stating late treasurer's account, Thomas Talmage, freight on laws, and Joshua B. Horn, for charcoal, as per bill, fifty-three dollars.

38. To B. W. Titus, for sundries ordered by J. Wilson,

clerk of supreme court, for his office, as per bill, nine dollars and eighty-eight cents.

39. To Charles Scott, for sundries, as ordered by P. J. Gray, secretary of Senate, for the use of Senate, as per bill, two hundred and sixteen dollars and ninety-eight cents.

40. To John Davisson, for paper, as ordered by J. Wilson, clerk of the supreme court, for the use of said court, twelve dollars.

41. To Joseph G. Brearley & Co., for repairs done to the roof of the state house, and offices in the same, &c., seventy dollars and thirty-one cents.

42. To Mrs. Caroline Bennett, widow of Samuel Bennett, deceased, one of the members elected to this legislature from Monmouth county, seventy-five dollars.

43. To each of the members of the Senate and General Assembly, any sum not exceeding twenty dollars, for their postage and incidental expenses, during the present session of the legislature.

44. To Joseph H. Blackfan, for services rendered as private secretary to the governor, during the present session of the legislature, seventy-five dollars.

45. To Benjamin F. Yard, for advertising governor's proclamations for thanksgiving, arrest of murderers, &c., ten dollars.

46. To William Robertson, for extra sweeping brush, one dollar and fifty cents.

47. To Stryker & Steward, for eight brooms, one dollar and seventy cents.

48. To William A. Green & Co., for half a cord hickory wood, two dollars and seventy-five cents.

49. To Mary V. Paxson, for expenses of late treasurer for collecting interest in Philadelphia, for wood, coal, boxes, and three months' pay to J. W. Van Cleve, as per receipts, fifty-four dollars and twenty-five cents.

50. To C. G. McChesney, for expenses in distributing Laws, Journals of Senate, Minutes of Assembly, Spencer's Reports, notifying banks of treasurer's election, and portorage for U. S. Laws, Journals, &c., &c., seventeen dollars and fifty cents.

51. To Howell & Page, for labour at state house, making cellar doors, conductors, work in Assembly room, &c., as per bill, twenty-nine dollars and ninety-eight cents.

52. To Whitaker & Phillips, for extra labour on first story of Lunatic Asylum, per order of commissioners, to furnishing scaffolding for the use of all the mechanics, and building jambs to three hundred and sixty-one windows, revealed work instead of square, different from contract, four hundred and fifty dollars.

52. To Phillips & Whitaker, for cutting and laying flag stone in fire-proof of secretary of state's office, per bill, twenty-six dollars and eighty-one cents.

54. To A. R. Titus, for oil cloth, three yards moreen for chairs, as per bill, three dollars and sixty-eight cents.

55. To Richard Thomas, for nails, butts, locks, and hardware, per bill, by S. A. Paxson, three dollars and sixty-eight cents.

56. To George H. Tindall, for work at Senate doors, making standards for notices in state house yard, boxes for packing books, &c., seven dollars and fifty cents.

57. To Fish & Green, and Fish, Green & Company, for boards, &c., as per bill, thirteen dollars and forty-eight cents.

58. To Jasper Scott, for mason work at state house, one dollar and twenty cents.

59. To P. J. Gray, for sundries; as per bills of stationery for Senate, one hundred and forty-four dollars and ninety-three cents.

60. To Thomas Macpherson, for stationery, as per bill, ordered for the Senate by George S. Hutchinson, at the commencement of the session, ninety-six dollars and sixty-three cents.

61. To C. Brearley, for repairs done to stoves in state house, as per bill, one dollar.

62. To A. M. Cumming, for stationery for Assembly, two hundred and ninety-four dollars and twelve cents.

63. To Joseph Pycraft, for attending furnace, &c., from the eighth of January, to the ninth of March, making sixty-two days, at one dollar per day, sixty-two dollars.

64. To O. Howell, for ink, ordered by George S. Hutchinson, for the use of the Senate, as per bill, four dollars and seventy cents.

65. To Sherman & Harron, for advertising, printing pamphlets, bills, &c., for the Senate and Assembly, eighteen hundred and sixty-eight dollars and sixty-two cents.

66. To Amos Hoagland, for sperm candles, ordered by Wallace Taylor, doorkeeper of Assembly, for the use of Assembly, as per bill, one hundred and twenty-nine dollars and ninety-two cents.

67. To J. A. Canfield, for cash paid for cleaning the Senate chamber, one dollar and thirty-seven cents.

68. To Martin J. Ryerson and others, for expenses of committee appointed to invite the Hon. Henry Clay to visit the city of Trenton, fifty dollars.

69. To the committee appointed to accompany the remains of John Quincy Adams across the state of New Jersey, their expenses, eight dollars.

70. To Charles Howell, for horse and carriage hire for the use of the members of the legislature to and from the Lunatic Asylum, two dollars.

71. To Stryker & Steward, for crape furnished for the members of Assembly, one dollar and seventy-five cents.

Approved March 9, 1848.



JOINT RESOLUTIONS.

For the more effectually enforcing the payment of interest due on bonds and mortgages belonging to the school fund.

WHEREAS much delay has heretofore existed in the payment of interest upon loans made by the trustees for the support of free schools, to the detriment and embarrassment of the school fund—therefore, Preamble.

BE IT RESOLVED by the Senate and General Assembly of the State of New Jersey, That it shall be the duty of the state treasurer to give notice immediately, by letter, to all persons who are now in arrears for interest on loans made by the trustees for the support of free schools, and also to all persons from whom such interest may hereafter become due, at the date of its becoming due; and when such interest shall remain unpaid for more than three months after such notice is given, to deliver the securities of such delinquent persons to the attorney general for prosecution. Treasurer to notify delinquents.

Approved February 9, 1848.

Relative to the employment of a teacher and moral instructor to the convicts in the state prison.

BE IT RESOLVED by the Senate and General Assembly of the State of New Jersey, That the governor of this state, with the inspectors of the state prison, be authorized to employ a suitable person, as a teacher and moral instructor to the convicts in said prison, at a salary not exceeding four hundred dollars, to be paid by the treasurer of this state, on the warrant or warrants of the governor. Teacher to be employed.

Approved February 9, 1848.

Relative to the pilot laws of the United States.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the passage of the act of March second, eighteen hundred and thirty-seven, by congress, by which the business of pilotage in the bays and harbours adjoining this state and the state of New York was thrown open to citizens of this state, appointed as pilots under our laws, was an act of justice to the state of New Jersey, and loudly called for by the appalling disasters upon our coasts, which before that time continued to occur in quick succession.

2. *And be it resolved*, That the results of the experience of the last ten years, the greatly diminished number of wrecks of vessels approaching our shores, the superior vigilance and care of the New Jersey pilots, the danger of a renewal of the melancholy scenes and loss of life which attended the wrecks of the Mexico and Bristol, the impolicy and injustice of again erecting a monopoly, encouraging criminal remissness on the part of the pilots, all combine to furnish an unanswerable argument against the repeal of the present law.

3. *And be it resolved*, That the recent establishment of a line of ocean steamships from Great Britain, whose terminus is at the port of Jersey City, furnishes an additional argument against the repeal of that act.

4. *And be it resolved*, That the governor of this state be requested to forward a copy of the foregoing resolutions to our senators and representatives in congress.

Approved February 11, 1848.

Relative to M. A. Vattmare's system of international literary and scientific exchanges, and to provide for the support of an agency at Paris, in France.

Agency authorized.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the sum of three hundred dollars be, and the same is hereby appropriated to defray the expense of an agency in the city of Paris, in France, for the purpose of receiving and transmitting such works as may be made the subject of international exchanges.

2. *And be it resolved*, That the governor of this state be, and is hereby authorized to appoint some suitable person as agent for the state of New Jersey, at the city of Paris, in France. Governor to appoint agent.

3. *And be it resolved*, That the said sum of three hundred dollars be transmitted by the secretary of state, whenever officially informed that such agency has been duly established; and that the said agent be requested to report semi-annually to the governor of this state of all his transactions and proceedings relative thereto. Agent, how paid.

Approved February 25, 1848.

To compensate the commissioners and superintendents appointed by law to erect a new wing to the state prison.

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be directed to pay to the commissioners and superintendents appointed by law for erecting a new wing to the New Jersey state prison, the sum of five hundred and seventy-four dollars, to be paid as follows: Compensation to commissioners.

To John Acken, for twelve days' services, at one dollar and fifty cents per day, amounting to eighteen dollars.

To Emly Olden, for twelve days' services, at one dollar and fifty cents per day, amounting to eighteen dollars.

To James Skirm, for twelve days' services, at one dollar and fifty cents per day, amounting to eighteen dollars.

To Joshua Wright, for one hundred and thirty days' services, as commissioner and superintendent, at the rate of one dollar and fifty cents per day, amounting to one hundred and ninety-five dollars.

To John S. McCully, for one hundred and thirty days' services, as commissioner and superintendent, at the rate of one dollar and fifty cents per day, amounting to one hundred and ninety-five dollars.

To Jacob B. Gaddis, for one hundred and thirty days' services, as superintendent, at the rate of one dollar per day, amounting to one hundred and thirty dollars.

Approved February 29, 1848.

For the purchase of books for the library of the state prison.

Inspectors
authorized
to purchase
books.

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the inspectors of the state prison be, and they are hereby authorized to expend, in suitable books for the prison library, any sum of money not exceeding one hundred dollars, to be paid by the treasurer, upon the warrant of the governor.

Approved March 7, 1848.

Authorizing the treasurer to purchase a lamp for the use of the hall of the state house.

Treasurer
authorized
to purchase
lamp.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be, and he is hereby authorized to purchase a suitable bronze lamp, at a cost not exceeding fifty dollars, to be suspended in the hall of the state house.

-2. *And be it resolved*, That the treasurer is hereby authorized to pay for the same out of any moneys in the treasury not otherwise appropriated.

Approved March 8, 1848.

To authorize the treasurer to borrow money.

Treasurer
authorized
to borrow
money.

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be, and he is hereby authorized to borrow, from time to time for the use of the state, such sum or sums of money as may be necessary to meet the expenses authorized by law, not exceeding twenty-five thousand dollars, at a rate of interest not exceeding six per cent. per annum.

Approved March 8, 1848.

Authorizing the state treasurer to pay certain moneys to Jesse L. Stelwagon.

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of the state is hereby authorized and required to pay to Jesse L. Stelwagon, of Philadelphia, the sum of eighty-four dollars and twenty-four cents, being due him for materials furnished the building committee of the state prison, in the year of our Lord eighteen hundred and thirty-six.

Treasurer authorized to pay certain moneys to J. S. Stelwagon.

Approved March 9, 1848.

Relative to the accounts of John Engle, a trustee on behalf of the state of the estate of John G. Leake.

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That Mercer Beasley, esq., of the city Trenton, be authorized to perform the duty assigned to the secretary of state by a joint resolution relative to the accounts of John Engle, a trustee on behalf of the state of John G. Leake, approved February ninth, eighteen hundred and forty-seven, said secretary of state having asked to be relieved from the duties enjoined in said joint resolution.

M. Beasley authorized to adjust accounts.

Approved March 9, 1848.

Relative to the state library.

WHEREAS it appears, from the report of the joint committee on the library, that the officers authorized by law to expend the annual appropriation of money for the increase of the library, have for a number of years neglected to expend the whole amount of said appropriation—therefore,

Preamble.
Officers authorized to purchase books.

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the librarian be instructed to

expend annually, under the direction of the officers appointed by law, the whole appropriation authorized by the fifth section of the act entitled, "An act to regulate the library;" and that the librarian and officers aforesaid be further instructed to purchase, during the present year, standard works of history and biography, illustrative of the history of this state and of the United States.

Approved March 9, 1848.

Relative to the state library.

Preamble. WHEREAS several of the acts of the legislature of this state are not to be found in the state library; and whereas great inconvenience and delay in searching for statutes is occasioned by the want of a proper index to the same—therefore;

Librarian authorized to purchase state laws. 1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the state librarian be, and hereby is authorized and instructed to procure such books or pamphlets as are necessary to complete the series of the statutes of this state in the state library.

To prepare index. 2. *And be it resolved*, That the state librarian be authorized and directed to prepare an index to all such acts and resolutions contained in the several books of statutes of this state, as shall be in force and effect on the fourth day of July next, with such explanatory notes and observations as he may deem proper and necessary, and to cause five hundred copies thereof to be printed for the use of the state.

Compensation. 3. *And be it resolved*, That whenever the duties imposed by the second resolution are performed in a manner satisfactory to the governor, treasurer, and secretary of this state, the state librarian shall be entitled to receive the sum of sixty dollars from the treasurer, on a warrant from the governor.

Approved March 9, 1848.

Providing compensation to the state superintendent of common schools.

WHEREAS it is necessary to carry out the wise provisions of the "Act to establish public schools," approved April seventeenth, eighteen hundred and forty-six, making it the duty of the state superintendent to see that the laws respecting public schools are faithfully executed, and the moneys appropriated for their support fairly applied—therefore, Preamble.

BE IT RESOLVED, *by the Senate and General Assembly of the State of New Jersey*, That the trustees for the support of free schools be authorized to pay annually, as they may deem expedient, to the state superintendent of public schools, any sum not exceeding five hundred dollars, for drawing reports, postage, travelling, and other incidental expenses, incurred in the discharge of the duties of his office. Compensation to superintendent

Approved March 9, 1848.

To provide for the publication of certain manuscripts in the state library and in the office of the secretary of state.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the governor, secretary of state, and committee on education of the house of Assembly, be authorized to cause to be published, at the expense of the state, such number of copies, as they may deem proper, of all manuscripts, letters, and other matter now in the state library or office of the secretary of state as they may select; that they be also authorized to have said copies neatly bound, and deposited with the treasurer of this state, to be disposed of as may hereafter be directed by law. Certain manuscripts to be published.

2. *And be it resolved*, That the treasurer be authorized to pay, on warrant of the governor, the expenses incurred in carrying the foregoing resolution into effect. Treasurer authorized to pay, &c.

Approved March 9, 1848.



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