ACCESSION NO. 33009
RECEIVED
CATALOGUED

ACTS

State Library

OF THE

EIGHTY-FIRST LEGISLATURE

OF THE

STATE OF NEW JERSEY,

AND

THIRTEENTH UNDER THE NEW CONSTITUTION.



NEW BRUNSWICK, N. J.:
PRINTED BY A. R. SPEER.
1857.

ACTS

OF THE

EIGHTY-FIRST LEGISLATURE

OF THE

STATE OF NEW JERSEY.

CHAPTER I.

AN ACT to incorporate the Danforth Locomotive and Machine Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles Danforth, John Edwards, John Cooke and Edwin T. Prall, and the survivors of them, and all such persons as may hereafter be associated with them or the said survivors, their successors and assigns, shall be and they are hereby constituted a body corporate and politic, in fact and in name, by the name and style of "The Danforth Locomotive and Machine Company," for the purpose of manufacturing locomotives, machinery and cotton goods, in the city of Paterson, in this state, and of carrying on the business incident thereto; and by that name, they and their successors shall have succession and continue a body corporate and politic, and shall be capable of contracting and being contracted with, sueing, pleading, Names of corporators.

General powers.

New Jersey State Library

defending and answering, and being sued, impleaded, defended and answered unto, in all courts and places whatsoever, in all manner of actions, suits and complaints, matters and causes whatsoever, and of doing, and causing to be done, all acts needful for the proper management of the funds and property of said corporation, and carrying on the business for which the said corporation is created; and they and their successors may acquire, purchase, receive, have, hold and enjoy, and sell or otherwise dispose of such personal and real estate as may be necessary or useful for the said corporation to carry on the manufacturing operations before mentioned; *provided, always,* that the funds of the said corporation, or any part thereof, shall not be used in banking operations.

Proviso.

Annual election of directors.

2. *And be it enacted,* That the stock, property and concerns of said corporation shall be managed and conducted by five directors, a majority of whom shall be residents of the state of New Jersey, and being stockholders (one of whom shall be president), who shall hold their offices for one year; and the said directors shall be chosen on the first Monday in April, of every year, at such place and time as shall be directed by the by-laws of the said corporation, and public notice thereof shall be given, not less than ten days previously, in one or more newspapers printed in the county of Passaic; and each stockholder shall, at such election, be entitled in person or by proxy, to as many votes as he or she shall hold shares of the capital stock of said corporation; and the persons having or receiving, in such elections, the greatest number of votes, and being stockholders, shall be directors; and the directors chosen at one election shall be capable of serving by virtue thereof, until another election shall have been had, and the directors so chosen may appoint such officers and superintendents, and assign such compensation as they shall think fit, not less than a majority of the whole number of directors being present when the same shall be done, and all vacancies occurring by death, resignation or otherwise, among the directors named in this act, or those hereafter to be chosen, shall be filled by such person or persons as the remainder of the directors for the time being, or a majority

of them, shall appoint for that purpose; and that the said Charles Danforth, John Edwards, John Cooke, Edwin T. Prall and Samuel Stephens, and the survivors of them, shall be the first directors of the said corporation, and shall hold their offices until the first Monday in April next, and until others are legally chosen. First directors

3. *And be it enacted*, That the capital stock of said corporation shall not exceed the sum of four hundred thousand dollars, which shall be divided into shares of one hundred dollars each; but so soon as two hundred thousand dollars of the said capital stock shall have been subscribed and paid, it shall be lawful for said corporation to commence their said business, or any part of it, and with that capital to conduct and carry it on until they shall deem it expedient to extend the same; and it shall be lawful for the directors of said corporation, or a majority of them, from time to time, to call for and demand, from the stockholders respectively, all such sums of money by them subscribed, at such times and in such proportions as they shall deem proper, under pain of forfeiting the shares of said stockholders, and all previous payments thereon, if such payments shall not be made within thirty days after the day fixed for that purpose, by public notice, previously published, for the space of thirty days, in one or more newspapers printed in said county, designating the proportion of such payment per share, and the time and place, when and where, and the officer to whom the same shall be required to be made. Amount of capital stock. Payment of installments.

4. *And be it enacted*, That the subscription for said stock shall be opened until the sum required shall be subscribed, or for any number of days not exceeding thirty, under the direction of the board of directors, or such of them as shall be designated by the board for that purpose. Books of subscription to be opened.

5. *And be it enacted*, That the stock and property of the said corporation, of whatsoever nature or kind, shall be deemed personal estate, and transferable in such manner as shall be prescribed by the by-laws of said corporation; *provided*, that no dividend shall be made to and among the stockholders except from and out of the actual net profits of said corporation. Transfer of stock. Proviso.

Corporation not dissolved for failure to elect on day prescribed.

6. *And be it enacted*, That in case it should at any time happen that an election should not be made upon the day designated by this act for that purpose, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold such election on such other days as shall be prescribed by the by-laws of the said corporation.

Directors to make by-laws.

7. *And be it enacted*, That a majority of directors for the time being shall form a board for transacting the business of said corporation, and shall have power to make and enforce such by-laws and regulations as they shall deem expedient for the government, management, and disposition of the stock, effects, profits, and concerns of the said corporation; *provided*, that the same are not contrary to the constitution or laws of the United States or of this state.

Proviso.

Transfers of stock to be registered.

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 said corporation; and further, that no transfer of stock shall be valid or effectual until such transfer shall be entered or registered in the book or books to be kept by the president and directors for that purpose.

Corporation may be dissolved.

9. *And be it enacted*, That the said corporation may be dissolved at and by a general meeting of the stockholders specially summoned for that purpose; *provided*, that at least three-fourths in value of the stockholders shall be present or represented therein; and upon such dissolution, the directors for the time being, and the survivors and survivor of them, shall be trustees for settling all the affairs of the said corporation, disposing of its effects, recovering its claims, and paying its debts; and in the payment of such debts, preference shall, in all cases, be made in favor of the employees of said corporation, and dividing the surplus among the stockholders, in proportion to their respective interest in the stock, unless the stockholders, at such general meeting, shall appoint other persons, not less than three, nor more than five, in number, for such purpose, in which case, the persons so appointed, and the survivors and survivor of them, shall be trustees for the purpose aforesaid.

Proviso.

10. *And be it enacted*, That this act shall, unless the corporation be dissolved as above provided for, continue in force for the term of twenty years from the time of its passage; *provided nevertheless*, that the legislature reserve the right to alter or amend this act whenever the public good may require it. Limitation. Proviso.

ANDREW DUTCHER,
Speaker of the House of Assembly.

HENRY V. SPEER,
President of Senate.

Approved February 6, 1857.

WILLIAM A. NEWELL.

CHAPTER II.

A FURTHER SUPPLEMENT to an act entitled "An act relative to insurance companies," approved April fifteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all persons residing within the city of Paterson who are required by the act to which this is a supplement, or by the supplement to said act, approved March fifth, eighteen hundred and fifty, to enter into bond, with good and sufficient freehold security or securities to the county collector, shall, between the first and tenth days of May next, enter into such bond to "the Mayor and Aldermen of the City of Paterson;" and that such bond shall in all respects conform to the provisions of said acts, except as hereinbefore stated; and that all the rights vested in, and all the duties enjoined upon the county collector in and by the said acts, shall, on and after the first day of May next, Bond to be given to the mayor and aldermen.

so far as relates to persons residing within the city of Paterson, be vested in and performed by "the Mayor and Aldermen of the City of Paterson," or by their agent or attorney; and all suits or actions prosecuted for violating any of the provisions of the said acts, or of this act, or for any penalty under the same, for any act, matter, or thing done or omitted to be done on or after the first day of May next, shall be in the name of "the Mayor and Aldermen of the City of Paterson;" *provided*, that nothing herein contained shall be construed to affect or impair the rights or duties of said county collector as to any such bond heretofore entered into, or as to any matter or thing which has occurred, or may occur, before the first day of May next.

Proviso.

Money, how to be appropriated.

2. *And be it enacted*, That all sums of money received by the said mayor and aldermen under the provisions of said acts, and of this act, shall be applied and appropriated for the use of the charitable fund of the fire department of said city, under the direction of such fire department, or the proper officers thereof.

Act, when to go into effect.

3. *And be it enacted*, That this act shall go into operation on the first day of May next, and that it shall be published in all the newspapers printed in said city of Paterson, at least two weeks before the said first day of May, and that all acts and parts of acts inconsistent with the provisions of this act, so far as they relate to the city of Paterson, be and the same are hereby repealed.

Approved February 6, 1857.

CHAPTER III.

AN ACT to authorise Phebe Wright, administratrix of John W. Wright, deceased, to execute deeds of conveyance for lands sold by said deceased in his lifetime to Abner Durell.

Preamble.

WHEREAS, John W. Wright, late of the county of Burlington, deceased, did enter into a written agreement with Abner Durell, in his lifetime, for the sale of a certain farm whereon he resided at the time of his death, containing about twenty-one acres of land, for the consideration of four thousand dollars, which agreement bears date the eighteenth day of July, Anno Domini one thousand eight hundred and fifty-six; AND WHEREAS, the said John W. Wright having departed this life intestate, without executing a conveyance for the same—therefore,

Administratrix authorised to execute deeds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Phebe Wright, administratrix of said John W. Wright, deceased, be and she is hereby authorised and empowered to execute deeds of conveyance for the lands and premises sold by the said John W. Wright, deceased, unto the said Abner Durell, which deeds shall be as good and effectual for the conveyance and assurance thereof, as if the same had been executed and delivered by the said John W. Wright in his lifetime.

Administratrix to give bond.

2. *And be it enacted*, That the said Phebe Wright, as administratrix, shall, before executing the said deeds, file in the surrogate's office of the county of Burlington, a bond, with security to be approved of by the surrogate of the said county, in the sum of eight thousand dollars, to account for the moneys arising from the said sale, and which may come to her hands, and to distribute the same after the payment of debts and expenses according to law.

Approved February 10, 1857.

CHAPTER IV.

A FURTHER SUPPLEMENT to "An act to incorporate the Bordentown Reservoir and Water Company," approved February sixth, eighteen hundred and fifty-five.

Number of directors.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the stockholders of "the Bordentown Reservoir and Water Company," at their next annual meeting, and thereafter, to elect seven directors for the government of the said corporation, instead of five, as heretofore, in the same manner as is now provided by law.

Approved February 12, 1857.

CHAPTER V.

AN ACT to incorporate the Orange Gas Light Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Henry A. Howe, William D. Russell, William M. Babbitt, Charles A. Lighthipe, and John L. Blake, junior, and all and every person or persons who may become subscribers according to the mode hereinafter prescribed, and their successors, are hereby created a body politic and corporate, in fact, by the name of "the Orange Gas Light Company;" and by that name are authorised to make and sell gas for the purpose of lighting the streets, buildings, and other places in the township of Orange, in the county of Essex, and to enter into and execute contracts and agreements in relation to all matters connected therewith; and shall be capable of purchasing, taking, and holding any estate, real or personal, that may be necessary therefor, or may be acquired in the securing of debts due to them in the

regular course of their business, and of selling and disposing of the same.

2. *And be it enacted*, That the said company shall be empowered to do all things necessary for the lighting with gas of the streets, buildings, and other places in the said township of Orange, and to lay down gas pipes and to erect gas posts, burners, lanterns, and reflectors in the streets, avenues, roads, alleys, lanes, and public grounds of the said township; *provided*, that the public travel shall not at any time be unnecessarily impeded thereby, and that the said streets, avenues, roads, alleys, lanes and public grounds shall be left in as good condition as the same were in previous thereto. Company authorized to lay down pipes, &c. Proviso.

3. *And be it enacted*, That the persons named in the first section of this act are hereby appointed commissioners to receive subscriptions for the sum of one hundred thousand dollars, to constitute the capital stock of the said company, in shares of twenty-five dollars each; and the said commissioners, or a majority of them, shall open books for that purpose, at such time and in such place within this state as they shall designate, by a public advertisement, to be previously published for at least two weeks, in some newspaper printed and circulating in the said county of Essex; and shall keep the said books open until the whole of said capital stock shall be subscribed, or at their discretion close the same after they shall have remained open for two days, and again open the same, at some other time or times, and in the same or some other place or places within this state, giving public notice thereof in the manner aforesaid; and the sum of five dollars upon each share so subscribed shall be paid to the said commissioners, or a majority of them, by each subscriber at the time of subscription; and each subscriber shall be thereupon entitled to receive a certificate for such stock, from the said commissioners, or a majority of them; and the moneys so received by the said commissioners, or a majority of them, at the time of the said subscription, shall be paid by them unto the board of directors of the said company, as soon as they are chosen, in the manner hereinafter provided; and all the powers of the said commissioners shall thereupon Commissioners to open books of subscription.

immediately cease and determine; and the said directors are hereby authorized, from time to time, and with the like public notice, to re-open the books, if necessary, for the further subscription of stock, until the whole stock subscribed shall amount to the said sum of one hundred thousand dollars, and also to call upon the said subscribers for the payment of further installments, in such manner and under such forfeiture or forfeitures as they may deem expedient, until the whole amount of the said shares so subscribed shall have been fully paid; *provided*, that no installment shall be larger than five dollars on each share, and that the said installments shall not be required to be paid within thirty days of each other.

Payment of installments.

Proviso.

Election of directors.

4. *And be it enacted*, That as soon as conveniently may be after fifteen thousand dollars of the said capital stock shall have been subscribed in manner aforesaid, the said commissioners, or a majority of them, shall convene the stockholders, by public notice for at least one week in some newspaper printed and circulating in the said county, and at such time and place as shall be designated in said notice; and the said stockholders so convened shall choose by ballot, and by a plurality of votes, a board of seven directors, from among their own number, and of whom at least four shall be residents in the said county; and the said directors, so chosen, shall hold their offices until the second Monday in January next following, when, and annually thereafter, the said stockholders shall convene at such hour and place as may be designated by the said directors, and be publicly advertised for at least two weeks, in the manner aforesaid, and shall make choice, in like manner, of a new board of seven directors for the year then next ensuing; and any vacancy in the said board of directors may be filled by themselves until the next annual election; and the said stockholders, or their proxies, shall be allowed in such elections one vote for each share of stock held in his, her, or their name or names, at least fourteen days previous thereto.

Corporation not dissolved for failure to elect on day prescribed.

5. *And be it enacted*, That if at any time an election is not held on the day herein appointed, the corporation shall not be dissolved for that cause, but an election shall be held in

such manner as may be directed by their by-laws, at any time within one year thereafter; and the said directors, in case of such failure to hold an election, shall continue in office until others are chosen in their stead.

Election of president and officers.

6. *And be it enacted*, That the management of the affairs of the said company shall be vested in the said directors, who shall have power to enact all necessary by-laws, and of whom a majority shall constitute a quorum for the transaction of business; and the said directors shall, at their first regular meeting after their election as aforesaid, select by a plurality of votes, one of their number to be their president, who shall continue in office until the appointment of a successor; and the said directors may, at their pleasure, appoint and remove a treasurer, a secretary, and other subordinate officers and agents, and require from them satisfactory security for the faithful and honest discharge of their respective duties.

Stock transferable.

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

Penalty for injuring works.

8. *And be it enacted*, That if any person or persons shall wilfully injure any conduit, pipe, cock, gasometer, or other thing connected with the works of the said company, or wilfully cause the same to be obstructed or injured, he, she, or they so offending shall be deemed guilty of a misdemeanor, and being thereof convicted shall be punished by fine not exceeding three hundred dollars, or by imprisonment at hard labor not exceeding two years, or both; and such criminal prosecution shall not in any wise impair the right of action for damages by a civil suit, hereby authorised to be brought for such injury or obstruction, by and in the name of said company, in any court of competent jurisdiction in this state.

Books of account to be kept.

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

Company may borrow money

10. *And be it enacted*, That the said company shall have power to borrow money to an amount not exceeding the one half of their capital stock actually paid in, and to mortgage their said works, franchises, privileges, and other property, and to make and execute all necessary assurances for the securing the payment of the money so borrowed, with the legal interest thereon.

Township committee may make contracts for use of gas.

11. *And be it enacted*, That when the township committee of the said township of Orange shall be thereunto requested in writing by the owner or owners of five-sixths in value of the real estate upon the line of any street, avenue, road, alley, or lane in the said township, or any part thereof, it shall be lawful for the said committee to enter into and execute, in behalf of the inhabitants of the said township, all necessary contracts with the said company for the lighting with gas of the said street, avenue, road, alley, or lane, or a part thereof; and the cost of such lighting shall be assessed upon and collected from the owner or owners of all the said real estate, in the same manner as other township taxes; and the value of such real estate, at the time of such application, shall be determined by the said committee and the assessor of the said township.

Restrictions and liabilities.

12. *And be it enacted*, That the said company shall possess the general powers, and be subject to the restrictions and liabilities contained in the act entitled "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, so far as the same are applicable.

13. *And be it enacted*, That this act shall be deemed and taken to be a public act, in all courts and places whatsoever, and shall go into effect immediately, and shall continue in force for thirty years.

Limitation.

Approved February 17, 1857.

CHAPTER VI.

AN ACT to incorporate the Paterson Express Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel Pope, Nathaniel Lane, William H. Quackenbush, Moses S. Crane, and E. R. Mason, together with such persons as shall subscribe to the stock hereby authorized, and their successors, be and are hereby constituted a body corporate and politic in law, by the name of "the Paterson Express Company;" and by that name shall have power to use a common seal, to sue and be sued, to defend and be defended, in all courts of law and equity, for the purpose of carrying on a general forwarding and express business, in the transportation of all kinds of goods, chattels, merchandise, bullion, specie, money, and other articles, from, to, and between various parts and places in this state, and beyond the limits thereof, and to do all such things as are incident to a corporation, and necessary for the purposes of this act. Names of corporators.

2. *And be it enacted*, That the capital stock of said corporation shall be twenty-five thousand dollars, with liberty to increase the same to fifty thousand dollars, and shall be divided into shares of fifty dollars each; and the said company may organise and commence operations whenever ten thousand dollars shall have been subscribed to said stock; and the said stock shall be deemed personal property, transferable only on the books of said corporation, and shall be paid in at such times, in such manner, and upon such notice as the directors of the corporation may appoint. Amount of capital stock.

3. *And be it enacted*, That, for carrying out the purposes mentioned in the first section, the said company may, from time to time, procure, hold, and use such vehicles, horses, and such other personal property as may be needed by them for carrying on their business as aforesaid; and may also purchase, hold, and convey so much real estate as may be necessary for the proper transaction of their business, and no more. What property company may hold.

4. *And be it enacted*, That the business of the said corpo- Officers of corporation.

ration shall be conducted by not less than five, nor more than fifteen directors, one of whom shall be president, one secretary, and one the treasurer; the said directors shall hold their office one year and until others are elected in their stead; the election for directors shall be held annually at such time and place as the by-laws of the said corporation shall provide, at which each stockholder shall be entitled to one vote, in person or by proxy, for every share of stock he may hold.

Annual statement to be made.

5. *And be it enacted*, That at the annual meetings of the stockholders for the election of directors, the directors shall exhibit a full and complete statement of the affairs of the said company during the preceding year; and no dividends shall be declared upon the stock of said corporation, except from the net profits thereof; and this act shall continue in force twenty-five years.

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

Approved February 17, 1857.

CHAPTER VII.

AN ACT to prevent wilful trespasses upon lands.

Penalty for entering upon lands.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person or persons shall unlawfully enter upon any lands not his own, after having been forbidden so to do by the owner or legal possessor of such lands, he shall forfeit and pay for each offence to the owner of said lands or his or her tenant in possession, the sum of three dollars, to be sued for and recovered, with costs, in an action of debt, before any justice of the peace in this state.

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

Approved February 17, 1857.

CHAPTER VIII.

A SUPPLEMENT to the act entitled "An act to incorporate the city of Burlington."

Ordinances to be presented to mayor for signature.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every ordinance passed by the common council shall, before it take effect and become a law, be presented to the mayor for his approbation; if he approve thereof, he shall sign it, if not, he shall, at the next regular or special meeting of the common council, state to the said council his objections thereto, in writing, whereupon the common council shall again vote, and if such ordinance shall again pass, the same shall take effect and become a law, notwithstanding the objections of the said mayor; but such objections shall be entered upon the minutes of the common council and be published in the newspaper printed and circulated in said city; and if the said mayor shall not sign or state his objections within the time specified, such ordinance shall take effect and become a law in the same manner as if he had signed it.

Who may administer oaths, &c.

2. *And be it enacted*, That in the absence of the mayor, any one of the aldermen of the city of Burlington shall administer such oaths and affirmations of office as the mayor is authorized to administer by virtue of the tenth section of the charter, to which this is a supplement.

Money may be raised by tax.

3. *And be it enacted*, That it shall and may be lawful for the common council of the city of Burlington hereafter to order and cause to be assessed and raise by tax, in any one

year, such sum or sums of money not exceeding the sum of five thousand dollars, as they shall deem expedient, for the current expenses of the city, and for all other objects and purposes, and in such manner as is set forth in the twenty-seventh section of the act to incorporate the city of Burlington, to which this is a supplement; and that so much of the said section as limits the common council to raising the sum to two thousand dollars, be and the same is hereby repealed; and whenever hereafter a greater sum of money than the said sum of five thousand dollars, is necessary to be raised in any one year, for the uses of said city, that then and in such case the same resort and proceedings shall be had as is required in the twenty-eight section of the said act of incorporation.

Common council may borrow money

4. *And be it enacted*, That it shall and may be lawful for the common council of said city hereafter to borrow any sum not exceeding three thousand dollars, for all purposes for which they are authorized to raise money by tax, and to secure the same by bond, as is provided for in the said act of inporation; and that so much of the twenty-seventh section of the said act as limits the said council to raising the sum of twelve hundred dollars in any one year, be and the same is hereby repealed; and whenever hereafter a greater sum of money than the said sum of three thousand dollars is required to be borrowed in any one year, that then and in such case the same resort and proceedings shall be had as is required by virtue of the twenty-eighth section of the said act of incorporation.

Common council to regulate sales by auction.

5. *And be it enacted*, That in addition to the powers granted by virtue of the sixteenth section of the act of incorporation of said city, the common council shall be authorized to regulate the sale of goods, wares, and merchandise by auction within the limits of said city, and to charge such sum for license therefor, as in their judgment they may deem just and expedient.

Time of closing polls.

6. *And be it enacted*, That hereafter at every city election in said city, the polls of said election shall be closed at seven o'clock in the evening, instead of the hour of six in the af-

ternoon, as is provided for in the eighth section of the act of incorporation.

7. *And be it enacted*, That this supplement shall go into full force and effect immediately. Act to go into effect.

Approved February 17, 1857.

CHAPTER IX.

A SUPPLEMENT to the act entitled "An act to incorporate the Newark Aqueduct Company," passed November seventeenth, eighteen hundred.

WHEREAS the Newark Aqueduct Company was originally incorporated for the purpose of affording a supply of good and wholesome water for domestic purposes to the town of Newark, which has been constantly furnished to the citizens; AND WHEREAS the city of Newark is now rapidly increasing in population, and may at some day not far distant, require a larger supply; AND WHEREAS, many additional springs and other sources of pure water are to be found in the vicinity of the said city of Newark, which can be made available for that purpose, but which the said company may not be able to purchase, as heretofore has been done, by private negotiations, and further powers are necessary to effect the object of the said company—therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the said company, and their successors, to make use of the waters of any other spring or springs, or sources of water, which they may hereafter think necessary to afford a further supply of good and wholesome water to the city of Newark, and to use and conduct the same, as heretofore, into their Company authorized to enter upon lands to search for water, &c.

present or any other reservoir or reservoirs, and for this purpose to enter upon any lands 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 said company, as provided in the fourth section of the act to which this is a supplement; and that it may be also lawful for said company, by their workmen and agents, to enter upon and take lands contiguous to or near to the track of their aqueduct, its feeders or works, and to erect (one or more) reservoirs, and with their carts or wagons, beasts of burden, and all necessary tools and implements, to take and convey away earth, stone and gravel, for the erection and preservation of their reservoirs, sewers, drains, or culverts for said aqueduct; and also, that the said aqueduct company may enter upon any lands or premises and dig thereon such drains or ditches as may from time to time become necessary, and for making such excavation or excavations as are or may be necessary, for laying or repairing aqueduct pipes or other works now laid, or to be laid or built therein, and after such excavations to cover the same with the earth which they have so thrown out, with all reasonable dispatch; and also, that it be lawful for said aqueduct company, by their agents or workmen, to lay and extend such aqueduct or aqueducts for any further supply of water, as aforesaid, to such places in the said city of Newark and its vicinity, as they shall deem proper, and through any lands or premises that may be by them thought necessary, first giving notice of their intention to the owner or owners of such lands, if in this state, or to the tenant in possession thereof, if such there be, and doing as little damage thereto as possible, and repairing any breaches they may make in the enclosures thereof, and making amends for any damages that may be sustained by the owner or owners of such ground, according to a reasonable agreement with the said owners; but if such agreement cannot be made, and in case of the incapacities or civil disabilities, as mentioned in the fourth section of the act to which this is a supplement, proceedings shall be had and perfected, and the rights of the said company established in

the same manner, and to the same intent, as in and by said section is therein particularly mentioned and set forth; and the said company shall be deemed seized and posssessed in fee simple of all such land or real estate as may be required for their reservoir or reservoirs and other buildings necessary for their said aqueduct; *provided always*, that nothing herein contained shall be so construed as to prevent or in any wise to interfere with the said company, by their servants and agents, from entering upon any lands 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 damage sustained by the said owner or owners, by means of such examination, shall be paid for by said company in manner heretofore provided in the act to which this is a supplement; *provided also*, that nothing in this act shall be so construed as to invalidate any agreement which has been made between the city of Newark and the said aqueduct company, or any act of the legislature confirming the same, or to impair the rights of either party thereof, to and under the said agreement or act, or to prevent any violation thereof hereafter, anything in this act to the contrary in any wise notwithstanding. Proviso. Proviso.

Approved February 17, 1857.

CHAPTER X.

A SUPPLEMENT to the act entitled "An act to incorporate the Paterson Manufacturing Company," passed February twenty-fifth, eighteen hundred and twenty-eight.

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 Paterson Manufacturing Company," passed Act extended.

the twenty-fifth day of February, in the year of our Lord one thousand eight hundred and twenty-eight, be and the same is hereby further extended and limited to the twenty-fifth day of February, eighteen hundred and seventy-nine.

Directors to appoint Vice President.

2. *And be it enacted*, That the directors of said company be and they are hereby authorized and empowered to appoint one of the said directors vice-president of said company.

Approved February 19, 1857.

CHAPTER XI.

AN ACT to dissolve the corporation known by the name of "The trustees of the Union School," in the city of Newark, and for disposing of property thereof, and for appropriating the proceeds to the use of the Newark Orphan Asylum Association.

Preamble.

WHEREAS, The trustees of the Union School, located in the city of Newark, in the county of Essex, was incorporated under the general act, entitled "An act to incorporate societies for the promotion of learning," on the twenty-sixth of August, Anno Domini, eighteen hundred and nine, and a certain lot of land situate on New street, in the said city of Newark, was conveyed by deed from Richard Leaycraft and wife, bearing date the first day of August, in the year eighteen hundred and nine, to the trustees of said school, "to have and to hold to them and their survivors in office, to their only proper use, benefit and behoof of the said Union School forever;" AND WHEREAS, the object intended by said school, has not prevailed by reason of other schools in the vicinity thereof, which have had greater advantages; AND WHEREAS, the said school is

now largely indebted, and has no means whereby to pay the same, or to continue the said school, and the building on said lot is now in a dilapidated state; AND WHEREAS, "the Newark orphan asylum association" was heretofore incorporated for the instruction and support of poor and destitute orphan children, and is now in successful operation; AND WAEREAS, Moses Sayre, Caleb Woodruff, Firman F. Randolph, Moses Ward, Micajah Dunn, Edward A. Geer, and Linus Littell, the present trustees of said Union School, have determined to surrender the said incorporation, and are willing to bestow what may arise from a sale of said house and lot for the use and benefit of the Newark orphan asylum association, no other person or persons having any present or reversionary interest in the said property.

Association dissolved,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the association heretofore known and incorporated by the name of "The Trustees of the Union School," located in the city of Newark, and county of Essex, is by this act declared to be and the same is hereby dissolved, as soon as the further provisions of this act are complied with.

Trustees authorized to sell property.

2. *And be it enacted*, That Moses Sayre, Caleb Woodruff, Firman F. Randolph, Moses Ward, Micajah Dunn, Edward A. Geer, and Linus Littell, the present trustees of said Union School, be and they are hereby authorized to make sale by public auction, upon previous advertisement of time and place, for the space of thirty days, in one or more of the public newspapers printed in the city of Newark, of the said lot and house; and to make all necessary conveyances and assurances of the same; and to take and receive the moneys arising from the sale thereof, or good and sufficient securities therefor, and the said moneys or securities, to pay over, or assign to the treasurers for the time being, of the said "The Newark orphan asylum association," for the uses and purposes of said orphan asylum; *provided always*, that all payments of any debts or liabilities of said Union School, shall first be deducted from the proceeds of any sale as aforesaid.

Proviso.

Trustees to settle affairs of association.

3. *And be it enacted*, That the trustees hereinbefore mentioned, or the survivors of them, shall continue with full power and authority to settle the affairs of the said Union School, and to do all acts which may be necessary to effect the objects which are hereby intended to be done.

Approved February 19, 1857.

CHAPTER XII.

AN ACT to provide for the collection of delinquent taxes in the township of Pompton, in the county of Passaic.

Township collectors to collect taxes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township collector shall have the same power to collect all delinquent taxes that any constable now has by the eighteenth section of the act entitled "An act concerning taxes," approved April fourteenth, eighteen hundred and forty-six.

Parts of former acts repealed.

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

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

Approved February 19, 1857.

CHAPTER XIII.

AN ACT to incorporate the Belleville Steamboat Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Stephens, Samuel H. Terry, Gasherie De Witt, junior, Arthur Ward, John Eastwood, William H. Brant, William H. Webster, John Kennedy, Hugh Holmes, William H. Tupper, Charles G. Snow, Henry K. Cadmus, John W. Dow, John Collered, John Duncan, Charles E. Ayer, and Nicholas Joralemon, who are now members or partners of an association called and known as the Belleville Steamboat Company, and all persons who may hereafter be holders of the stock hereinafter named, and their successors, are hereby declared and constituted a body politic and corporate in fact and in law, by the name of "the Belleville Steamboat Company." Names of corporators.

2. *And be it enacted*, That all the joint stock of the said association, all the securities, claims, demands, all the records, books, and papers, in any wise belonging to or against said corporation, shall be transferred to and be vested in the said corporation, as positively and completely, to all intents and purposes, as if the same had been acquired or contracted by said corporation after the passage of this act. Joint stock to be vested in corporation.

3. *And be it enacted*, That the capital stock of said corporation shall be six thousand dollars, which shall be divided nto shares of one hundred dollars each, and the amounts of money already paid into the said association shall be taken as a part of the said six thousand dollars; and it shall be lawful for the said corporation to call in by installments, as heretofore agreed upon as an association, until the whole amount of six thousand dollars shall have been paid into the said corporation; and the said corporation is hereby empowered to use said capital stock in the purchase and running of one or two steamboats between Belleville, in the county of Essex, and city of Newark, in the said county, or elsewhere, and in the renting, purchase, repairing, or building of suit- Amount of capital stock.

able landings, wharves, and storehouses; the said capital stock 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.

Capital stock may be increased.

4. *And be it enacted*, That the said company shall have power to increase their capital stock to any amount not exceeding ten thousand dollars; and that whenever the directors, by direction of a majority of the stockholders, shall deem it necessary and proper to increase the capital stock of said corporation, to any amount over the six thousand dollars, or up to the extent of the privilege granted in this act, it shall be done in such manner and under such rules and regulations, as may hereafter be determined by said association.

Stockholders may make by-laws.

5. *And be it enacted*, That a majority of the stockholders in said corporation shall have power to make, ordain, establish and carry into effect, such by-laws, rules, and regulations as may be necessary for the transaction of the business of the said corporation, and are not inconsistent with the provisions of this charter.

Election of directors.

6. *And be it enacted*, That the affairs, property, and concerns of said corporation shall be conducted by seven directors, a majority of whom shall constitute a quorum, who shall be residents of this state, and shall be chosen annually, by ballot, by the stockholders, either in person or by proxy, and shall act until others are chosen in their place; no person shall be a director who shall not be a stockholder in said company; and in the choice of directors, and in all other cases, each share shall be entitled to one vote; should a vacancy occur at any time in the board of directors, the vacancy shall be supplied by the remaining directors until the next annual meeting of the stockholders for the election of directors, which shall be held at Belleville, on the first Monday in March of each year; the directors shall have power to elect one from their number who shall act as president of the said company; and in case it should happen that an election for directors should not be held on the day when pursuant to this act it ought to have been held, the said corporation shall not for that cause be dissolved, but it

shall and may be lawful on any other day to hold such election.

7. *And be it enacted*, That the directors shall have power to elect or hire a captain, and all such officers and agents as shall be necessary to carry into effect and execute all the powers by this act granted to said corporation, and to allow such compensation as shall be agreed upon; and if they judge it necessary, to exact and take from their officers and agents bonds for the proper and faithful execution of their several duties and trusts, and for the faithful performance of their several contracts, and they shall also have power to fix, determine, and regulate the prices of transportation of passengers, goods, merchandise, and all articles and produce, of whatsoever description, which may be transported in the boat or boats of said corporation; the directors shall, at the annual meeting, render a complete statement to the stockholders of the affairs of said corporation, and from time to time declare dividends of so much of the profits of said corporation as they may deem advisable, and pay over the same to persons entitled thereto; the books of said corporation shall be open to the inspection of the stockholders at all times. Duties and powers of directors.

8. *And be it enacted*, That this act shall take effect immediately, and shall continue in operation twenty years, and the legislature may at any time alter, amend, or repeal the same. Limitation.

Approved February 19, 1857.

CHAPTER XIV.

A FURTHER SUPPLEMENT to the act entitled "An act to ascertain the time and places of holding certain courts."

Courts in Cape May.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That after the next ensuing April term of the respective courts in and for the county of Cape May, the regular terms of said courts shall be held at the times following, and not otherwise, that is to say: on the third Tuesday of September, the third Tuesday of December, and the third Tuesday of April, in each year.

Approved February 19, 1857.

CHAPTER XV.

A FURTHER SUPPLEMENT to the act entitled "An act to authorize the business of Banking," approved February twenty-seven, eighteen hundred and fifty.

Redemption of notes.

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 Union Bank, at Frenchtown, Hunterdon county, to redeem its notes either in the city of Trenton or Philadelphia, instead of redeeming them in Jersey City, Newark or New York.

Approved February 19, 1857.

CHAPTER XVI.

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

Boundaries of Holmdel 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 Raritan, in the county of Monmouth, contained within the following boundaries and lines, that is to say, beginning in the centre of the public road leading from Arrowsmith's mills to Tanner's landing, and in the line between the townships of Raritan and Middletown, at the northeast corner of lands of John P. Smith, and from thence running in a southwesterly direction in a straight line to the bridge near Murphy's tan yard in the public road leading from Middletown to Middletown Point, thence westerly along the middle of the said road to the intersection of said road with the road leading from Holmdel to Brown's Point, thence southerly along the middle of the last named road to the intersection of said road with the road leading from Beers' corner to Mount Pleasant, near the residence of Ann Van Brackle, and thence running in a straight line on a southerly course to the northeast corner of the township of Marlboro', near the dwelling-house of Samuel Beers, thence along the division line between the township of Raritan, and the townships of Marlboro' and Atlantic to the Middletown line, thence northerly along the division line between the townships of Raritan and Middletown to the place of beginning, shall be and the same is hereby set off from the township of Raritan and made a separate township, to be called and known by the name of the township of Holmdel.

Boundaries of the township of Matavan.

2. *And be it enacted*, That all that part of the township of Raritan, in the county of Monmouth, contained within the following boundaries and lines, that is to say, beginning in the division line between the townships of Marlboro' and

Raritan, at the northeast corner of said township of Marlboro', near the house of Samuel Beers, from thence running in a northerly direction in a straight line to the intersection of the road leading from Beers' corner to Mount Pleasant with the road leading from Brown's Point to Holmdel, thence northerly along the centre of the last named road to the intersection of said road with the road leading from Mechanicsville to the Middletown Point and Keyport plank road, thence in a northwesterly direction in a straight line to the mouth of Mohingson creek, where it empties into Matavan creek, and in the center of said Matavan creek, thence down the middle of said Matavan creek to the mouth of said Matavan creek, where it empties into Raritan bay, thence along the shore of said Raritan bay to the division line between the counties of Monmouth and Middlesex, thence in a southerly direction along the division line between said counties of Monmouth and Middlesex (being the division line between the township of Raritan and the said county of Middlesex,) to the line of the township of Marlboro', thence easterly along the division line between the townships of Marlboro' and Raritan to the place of beginning, shall be and the same is hereby set off from the township of Raritan, and made a separate township, to be called and known by the name of "the township of Matavan."

Townships incorporated.

3. *And be it enacted*, That the inhabitants of the township of Holmdel shall be and they 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 Holmdel, in the county of Monmouth;" that the inhabitants of the township of Matavan shall be and they 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 Matavan, in the county of Monmouth," and that the respective townships of Holmdel and Matavan shall be vested with and entitled to all the rights, powers, privileges, authority and advantages, and subject to the same regulations, government and liabilities as the inhabitants of the other townships in the said county of Monmouth are or may be entitled or subjected to by the existing laws of this state.

Annual town-meetings of townships.

4. *And be it enacted*, That the inhabitants of said township of Holmdel hereby created, shall hold their first annual town meeting at the inn of Mrs. Mary McGee, in the village of Holmdel, in the said township of Holmdel, and that the inhabitants of said township of Matavan hereby created, shall hold their first annual town meeting at the inn now kept by P. T. & J. J. Ten Eyck, in the village of Middletown Point in the said township of Matavan; the town meetings of said townships of Holmdel and Matavan, to be held respectively on the day appointed by law for holding the annual town meetings in the other townships in the county of Monmouth, and afterwards at such places in the said townships of Holmdel and Matavan respectively, as the inhabitants thereof shall determine in the manner prescribed by law.

Settlement of paupers.

5. *And be it enacted*, That all paupers who may be chargeable to the said township of Raritan, at the time when this act shall go into operation, shall thereafter be chargeable to and be supported by that one of the townships of Raritan, Holmdel and Matavan, 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 Raritan, and who shall thereafter become chargeable as paupers, shall be supported by that one of the said townships of Raritan, Holmdel, and Matavan, within the bounds of which they respectively resided at the time of acquiring their settlements.

Real and personal property to be held in common.

6. *And be it enacted*, That the real and personal property now belonging to the said township of Raritan shall hereafter belong to the respective townships of Raritan, Holmdel, and Matavan, 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.

Township committees to allot and divide property.

7. *And be it enacted*, That the township committees of Raritan, Holmdel, and Matavan, shall meet on the fourth Tuesday of March next, at ten o'clock in the forenoon, at the inn of William White, in the village of Keyport, in the township of Raritan, 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 assessor 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 Raritan shall have their residence in those parts of said township hereby set off as the townships of Holmdel and Matavan respectively; 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 townships of Holmdel and Matavan respectively, shall be liable to pay their just proportion of debts, if any there be, and to support and maintain the paupers so allotted to the said townships of Holmdel and Matavan respectively; 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 the decision of a majority of them, shall be final and conclusive.

Township committees of Holmdel and Matavan to release interest, &c.

8. *And be it enacted*, That the township committees of the respective townships of Holmdel and Matavan shall have power, and they are hereby authorized and empowered to sell and release to the said township of Raritan, all the right, share and interest of the respective townships of Holmdel and Matavan, in and to the property, both real and personal, now belonging to the said township of Raritan, 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.

Interest of townships in surplus revenue not to be affected.

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

Commissions of officers not to be affected.

10 *And be it enacted*, That nothing in this act shall be so construed as to interfere with the officers now elected in

those parts of the township of Raritan set off and called Holmdel and Matavan respectively, nor with the commissions of the justices of the peace, nor the commissioners to take the acknowledgment and proof of deeds, until they shall expire by their own limitation.

Assembly district.

11. *And be it enacted*, That the said townships of Holmdel and Matavan, respectively, shall be included in and constitute a part of the fourth assembly district in the county of Monmouth.

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

Approved February 23, 1857.

CHAPTER XVII.

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

Township 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 Chesterfield, in the county of Burlington, authorized by law to vote at town meetings, 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 now or may hereafter be fixed by law, that is: a township clerk, a judge of election, an assessor, a collector, one chosen freeholder, two surveyors of the highway, three commissioners of appeal, one or two overseers of the poor, as many overseers of the highways as there are road districts, a town committee, consisting of three persons, a superintendent of common schools, as many justices of the peace as

the township may be constitutionally entitled to elect, one or more constables, one or more pound-keepers; and shall also upon the same ballot, vote for the amount of money to be raised for the support of the poor, for school purposes, for the repairing of roads, and for the place of holding the next annual town meeting and the election of state and county officers.

Officers of election.

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

Mode of conducting election.

3. *And be it enacted*, That 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 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.

Vacancies, how supplied, &c.

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

meeting for that purpose advisable, determine upon such place, elect between those having an equal number of votes, and determine the amount or sum to be raised or specified.

Township clerk to be clerk of town committee.

5. *And be it enacted*, That 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 said county.

Report of overseers of the poor.

6. *And be it enacted*, That the overseers of the poor shall, at least one day before the town meeting, prepare and lay before the town committee their annual report, now required by law to be made to the town meeting, and the town committee shall prepare their annual report one day before the town meeting.

Compensation of election officers.

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

8. *And be it enacted*, That it is not intended that this law shall interfere with existing laws in regard to the election of justices of the peace.

Approved February 27, 1857.

CHAPTER XVIII.

AN ACT to incorporate the Newark Firemen's Insurance Company.

Style of incorporation

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become stockholders to the capital stock hereinafter mentioned, their successors and assigns, are hereby constituted and made a body politic and corporate, by the name of "Newark Firemen's Insurance Company;" and by that name shall be known in law, and have power to sue and be sued, and to defend and be defended, in all courts of law or equity, and by that name may have, purchase, possess, and enjoy, to them and their successors, lands, tenements, and hereditaments, goods, chattels, and effects of what nature and kind soever, necessary for the purpose of this corporation; and the same to grant, demise, alien, and dispose of at pleasure for the benefit of the said company; and may also have a common seal and alter and renew the same at their pleasure.

General powers.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of the said company shall be fifty thousand dollars, to be divided into shares of ten dollars each, with the privilege of increasing the same to two hundred thousand dollars at any time during the continuance of this charter; and the present owners of stock in the Newark Firemen's Insurance Company, formed in the city of Newark, under the provisions of an act of the legislature of this state, entitled "An act to provide for the incorporation of insurance companies," and the supplements thereto, shall have the right and be deemed and taken as the subscribers to the stock of the insurance company incorporated under this charter, to the same number of shares they may hold in the said insurance company at the date of the passage of this act; and that from that time all the property, real and personal, of the said company, shall vest in and be deemed and taken as belonging to the new company chartered by this act, their successors and assigns, and with the same remedies at law and in equity, in respect thereto, as if

the original company and subscription had been made under this act.

3. *And be it enacted*, That the capital stock may be increased at any time by the directors, to such amount as they may determine, not exceeding the amount provided for in the second section; and they shall open books of subscription for said increased stock, after giving twenty days' previous notice in two newspapers published in the city of Newark; and the persons who shall then own the stock of said company shall have the privilege, for five days, of subscribing for said increased stock, and after that time, if not subscribed for by said stockholders, it may be subscribed for by others; and the terms of said subscription shall be determined by the said directors, and notice given as above directed. Capital stock may be increased.

4. *And be it enacted*, That the stock, property, affairs, and concerns of said company shall be managed and conducted by thirty directors, nine of whom shall constitute a quorum to transact business, who may respectively hold their office for one year, and until others may be chosen; and shall at all times during their continuance in office, be stockholders in the said company in their own right, and be citizens of New Jersey; and the said directors shall hereafter be elected on the second Monday of January in each and every year, at such hour of the day, and at such place in the city of Newark, as the board of directors for the time being shall appoint, of which election public notice shall be given in two newspapers in Newark, at least ten days previous to such election; and every such election shall be by ballot, and by a plurality of the stockholders, in person or by proxy; and the first directors shall be Charles S. Macknet, Moses Bigelow, George H. Bruen, Thomas W. Dawson, Daniel J. Colton, Aaron Ward, junior, Jonathan V. Nichols, Augustus R. Ball, Charles Parsons, Ithamar W. Bonnell, Henry E. Richards, Charles P. Hall, David A. Hayes, Alexander Pool, Algernon S. Hubbell, John C. Thornton, John P. Jube, Thomas T. Woodruff, Ezra Reeve, John J. Ross, William Phillips, Stephen G. Sturges, Orson Wilson, David J. Camfield, Joseph O. Nichols, Erastus W. Roff, Washington A. Brintzing- Election of directors. First directors

hoffer, Daniel D. Benjamin, Edward R. Whitlock, and Stephen B. Sanders, who shall respectively hold their office until the second Monday of January, in the year of our Lord eighteen hundred and fifty-eight, and until other directors are chosen in their stead.

Officers of corporation.

5. *And be it enacted*, That the directors before mentioned shall, as soon as convenient after the passing of this act and the acceptance of this charter, as hereinafter provided, and the directors who are annually chosen, as herein provided, choose out of their body a president, who shall be an inhabitant of Newark, and shall preside until the next annual election thereafter; and any vacancy in the office of president or director may be filled by a majority of the directors, at a meeting to be called as the by-laws may provide; and in the absence of the president, the directors may appoint a president pro tempore, who shall exercise such powers and duties as the by-laws shall prescribe; and the board of directors shall have power to appoint a secretary, and such other officers as may be necessary to manage the business of the company, and to allow them, respectively, such compensation for their services, as in their judgment may be reasonable.

What property may be insured.

6. *And be it enacted*, That it shall and may be lawful for the said company to insure houses or buildings of any description, and also personal property of whatsoever kind, against loss or damage by fire, and shall be liable to make good all losses sustained by fire, agreeably to such terms and conditions as shall be contained in the policy of insurance.

Policies of insurance.

7. *And be it enacted*, That all policies or contracts founded thereon, which shall be made or entered into by the said company, may be made either under or without the seal thereof, and shall be subscribed by the president or president pro tempore, or by such other officer as may be designated for that purpose by the by-laws of said company, and attested by the secretary; and being so subscribed and attested, shall be binding and obligatory upon the said company, according to the tenor, intent, and meaning of this act, and of such policies or contracts; and all such policies and contracts may be made, subscribed, attested, and execu-

ted, and the business of the said company may be otherwise conducted and carried on without the presence of a board of directors, by committees or otherwise, and the same shall be binding and obligatory on the said company.

Mode of conducting election of directors.

8. *And be it enacted*, That the election of directors shall be conducted by three stockholders, not being directors, who shall be appointed by the directors for the time being.

Stock transferable.

9. *And be it enacted*, That the stock of said company may be assigned and transferred as their by-laws shall prescribe.

What property may be held.

10. *And be it enacted*, That it shall and may be lawful for said company to purchase and hold such and so much real estate, as shall be necessary for their convenient accommodation in the transaction of their business; and also to take and hold any real estate or securities mortgaged or pledged to the said company, or to secure the payment of any debt which may be contracted with the said company, and to recover the moneys so pledged or secured, either at law or equity; and also to purchase on sales made under judgments at law or decree in equity, or any other legal proceeding, or otherwise to receive and take any real estate in payment or towards satisfaction of any debt previously contracted and due to the said company, and to hold the same until they can conveniently sell or convert the same into money or other personal estate; and for the purpose of investing any part of their capital stock, funds, or moneys, may purchase and hold any public stocks created by the incorporated cities of this state or of the United States, or the states of Massachusetts, New York, Ohio, Kentucky, Virginia, or Pennsylvania, or in bonds secured by mortgages on unincumbered real estate within this state, worth double the amount of money invested or loaned.

Dividends may be made.

11. *And be it enacted*, That it shall be lawful for the directors of said company to make dividends of so much of the profits of the company as shall be deemed advisable, and the said dividends shall be paid to the stockholders, or to their legal representatives, but the dividends shall at no time exceed the amount of clear profits made by the company.

Former corporation merged in present.

12. *And be it enacted*, That the Newark Firemen's Insurance Company, incorporated under the act entitled "An

act to provide for the incorporation of insurance companies," and the supplements thereto, shall, on the passage of this act, and their acceptance, signed by the president and secretary, under the seal of the said company, and filed in the office of the secretary of state, be deemed and taken as merged in the corporation created by this act; and the new corporation shall be liable to all the responsibilities of the said company; and that all the policies issued and contracts made for insurance or otherwise, by the said company, shall be deemed to be as valid and binding upon the company created by this act, as if the same had been issued or made by the same.

Limitation.

13. *And be it enacted*, That this act shall take effect immediately on its passage, and shall be in force for the term of thirty years from the date thereof; and that it shall and may be lawful for the legislature of this state, at any time hereafter, to alter, modify, or repeal this act, whenever the public good requires; and the said company shall pay such tax upon their capital paid in, as is provided by the said act under which the said insurance company was incorporated, to the Newark Fire Department fund.

Approved February 27, 1857.

CHAPTER XIX.

AN ACT to transfer the charge and keeping of the jails, and custody of the prisoners, in the counties of Essex and Hudson, from the sheriffs to the boards of chosen freeholders, and for the employment of the prisoners, and to regulate their term of service therein.

Board of chosen freeholders to have charge of jails.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in the counties of Essex and

Hudson the custody, rule, keeping, and charge of the jails in said counties, and of the prisoners in such jails, shall not be in the respective sheriffs of said counties, but in each of said counties shall be in the boards of chosen freeholders of that county, and in such jailor as they shall appoint for that purpose; and said board of chosen freeholders and such jailor shall, in the receiving, custody, and discharge of prisoners, and in their treatment and maintenance, be subject to all laws and regulations to which sheriffs and their jailors are subject, except so far as the same may be changed by the provisions of this act.

Sheriffs, &c., to deliver prisoners to keeper of jail.

2. *And be it enacted*, That in all cases where any sheriff, under-sheriff, or coroner of either of said counties shall be by law authorized or required to confine or keep in jail any person arrested or in custody on any civil process, or in any civil suit or proceeding, by surrender in discharge of bail, or in any other way, such sheriff, under-sheriff, or coroner shall deliver said person so arrested or in custody, to the keeper of the jail of said county, within said jail, with a copy of the process, commitment, or surrender by virtue of which he was arrested or in custody, and after such delivery, such sheriff, under-sheriff, or coroner shall not be liable for any escape of such prisoner, but said board of freeholders, or their jailor, shall, for any escape after such delivery, be liable in the same manner as sheriffs of other counties by law are or may be; and such sheriff, under-sheriff, or coroner may require such jailor to give a receipt upon the process or commitment by which such prisoner may be arrested or held, for the body of said prisoner.

Jailor may discharge prisoner on certificate of sheriff.

3. *And be it enacted*, That the sheriff and coroners in each of said counties shall take from any person arrested on a capias ad respondendum and committed thereon to jail in manner aforesaid, at any time before the return of the writ, the like bail bond, with like condition and sureties as are by law required in other cases, and shall certify the same to the keeper of the jail, and direct such person to be discharged from said custody, and such certificate and order of the sheriff shall authorize such jailor to discharge said person from custody, in the suit wherein said bail bond was taken,

and the sheriff shall make such return to said writ, and be required to produce the body of such defendant at the return of the writ, and to assign the bail bond, if required, in the same manner as if the said defendant had not been committed to jail.

Freeholders to appoint jailor.

4. *And be it enacted*, That in each of said counties the board of freeholders shall appoint some proper person to be the jailor or keeper of the jail of said county, who shall hold his office for the term of five years and until another be appointed in his stead; but such jailor may at any time be removed from office by a vote of two-thirds of all the chosen freeholders of said county for the time being, and no jailor shall be elected except by a vote of a majority of all the members of the board; said jailor, before he enters upon the duties of his office, shall give bond to said board of chosen freeholders, in such sum and with such sureties as said board shall prescribe, conditioned for the full and faithful performance of the duties of his office.

Jailor to give bond.

Jailor to be master of workhouse.

5. *And be it enacted*, That in each of said counties the jailor shall be the master of the workhouse therein; and the workhouse therein, or so much of it as shall be so declared by the board of freeholders, shall be part of the common jail of said county, and that said jailor shall keep at such work as they are able to perform in said workhouse during their continuance in his custody, all persons sentenced for crime or misdemeanor, or upon indictment, to hard labor or imprisonment for any term less than six months, or to be imprisoned until their fine or costs be paid, all persons detained or committed for crime, who may neglect or are unable to pay for their board while in jail, all persons convicted of petit larceny by two justices of the peace, all persons convicted and committed under or by virtue of "an act to describe, apprehend, and punish disorderly persons," all persons convicted and committed by virtue of the provisions of "an act for suppressing vice and immorality," and all persons convicted and sentenced to jail or imprisonment for the violation of any municipal ordinance, and all other persons who are or may be by law directed to be employed

at such work in the workhouse in the several counties of this state.

Board of chosen freeholders to prescribe rules for the management of work house

6. *And be it enacted*, That the board of chosen freeholders of each of said counties shall prescribe rules and regulations for the management and conduct of the same, and the employment, maintenance, and keeping of the prisoners therein, and may contract with any person or persons for the labor of the prisoners, or any part of them, and may authorize and require the jailor or master of the same to enforce such rules and regulations, and to punish any breach of the same by the prisoners, and any refusal to work, or insubordination, by solitary confinement, change or dimunition of food and diet, or such other reasonable punishments as they may prescribe.

Courts may sentence persons to be confined in jail.

7. *And be it enacted*, That it shall be lawful for the courts of oyer and terminer and of the general quarter sessions of the peace in each of said counties, in all cases where persons under the age of twenty-one years shall be convicted in either of said courts, of any offence punishable by imprisonment in the state prison, if in the discretion of said court it shall be advisable so to do, to adjudge that such person so convicted be confined at hard labor in the jail of said county for any length of term of years for which such person might for such offence have been sentenced to the state prison.

Courts of other counties may sentence offenders to jail of either county.

8. *And be it enacted*, That it shall be lawful for the courts of oyer and terminer and of the general quarter sessions of the peace in either of the other counties of this state, to sentence any person under the age of twenty-one years who may be convicted in either of such courts of any offence punishable by imprisonment in the state prison, to the county jail of either of said counties of Essex and Hudson, for the same term and to the like punishment to which such person might have been sentenced by the said courts of the counties of Essex and Hudson; *provided*, the same be done by the consent of the board of chosen freeholders of the county to which such person might be sent, and according to such terms as shall by them be prescribed.

Proviso.

9. *And be it enacted*, That the board of chosen freeholders of the several counties in this state are hereby authorized

Board of freeholders may adopt provisions of act by vote of majority.

to adopt all the provisions of this act, and fully to carry out the same, to all intents and purposes, in their respective counties, whenever a majority of such board of chosen freeholders shall, at a regular meeting thereof, vote so to do, and file a certificate thereof in the office of the secretary of state.

10. *And be it enacted*, That this act shall be taken and deemed in all courts of this state, to be a public act, and shall take effect immediately.

Approved February 27, 1857.

CHAPTER XX.

AN ACT to incorporate the Newark Hospital.

Preamble.

WHEREAS the persons hereinafter named, and others, have associated themselves together for the purpose of erecting a general hospital in the city of Newark, fitting it with all proper conveniences and appurtenances, and furnishing necessary attendance for the sick and disabled; and the said persons being desirous of an act of incorporation, which will enable them more effectually to carry out the benevolent and charitable aims they have in view—therefore,

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Caleb H. Shipman, William Rankin, Jonathan F. Stearns, Samuel H. Pennington, Abram Coles, William A. Whitehead, Lyndon A. Smith, Cortlandt Parker, David A. Hayes, Joseph P. Bradley, Thomas T. Kinney, Henry G. Darcy, William T. Mercer, Peter S. Duryee, Jacob D. Vermilye, William Shugard, William Rankin, junior, James Douglass Orton, Joseph N. Tuttle, G. W. De Bruyn Kops, William E. Layton, John Chadwick, John Mor-

rison, and Frederick W. Ricord, and all such other person and persons as are or may be hereafter associated with them by virtue of this act, or under any legal by-law or resolution of the corporation hereby created, and their successors, shall be and are hereby incorporated, by the name and title of "the Newark Hospital;" and by that name and title shall have perpetual succession, be capable in law of suing and being sued, of answering and being answered unto, in all courts and elsewhere, in all manner of actions, suits, complaints, and demands whatsoever, and shall be forever hereafter capable of holding, receiving, by donation or otherwise, purchasing, leasing, and conveying real and personal estate, of whatever character; *provided always*, that the clear yearly income of such real and personal estate, over and above the annual expenditures of the corporation, do not in any one year exceed the sum of ten thousand dollars.

General powers.

Proviso.

2. *And be it enacted*, That for the proper and efficient management of said corporation, there shall be a board of directors, to consist of twenty-seven persons, of which board the governor of New Jersey, the mayor and president of the common council of the city of Newark for the time being, shall, ex-officio, forever make three; that for the other twenty-four an election shall be held by ballot, in the city of Newark, on the third Tuesday of April next, at which election the persons hereinbefore particularly named as corporators, and such others as may be associated with them, shall be entitled to vote, and at all subsequent elections for directors of the corporation, only such persons who may have severally contributed to its funds to the amount of fifty dollars, and such other persons as may at any time under any by-law or resolution of said corporation, be elected to membership, shall be allowed to vote and be considered members of the corporation; and those twenty-four persons, being members of the corporation, who shall receive the greatest number of votes, to be declared directors thereof.

Election of directors.

3. *And be it enacted*, That within ten days after said election, the twenty-four persons that may be thereat elected directors of said corporation, shall meet, and by lot, or

Directors to be divided into classes.

otherwise, divide themselves into four classes, of six members each, each class to serve respectively one, two, three, or four years; *provided nevertheless*, that nothing herein contained shall prevent the re-election of any member or members of said classes whose term or terms may so expire.

Proviso.

Corporation not dissolved for failure to elect on day prescribed.

4. *And be it enacted*, That on the third Tuesday of April in each and every year, or on such other day as the by-laws of the corporation may prescribe, an election shall be held, by ballot, for six persons to serve as directors, in place of the class whose term of service shall expire that year; which persons so elected shall hold their offices for four years; and in case an election shall not be made on the day appointed by this act, or by said by-laws, the corporation shall not for that cause be deemed dissolved, or be rendered inoperative, but it shall and may be lawful to hold such election on some day to be appointed by the board of directors, not more than two weeks after the time herein appointed; and the directors at any time in office shall hold their offices until others are elected; and in case of the death, resignation, or removal of any director or directors, the vacancy or vacancies occasioned thereby may be filled by a vote of a majority of the board of directors, until the next annual election, at which time some person or persons shall be elected, by ballot, to serve during the unexpired term of the director or directors so dying, resigning, or removing; three inspectors of each election shall be appointed by the board of directors, from the members of the corporation who are not directors.

Vacancies.

Officers of corporation.

5. *And be it enacted*, That the board of directors shall, annually, choose from among the elected members of the board, at such time and in such manner as the by-laws of the corporation may prescribe, a president and vice president, and either from among themselves, or from the members generally, a treasurer and secretary, and shall have authority, by the votes of a majority of their members present, at any properly constituted meeting called for that purpose, to make choice of and appoint all such physicians and surgeons, superintendents and matrons as may be required for the purposes and ends of the corporation, and the same may

change or remove in like manner, and shall have authority generally to employ all such assistants and servants as may be necessary, and them to discharge at pleasure.

Seven directors to be a quorum.

6. *And be it enacted*, That seven of the directors of the said corporation shall constitute a quorum for the transaction of all business relating to the said corporation, saving and excepting the giving, granting, selling, or otherwise disposing of any of the estate, real or personal, of the said corporation, for any longer term or time than one year, which shall only be done by and with the concurrence and approval of a majority of the whole number of the said directors for the time being, and saving and excepting also such business as any by-law of the said corporation shall require more than seven to perform.

Duties and powers of directors.

7. *And be it enacted*, That the said directors, at any properly constituted meeting, shall have full power and authority to establish and ordain, from time to time, such by-laws, ordinances, and regulations as they may deem necessary for the full and efficient government of the said corporation, prescribing the times and places for holding the elections authorized by this act, providing for the meetings of the directors and members, prescribing the duties of any and all of the physicians, surgeons, or other of the officers and servants, which shall be binding upon them, and establishing all necessary rules, regulations, and restrictions respecting the admission and treatment of all sick and disabled persons that may be taken charge of by said corporation, such by-laws, ordinances, and regulations being subject to alteration or revocation in such manner as said directors may prescribe; *provided*, that no regulation of said directors shall allow of any preference being shown in the admission of patients, or in granting relief to the sick or distressed, on account of difference in religious faith, or on account of the birth place or parentage of the parties; *and provided further*, that nothing in said by-laws shall be contrary to the constitution and laws of the state of New Jersey, or the act of incorporation and ordinances of the city of Newark.

Proviso.

Proviso.

Corporation not liable to taxation.

8. *And be it enacted*, That no state, county, city, township or other public taxes, assessments, or charges whatsoever

shall at any time be levied or imposed upon the said corporation, or upon any real or personal estate which may become vested therein; and that this act shall be deemed a public act, and be adjudged and construed in all cases most favorably, and for the best benefits and advantages of the said corporation, and the benevolent and charitable purposes it is intended to subserve.

Public act.

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

Approved February 27, 1857.

CHAPTER XXI.

AN ACT to authorize the inhabitants of the township of Bethlehem, in the county of Hunterdon, to vote by ballot at their town meetings.

Township 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 Bethlehem, in the county of Hunterdon, 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, one chosen freeholder, two surveyors of the highway, three commissioners of appeal, two overseers of the poor, one pound-keeper, a township committee consisting of five persons, a town superintendent of public schools, as many justices of the peace as the inhabitants of said township may be constitutionally entitled to elect, and one constable; and shall also, upon the same ballot, vote for the amount of money to be raised for the support of the poor, for school purposes, for the repair of roads, the amount of dog tax, and all other money neces-

sary for township purposes, and for the places of holding the next annual town meeting, and the election of state and county officers.

Election of overseers of the highways.

2. *And be it enacted*, That the overseers of the highways of the several road districts in the township of Bethlehem, in the county of Hunterdon, shall be elected by the legal voters of the several road districts, as they may be arranged from time to time by the township committee; and for the purpose of carrying this provision into effect, it shall be the duty of the township committee to give public notice, as shall be hereafter directed in the third section of this act, which shall be within six days after the next annual town meeting, and of the place, which shall be some convenient place in the district, when and where the legal voters in the township, residing in such district, shall assemble for the purpose of such election, and at which time and place such legal voters assembled, having been called to order by any legal voter of the district, shall proceed, viva voce, by the 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; the moderator of each district meeting shall, at their first meeting after such election, notify the township committee, in writing, of the election of such overseer; in case of the failure of any district to elect an overseer, or of the person so elected to accept of the appointment, the township committee shall fill such vacancy; the overseers of the highways shall account to and settle with the township committee, as required to do by law.

Notice to be given of first district road meetings.

3. *And be it enacted*, That it shall be the duty of the township committee, as is required by the second section of this act, to give notice of the time and place of holding the first district road meetings under this act, and shall cause notice thereof to be posted up in some conspicuous place in such district, at least five days before the time of holding such meeting.

Notice of subsequent district road meetings.

4. *And be it enacted*, That all subsequent district road meetings shall be held by the overseers of the respective districts, upon notice posted up in some conspicuous place in

such road district, at least ten days from the time of holding such meetings; and all subsequent district road meetings shall be held on the Saturday preceding the annual town meetings; and should the overseer of any district fail to call such meetings, or the individual elected refuse to accept said appointments, or in case of a vacancy arising from any other cause, the township committee shall fill such vacancy.

Election officers.

5. *And be it enacted*, That 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 the clerk thereof.

Mode of conducting elections.

6. *And be it enacted*, That the election shall open at ten o'clock in the morning, and close at four o'clock in the afternoon of said day, and be conducted in the 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 on the judge of the 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 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.

Vacancies, how supplied.

7. *And be it enacted*, That a plurality of votes shall be sufficient to elect any officer, or to fix the place of holding the town meetings or the state and county election, and to determine an amount of money to be raised or specified; and in case there shall be a neglect or a failure to elect any officer by the town meeting, or to fix the place of holding the next town meeting or state and county elections, or in case of the refusal of any person elected to accept of the appointment, or if a vacancy occurs from any other cause, or in case two or more have an equal number of votes for the same office, 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 these purposes advisable.

Clerk of township to be clerk of township committee.

8. *And be it enacted*, That the clerk of the township shall be the clerk of the township 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 said township, and when the township 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.

Reports of township committee and overseers of the poor.

9. *And be it enacted*, That the reports of the township committee, the overseers of the poor and town superintendent of public schools shall be filed and preserved by the township committee; in posting up the list of officers elected, as required by law, the clerk shall add thereto the result of the election in other particulars; the first election under this act shall be held at the place appointed at the last town meeting; 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 judges of election and clerk shall receive the same compensation for attending any town meeting, as for attending a state or county election, and the township committee may allow the clerk such compensation for the additional duties required by this act, as they may deem reasonable.

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

Approved February 27, 1857.

CHAPTER XXII.

AN ACT to incorporate the American Iron and Manufacturing Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Halsted, Alfred S. Livingston, Edmund Morris, Josiah N. Bird, Humphrey C. Perley, A. Thomas Smith, and their associates and successors, are hereby created a body politic and corporate in law, by the name and style of "The American Iron and Manufacturing Company," to be located in the city of Trenton, for the purpose of carrying on the business of making castings and machinery, and working in wood, iron, metals and minerals, and erecting and constructing factories, buildings, basins and such other improvements on their lands as may be useful or necessary for the purposes aforesaid; and for such purpose the said company shall or may raise by subscription, a capital stock of one hundred and fifty thousand dollars, to be divided into shares of fifty dollars each.

What property company may hold.

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

Amount of capital stock.

3. *And be it enacted*, That it shall be lawful for the aforesaid corporators, or their successors, to receive subscriptions to the capital stock, by opening books, or otherwise; and as soon as seventy-five thousand dollars shall have been subscribed, and twenty-five per cent. of that amount paid in in cash, and an affidavit being made by one or more of the corporators, before any alderman or justice of the peace, or judge of the court, and a copy thereof filed in the office of the secretary of state, it shall be lawful for said corporators to organize said corporation, and forthwith commence and carry on its business, as contemplated under the provisions of this act.

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

5. *And be it enacted*, That the stock, property and affairs of the said corporation shall be managed by not less than seven directors, a majority of whom shall be residents of this state, one of whom shall be appointed president; said directors shall have power to appoint such other officers, agents and employees as the by-laws may from time to time designate; said directors shall always be stockholders in said company, and shall hold office until the next annual meeting or election, and until others shall have been duly elected in their places; annual meetings shall be held on the first Monday in February of each year, at such places and hour as the by-laws may direct; a majority of the existing number of directors shall constitute a quorum; and when assembled at such place as the by-laws may designate, shall constitute a board competent to transact business; and all questions before said board, shall be decided by a majority of votes present; in case any vacancy may occur by death, resignation or otherwise, the remaining directors shall have the power to fill such vacancy by the appointment of any stockholder. Duties and powers of directors.

6. *And be it enacted*, That the said directors shall submit to the stockholders, at their annual meeting, a written statement of the affairs of said corporation, setting forth the amount of capital stock paid in, the amount of property held, and the amount of money due unto or by the said corporation, as nearly as the same may be ascertained, and when desired by one or more of the stockholders, shall be accompanied by an oath or affirmation of an officer or one of the Annual statement to be made.

board of directors, stating the same to be correct, to the best of their knowledge and belief.

Dividends.

7. *And be it enacted*, That dividends of so much of the profits as the directors may deem advisable, may be declared at the annual meeting, or on the first day of January and July of each year, and paid to the stockholders, or their attorneys, at such time as may be agreed by the directors; *provided however*, that no part of the capital stock as paid in, shall be declared in dividends until all debts due by the corporation shall have been first paid.

Proviso.

Corporation not dissolved for failure to elect on day prescribed.

8. *And be it enacted*, That in case it shall so happen that an election for directors shall not be made on such day as designated by the act of incorporation or the by-laws, said corporation shall not be deemed dissolved thereby, but the stockholders may proceed and order and hold an election on any other day, by giving ten days' previous notice of such time and place.

Property taken in payment for stock

9. *And be it enacted*, That any wood, timber, land, property or other materials, used by said corporation, which may be received in payment of subscription for stock, shall be taken at a valuation approved by a majority of the board of directors, or a majority of the stockholders designated for that purpose.

Company may construct branch railroad.

10. *And be it enacted*, That it shall be lawful for the said company, by and with the consent of the proprietor or proprietors of the land over which the same may pass, and of the Belvidere Delaware Railroad Company, to construct a branch railroad, from some point on the said Belvidere Delaware Railroad, between the Canal Feeder and Willow street, in the city of Trenton, to the basin of the said company, and to their manufactories in the neighborhood thereof.

Restrictions and liabilities.

11. *And be it enacted*, That the corporation hereby authorized or created, shall possess such general powers usually possessed by corporations for their general government, and the management of their affairs, and be subject to the restrictions and liabilities set forth in "An act concerning corporations," approved upon the fourteenth day of February, eighteen hundred and forty-six, so far as the same is applicable.

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

Approved February 27, 1857.

CHAPTER XXIII.

A SUPPLEMENT to the act entitled "An act to incorporate the city of Cape Island," approved February twenty-eighth, eighteen hundred and fifty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases of simple assault and battery committed within said city, the mayor, recorder and aldermen of said city, or any three of them, are hereby invested with all the powers to proceed in, hear and determine the same, which by the thirty-fourth and thirty-fifth sections of the act entitled "An act for the punishment of crimes," are conferred upon two justices of the peace of the proper county, in cases of larceny under the value of twenty dollars; and if on trial such person shall, from the evidence produced, appear to be guilty, the said mayor, recorder and alderman, or either of them, shall sentence him or her to fine or imprisonment, or both, the fine in no case to exceed two hundred dollars, or the imprisonment thirty days. Powers of mayor, recorder and aldermen in cases of assault and battery.

2. *And be it enacted*, That it shall be lawful for the city council, or a majority of them, in city council assembled, to pass such ordinances as they may think proper to carry out fully the preceding section of this supplement, and to confirm the powers and proceedings thereunder as near as may be to the powers and proceedings detailed in the said thirty- City Council to pass ordinance to carry out provisions of act.

fourth and thirty-fifth sections of the act entitled "An act for the punishment of crimes."

Approved February 27, 1857.

CHAPTER XXIV.

A SUPPLEMENT to an act entitled "An act to incorporate the Port Monmouth and Middletown Plank Road Company," approved March the third, eighteen hundred and fifty-four.

Company may construct turnpike road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Port Monmouth and Middletown Plank Road Company shall have power, and it shall be lawful for them to convert the whole or any part of their road into a turnpike road, or to construct a turnpike road out of any part of said road not completed as a plank road, and at least sixteen feet thereof in width shall be sufficiently constructed of stone, gravel, shells, or other material, and so maintained as to make a solid, firm and even road at all seasons of the year.

Rates of toll.

2. *And be it enacted*, That it shall be lawful for the said company to demand and receive toll for traveling said turnpike road at the same rates mentioned and allowed in the act to which this is a supplement.

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

Approved February 27, 1857.

CHAPTER XXV.

A FURTHER SUPPLEMENT to the act entitled "An act establishing a militia system."

Arms may be furnished to military academies.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful, on application of the principal of any military academy or school in this state to the commander-in-chief for that purpose, to furnish such academy or school with any arms and equipments, the property of this state, when, in his opinion, they can be spared without manifest injury to the service of this state or of the United States, the said principal giving bond, with sufficient security, for the keeping the same in good order and repair, and returning the same when required, or an equivalent.

Approved February 27, 1857.

CHAPTER XXVI.

A FURTHER SUPPLEMENT to an act entitled "An act to incorporate the town of Belvidere, passed the nineteenth day of March, eighteen hundred and forty-five."

Provisions of act relating to public schools extended to Belvidere.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of an act entitled "An act to establish public schools," approved on the seventeenth day of April, eighteen hundred and forty-six, and the several supplements thereto, heretofore passed, or which may hereafter be passed, be and they are hereby made applicable to the said town of Belvidere, and that the inhabitants of the said town be authorized and empowered to create school districts and purchase and hold lands and build

school houses thereon, within the limits of said town, and to elect a superintendent and trustees of schools, and to raise money for the support of schools, and erection of school houses, and to exercise all other powers in the establishment, regulation, and support of schools within said town, in the same manner and as fully as the several townships in this state are now or hereafter may be authorized to do by law.

Parts of former acts repealed.

2. *And be it enacted*, That so much of the seventh section of the said act entitled "An act to incorporate the town of Belvidere," as directs that the common council of the said town and its members, collectively and individually, shall possess the powers and perform the duties of the school committees of the townships, and so much of the nineteenth section of the said last named act as directs that the school fund received by said town shall be paid over to the treasurer of the town, or such other person as the common council may appoint, and applied under the direction of the common council, and all other parts of the said last named act which regulates the establishment, control, or support of schools in said town, in any way different from the general laws of this state, be and they are hereby repealed; *provided*, that nothing in this act shall alter or repeal the proviso contained in the eighteenth section of said act entitled "An act to incorporate the town of Belvidere," which provides for the manner in which sums voted, granted, and raised for schools and purposes of education shall be assessed, but that all moneys voted and raised for the support of schools and erecting of school houses, shall be assessed in the manner set out in the said proviso.

Proviso.

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

Approved February 27, 1857.

CHAPTER XXVII.

A FURTHER SUPPLEMENT to the act entitled "An act to incorporate the Trenton Iron Company," approved February sixteenth, eighteen hundred and forty-seven.

Company may issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the directors of the Trenton Iron Company are hereby authorized and empowered, from time to time, as occasion may require, to make and issue the bonds of the said company, bearing interest at the rate of seven per cent. per annum, and to secure the said bonds by a mortgage on the property and franchises of the said company; *provided always*, that the bonds outstanding shall at no time exceed in amount one-half of the authorized capital of the said company actually paid.

Proviso.

Company may have office in New York.

2. *And be it enacted*, That the said company may, in addition to their office in the city of Trenton, have and maintain an office in the city of New York, for the transaction of business, the transfer of stock, and the meetings of the directors and stockholders of the said company; and that the annual meeting of the said company shall hereafter be held on the fourth Wednesday of August, in lieu of the first Monday of August.

Approved February 27, 1857.

New Jersey State Library

CHAPTER XXVIII.

A SUPPLEMENT to an act entitled "An act to authorize the New York and Erie Railroad Company to purchase and hold lands and to complete and finish the railroad of the Paterson and Hudson River Railroad Company," approved February twenty-first, one thousand eight hundred and fifty-six.

Company authorized to purchase land.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the New York and Erie Railroad Company are hereby authorized to purchase and hold in their own name, such and so much land and real estate, at or near any station or depot that they may have or use in the city of Paterson, in the county of Passaic, as may be necessary for the convenient transaction of their business, for storing and working upon their engines, cars, fuel, and materials to be used upon their roads, for receiving, delivering and keeping property transported or to be transported on their road, to the best advantage, for side tracks, platforms, and station houses, and for all other purposes strictly connected with and appertaining to their business of transporting passengers and freight.

Company authorized to finish Paterson and Ramapo Railroad.

2. *And be it enacted*, That it shall be lawful for the said company to acquire or purchase, and hold in their own name, so much land as may be required to widen the railroad of the Paterson and Ramapo Railroad Company sufficiently for double or additional tracks to be laid thereon, and for the use of any stone, gravel, sand, clay, or other materials along or near the said railroad, which may be required for the making, maintaining, or repairing of said railroads; and in all cases provided for in the eighth section of the act entitled "An act to incorporate the Paterson and Ramapo Railroad Company," are authorized to proceed to acquire the title to the said land or the right to the use of said materials, by proceeding in their own name, in the manner provided in said act, and upon paying the inquisition assessed, with the costs, or bringing the same into court, as

in said act provided, shall be seized of or entitled to the said lands or materials in such inquisition described, in the same manner as the Paterson and Ramapo Railroad Company would have been; *provided*, that in this proceeding to acquire lands or materials, this section shall confer the same power upon the New York and Erie Railroad Company as was vested by the said act in the Paterson and Ramapo Railroad Company, and no greater power. Proviso.

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

Approved February 27, 1857.

CHAPTER XXIX.

AN ACT to authorize the inhabitants of the township of Middletown, county of Monmouth, to vote by ballot at 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 Middletown, in the county of Monmouth, authorized by law to vote at town meetings, 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 now or may hereafter be fixed by law, that is: a township clerk, a judge of election, an assessor, a collector, one chosen freeholder, two surveyors of the highway, three commissioners of appeal, one overseer of the poor, as many overseers of the highway as there are road districts, a town committee consisting of three persons, a superintendent of common schools, as many justices of the peace as the township may be constitutionally entitled to elect, one constable, one Township officers to be elected by ballot.

pound-keeper; and shall also, upon the same ballot, vote for the amount of money to be raised for the support of the poor, for school purposes, for the repairing of roads, and for the place of holding the next annual town meeting and the election of state and county officers.

Officers of election.

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

Mode of conducting election.

3. *And be it enacted*, That the elections shall open at nine o'clock in the morning, and close at five o'clock in the afternoon of the same day, except when justices of the peace are elected, when the polls shall open and close at the same hours as at state elections, and be conducted in the same manner, and be subject to the same rules as elections for state and county officers are or shall be; and the same duties shall devolve upon the judge of election and the clerk, as are to be performed by the board of election and the clerk in other elections; they shall take the same oath or affirmation, as far as applicable, be invested with the same powers, and be liable to the same penalties; the same qualifications for voters shall be required, and the result ascertained in the same manner, and stated according to law.

Town committee to fill vacancies, &c.

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

that purpose advisable, determine upon such place, elect between those having an equal number of votes, and determine the amount or sum to be raised or specified.

Township clerk to be clerk of town committee.

5. *And be it enacted*, That 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 said county.

Overseer of the poor to make report.

6. *And be it enacted*, That the overseer of the poor shall, at least ten days before the town meeting, prepare and lay before the town committee his annual report, now required by law to be made to the town meeting; and the town committee shall prepare their annual report, and at least five days before the town meeting shall have copies thereof, and of the reports of the overseer of the poor, posted up in three of the most public places in the township.

Compensation of officers, &c.

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

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

Approved February 27, 1857.

CHAPTER XXX.

AN ACT to incorporate the Atlantic and Cumberland Railroad Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph Walker, James Baker, Nathaniel Stratton, Peter G. Ludlam, John Hood, Franklin Fithian, Franklin F. Patterson, and such other persons as may 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 Atlantic and Cumberland Railroad Company," and shall be capable of purchasing, holding and conveying 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 four hundred thousand dollars, with liberty to increase the same to eight hundred thousand dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal property and transferable in such manner as the said corporation shall by their laws direct.

Commissioners to open books of subscription.

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 at such place or places as they, or a majority of them, may think proper, giving at least twenty days' notice of the same in two of the newspapers published in this state; and that at the time of subscribing, five per centum shall be paid for each share subscribed for, to the commissioners, or some one of them, and as soon as one hundred thousand dollars of the capital stock shall be subscribed, such commissioners shall give like notice for a meeting of the stockholders, to choose thirteen directors, a majority of whom shall be residents of this state; and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in per-

son or by proxy, each share of the capital stock entitling the holder thereof to one vote; and the said above-named persons, or any three of them, shall be inspectors of the first election of directors of the said incorporation, and shall certify, under their hands, the names of those persons duly elected, and shall deliver over the subscription books and moneys paid in, deducting all expenses previously incurred, to the said directors; and the time and place of holding the first meeting of said directors shall be fixed by the said persons named in the first section of this act, or a majority of them, and the directors chosen at such meeting, or at the annual 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 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 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.

Duties and powers of directors.

5. *And be it enacted*, That seven 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 installments, and at such times, as they may direct; and in case of the non-payment of said installments, or any one of them, after thirty days' notice of such installment, 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 regula-

tion 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, in or near the town of Mays Landing, in the county of Atlantic, and terminating at some point at or near the mouth of Cohansey creek, in the county of Cumberland, where the directors may deem most eligible, not exceeding one hundred feet in width, with as many sets of tracks and rails as they may deem necessary; and it shall and may be lawful for the said president and directors, their agents, engineers, superintendents, or others in their employ, to enter, at all times, upon all lands and waters, for the purpose of exploring, surveying, levelling, or laying out the route or routes of such railroad, and of locating the same, and to do and erect all necessary works, buildings, and appendages thereof, doing no unnecessary injury to private or other property; and when the route or routes of such road shall have been determined upon, and a survey of such route or routes deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy, and excavate any such lands, and to erect embankments, bridges, ferries, and all other works necessary to lay rails, and to do all other things which shall be suitable or necessary for the completion or repair of the said road or roads, subject to such compensation as is hereinafter provided;

Proviso.

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 and located, be made by the company, either to the owner or into court, as hereinafter provided for, before they or any person under their direction or in their employ shall enter upon or break ground in the premises, excepting for the purpose of surveying and

laying out said railroad, unless the consent of the owner or owners of such lands shall be first had in writing.

Proceedings in case company and owners cannot agree.

7. *And be it enacted*, That when the said company, or its agents, cannot agree with the owner or owners of such required lands or materials for the use or purchase thereof, or when by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of the said company in the construction of said road shall be given in writing, under the oath or affirmation of some engineer or proper agent of the 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 hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, commissioners to examine and appraise the said land or materials, and to assess the damages, upon such notice to be given to the persons interested, as shall be directed by the justice making such appointment, to be expressed therein, not less than six days; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and to make a true report according to the best of their skill and understanding, to meet at the time and place appointed, and proceed to view and examine the said land or materials and to make a just and equitable estimate or appraisement of the value of the same, and assessment of damages, as shall be paid by the 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 affirmation aforesaid, in the clerk's office of the county in which the land or materials are situate, to remain of record therein; which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of the said company to have, hold, use, occupy, possess, and enjoy the said land or materials, or of the said owner or owners to recover the amount of said valuation, with interests and costs, in an action of debt, in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall, from time to time, constitute a lien upon the property of the company, in the nature of a mortgage; and the said justice of the supreme court shall, 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.

Parties dissatisfied may appeal.

8. *And be it enacted*, That in case the said company, or the owner or owners of the said land or materials, shall be dissatisfied with the report of the commissioners named in the preceding section, and shall apply to the justices of the supreme court, at the next term after the filing of the said report, the court shall have the power, upon good cause shown, to set the same aside, and thereupon to direct a proper issue for the trial of the said controversy to be formed between the said parties, and to order a jury to be struck, and a view of the premises or materials to be had, and the said issue to be tried at the next circuit court to be holden in the said county, upon the like notice, and in the same manner, as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land or materials and damages sustained, and if

they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the said owner or owners, and shall find the same or a less sum than the company shall have offered or the said commissioners awarded, then the said costs to be paid by the said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the court shall direct; *provided*, that such application shall not prevent the company from taking the said land or materials upon the filing of the aforesaid report. Proviso.

9. *And be it enacted*, That 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 their railroad, all machines, engines, wagons, carriages, and vehicles for the transportation of persons or any species of property thereon, that they may think reasonable, expedient and right. Company may purchase engines, &c.

10. *And be it enacted*, That said company shall not charge more than at the rate of six cents per ton per mile, for the transportation of property on the said road which is usually weighed by the ton, or four cents per mile for carrying each passenger on said railway. Rates for carriage and transportation

11. *And be it enacted*, That the president and directors of the said company shall declare and make such dividends as they may deem prudent and proper, from time to time, of the net profits of said railroad. Dividends.

12. *And be it enacted*, That if any person shall wilfully impair, injure, destroy, or obstruct the use of the railroad constructed under the provisions of this act, or any of their necessary works, bridges, carriages, or machines, such person or persons so offending shall forfeit and pay to the said company any sum not exceeding two hundred dollars, at the discretion of a court or jury, to be by them recovered in action of debt, with costs of suit, in (any) court having competent jurisdiction, and also shall be liable to pay to said company the amount of damages sustained thereby, with costs of suit, to be sued for in an action of trespass. Penalty for injuring works.

What property may be held.

13. *And be it enacted*, That the said company may have and hold real estate at the commencement and termination of said road, not exceeding ten acres at each place, and may erect and build thereon houses, warehouses, stables, machine shops, and such other buildings and improvements as they may deem expedient for the safety of property and construction of carriages and other necessary uses, and take and receive the rents, profits, and emoluments thereof, and shall have the privilege and authority to erect, build and maintain on or over such streams as the road may cross, such piers, bridges, and other facilities as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act, subject to the aforesaid restrictions.

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 the said company shall file, under oath or affirmation, a statement of the amount of the cost of the said road, including all expenses and the amount of all purchases made by virtue of this act, in the office of the secretary of this state; and annually thereafter, the president and treasurer of the said company shall, under oath or affirmation, make a statement to the legislature of this state of the proceeds of said road, until the net income of said road shall amount to six per centum upon the amount of its costs; and as soon as the net proceeds of said railroad shall amount to six per centum upon its costs, the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the cost of said road, to be paid annually thereafter on the first Monday of January of each year; *provided*, that no other tax or impost shall be levied or assessed upon the said company.

Proviso.

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 payment thereof by bond and mortgage, or otherwise, on the said roads, lands, privileges, franchises and appurtenances of or belonging to

said corporation, at a rate of interest not exceeding seven per centum per annum.

16. *And be it enacted*, That at any time after the expiration of thirty years from the completion of the said road, the legislature of this state may cause an appraisement of the said road and the appendages thereof, to be made by six persons, three of whom shall be appointed by the chief justice of this state for the time being, the remaining three by the company, who, or a majority of them, shall report the value thereof to the legislature within one year from the time of their appointment; or if they cannot agree, they choose a seventh, who, with the aforesaid six, shall report as aforesaid; or in case the said company shall neglect or refuse to appoint the said three persons on their part for two months after their said appointment by the said chief justice, then the three persons so appointed by him shall proceed to make such appraisement, which shall be binding on the said company; or in case the said six commissioners shall be appointed as aforesaid, and they cannot agree upon the seventh man, then upon two weeks' notice to the said company, the said chief justice shall appoint such seventh man as aforesaid, to make such appraisement as aforesaid, and thereupon the state shall have the privilege, for three years, of taking the said road, upon the payment to the company of the amount of the said report, within one year after electing to take said road; which report shall be filed in the office of the secretary of this state, and the whole property and interest of said road, and the appendages thereof, shall be vested in the state of New Jersey, upon payment of the amount so reported to the said company; and that it shall be the duty of the president of the company to lay before the legislature, under oath or affirmation, when they shall so request, a full and fair statement of the 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 said stock; and the said valuation shall in no case exceed the first cost of valuation of said road, with the lands and appendages thereof.

State may take road on payment of appraisement.

Proviso.

Time of commencing and completing road.

17. *And be it enacted*, That if the said railroad shall not be commenced within five years, and 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.

Limitation.

18. *And be it enacted*, That this act shall take effect immediately, and shall remain in full force and effect for thirty years after the completion of the said road.

Approved March 3, 1857.

CHAPTER XXXI.

A FURTHER SUPPLEMENT to the act entitled "An act for the settlement and relief of the poor," approved April tenth, eighteen hundred and forty-six.

Justices of the peace to take evidence in regard to settlement of paupers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That upon the examination pursuant to the second section of the supplement to the said act, which was approved March nineteenth, eighteen hundred and fifty-two, of any person or persons chargeable, or likely to become chargeable to any city, town corporate, or township within this state, who have not obtained a legal settlement therein, it shall and may be lawful for the said overseer or overseers of the poor to take out, in the names of the said justices of the peace, or either of them, and to serve process of subpœna for the purpose of bringing before the said justices any person or persons to give evidence in regard to the legal settlement of the person or persons chargeable, or likely to become chargeable as aforesaid, and in regard to the city, town corporate or township within this state, where he, she or they shall have last resided for six months continuously; and that

in case any warrant of removal be made, it shall be accompanied by a copy of the said evidence.

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

Approved March 3, 1857.

CHAPTER XXXII.

AN ACT to incorporate "The Surf House Association of Atlantic City."

Preamble.

WHEREAS, Andrew K. Hay and others hereinafter named, are the owners and proprietors of the Surf House and premises, a hotel in the city of Atlantic, and the furniture therein, and have associated for the purposes of enlarging and improving said hotel, and making it an agreeable and desirable place of resort for themselves, their friends and the public; AND WHEREAS, it is represented that corporate powers are necessary, the more conveniently to carry out said laudable objects; therefore,

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Andrew K. Hay, John C. Da Costa, William A. Rhodes, Elias E. Boudinot, William C. Milligan, Samuel Richards, Isaac Lloyd, George W. Richards, Daniel Deal, John L. Newbold, Peter Maison, George T. Da Costa, Thomas Allibone, Jacob Freas, Jonathan J. Slocum, Charles Wurts, Ellis Lewis, William H. Yeaton, and their associates, owners of the said Surf House and premises, and all other persons who shall become subscribers to or owners of the capital stock hereby created, and their successors, shall be and they hereby are incorporated and made a body politic and corporate in fact and law, by the name of "The Surf House Association of Atlantic City," for the objects and purposes hereinafter mentioned.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of the said association shall be sixty thousand dollars, divided into sixty shares, of one thousand dollars each, of which the Surf House and premises, with its furniture, shall represent forty-three shares, to the amount of forty-three thousand dollars, and the remaining seventeen shares to the amount of seventeen thousand dollars, shall be the property of the association, and may be sold from time to time, upon such terms as may be deemed expedient, the proceeds to be exclusively appropriated to the improvement and enlargement of the said Surf House, and furnishing the same.

Stock transferable.

3. *And be it enacted*, That the capital stock of the said company shall be deemed personal property, and shall be transferable only on the books of the company in such manner as the board of directors, from time to time, by by-laws or otherwise may direct, that the Camden and Atlantic Land Company shall be authorized to subscribe for and hold shares in this association; and that at all elections, whenever balloting is required, each share of stock shall entitle the holder thereof to one vote, and in that ratio not exceeding five, and upon each additional five shares held by the same party, one additional vote may be given.

First directors

4. *And be it enacted*, That the affairs of the association shall be managed by seven directors, to be elected annually, at such times and in such manner as the association, by its articles of association, by-laws or otherwise, from time to time may direct, who shall serve for one year and until others are chosen in their stead; that William A. Rhodes, Andrew K. Hay, Isaac Lloyd, William H. Yeaton, William C. Milligan, Samuel Richards and Peter Maison, now directors of the association, shall be the first directors under this charter, to continue in office until others are elected in their stead; and that the directors may hold such meetings of their board in the city of Philadelphia as they may, by their by-laws or otherwise, from time to time prescribe.

Directors to appoint officers.

5. *And be it enacted*, That the said directors shall choose from their own number a president, and may also appoint such other offices and agents as may be deemed expedient, and the said directors may supply any vacancy in their own

body by death or resignation; those so appointed to hold until others shall be chosen in their stead.

Conveyance of property to be made to association.

6. *And be it enacted*, That as soon as the said association shall have organized, it shall be authorized to receive a conveyance of the said Surf House and of the land annexed thereto, and of such other land adjacent thereto, as may be necessary or useful to erect such further and other buildings and improvements thereon as may be deemed expedient or necessary for the accommodation of the guests of the said hotel, and to transact all such business as may be incident to erecting, furnishing, conducting or leasing said Surf House and premises; *provided always*, that the directors of said company shall contract no debts of any kind beyond the ability of the said company to pay, from the proceeds of the sale of its stock and the income of the said hotel.

Proviso.

Annual statement to be made.

7. *And be it enacted*, That annually, on or before the first Tuesday of November each year, the directors of the said association shall submit to the stockholders a statement of the affairs of the said association, and shall declare an annual dividend of any of the profits of the hotel.

Act may be repealed.

8. *And be it enacted*, That the legislature may at any time alter, amend or repeal this act.

Approved March 4, 1857.

CHAPTER XXXIII.

AN ACT to repeal part of an act authorizing the inhabitants of the townships of Millville, Maurice River, and Deerfield, in the county of Cumberland, to vote by ballot, approved March sixth, eighteen hundred and fifty-five.

Part of former act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the act entitled

"An act to authorize the inhabitants of the townships of Millville, Maurice River, and Deerfield, in the county of Cumberland, to vote by ballot at their town meetings," approved March sixth, eighteen hundred and fifty-five, as relates to the township of Maurice River, in said county of Cumberland, be and the same is hereby repealed; and it shall and may be lawful for the inhabitants of the township of Maurice River, in the county of Cumberland, to vote at their town meeting, as if the said act had not been passed.

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

Approved March 5, 1857.

CHAPTER XXXIV.

AN ACT to authorize the Delaware Lackawanna and Western Railroad Company, incorporated by act of the legislature of Pennsylvania, to hold lands in the county of Essex, in the state of New Jersey, and to lease or operate a connecting road in this state.

Preamble. WHEREAS the legislature of the state of Pennsylvania, by an act approved March the eighth, A. D. eighteen hundred and fifty-six, authorized the Delaware Lackawanna and Western Railroad Company, a corporation existing under the laws of said state, to purchase and hold, at or near Elizabeth Port, in the state of New Jersey, such quantity of land as might be necessary for depot, wharfage, and coal yard accommodations for their business, not exceeding fifty acres; AND WHEREAS, the legislature of the state of Pennsylvania, by a further act, approved April fourth,

eighteen hundred and fifty-four, authorized said company to lease the Warren railroad of the Warren Railroad Company of New Jersey, for such terms and upon such conditions as said companies might agree upon—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the Delaware Lackawanna and Western Railroad Company, incorporated by act of the legislature of Pennsylvania, to purchase and hold, at or near Elizabeth Port, in the county of Essex, in the state of New Jersey, such quantity of land as may be necessary for depot, wharfage, and coal yard accommodations for their business, not exceeding fifty acres. Company authorized to purchase land.

2. *And be it enacted*, That it shall and may be lawful for the said Delaware Lackawanna and Western Railroad Company to lease the Warren railroad, in the state of New Jersey, with which it is directly connected, of the said Warren Railroad Company, for such terms and upon such conditions as said companies may mutually agree upon; *provided*, that nothing in this act shall be construed to relieve the said Delaware Lackawanna and Western Railroad Company, or the said Warren Railroad Company, from any responsibility or legal liability to which either of them might be subject, if this act had not been passed. Company authorized to lease Warren Railroad. Proviso.

Approved March 5, 1857.

CHAPTER XXXV.

AN ACT to change the time of holding the town meetings in the township of East Windsor, in the county of Mercer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time of holding the town Times of meetings changed.

meetings of the township of East Windsor, in the county of Mercer, shall hereafter be on the second Tuesday in March.

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

Approved March 5, 1857.

CHAPTER XXXVI.

AN ACT to incorporate the Newark Fire and Marine Insurance Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Theodore P. Howell, Beach Vanderpool, Jacob D. Vermilye, Frederick T. Frelinghuysen, Samuel Smith, William W. Pollard, David A. Hayes, Marcus L. Ward, George A. Halsey, James J. Carter, James H. Tichenor, Silas Merchant, David Price, and Horace J. Poinier, their associates, successors and assigns, shall be, and are hereby ordained, constituted and declared to be a body politic and corporate, in fact and in law, by the name of "The Newark Fire and Marine Insurance Company," to be located in the city of Newark, in this 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 installment of ten per cent. on the stock by him subscribed for, the remainder to be paid in such manner as the board of directors hereinafter provided for shall determine; and the said company shall not commence business until fifty thousand dollars of said stock is subscribed for.

3. *And be it enacted*, That the stock, property and affairs of said corporation shall be managed and conducted by fifteen directors, two-thirds of whom shall be citizens of this state, who shall, at their first meeting, or at a subsequent meeting, divide themselves into three classes, each class to consist of five directors; the term of the first class shall expire on the second Monday of January next succeeding their election, or as soon thereafter as others are elected in their stead; the term of the following classes shall expire, successively, on the second Monday of January of the following years, or as soon thereafter as others are elected in their stead. Directors to be divided into classes.

4. *And be it enacted*, That the annual election for directors shall be held on the second Monday of January in every year, at the office of the company, or such other place as a majority of the directors may designate; a public notice of the election shall be given by the secretary, in one or more newspapers published in Newark, at least two weeks previous to the time of holding the 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; and if any of the directors shall die, or refuse to serve, or neglect to act in their said office for the space of three months successively, then, and in every such case, the remaining directors shall have the power to fill such vacancy or vacancies; and in case it should happen that an election for directors should not be held on the day when, pursuant to this act, it ought to have been held, the said corporation shall not for that cause be dissolved, but it shall be lawful to hold such election on any other day appointed by the board of directors. Election of directors.

5. *And be it enacted*, That it shall be the duty of the directors, at the first meeting held after their election, and annually thereafter, to choose from among themselves one person to be a president, and one person to be a vice-president of the said corporation, both of whom shall continue in office until the next annual meeting, and until their successors shall be chosen, and in case of the death, resignation, Officers of corporation.

absence, or inability of the president to act, the vice-president shall perform all the duties of such president.

Directors to make by-laws.

6. *And be it enacted*, That the board of directors for the time being, or a majority of them, shall have power to make or prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and control of the stock, property, estate and effects of the said corporation, and to alter and amend the same; and touching all such other matters as appertain to the business which it may be lawful for the corporation to do or perform.

Commissioners to receive subscriptions.

7. *And be it enacted*, That the corporators hereinbefore mentioned, or a majority of them, are hereby authorized to open the subscription books, and receive subscriptions to the capital stock, at such times and places as they, or a majority of them, may direct, giving notice thereof at least twenty days prior to the opening of said books, by publishing the same in one or more of the newspapers published in Newark; and when the amount of stock shall be subscribed and paid, as mentioned in the second section of this act, the corporators shall call a meeting of the stockholders, by an advertisement published at least ten days previously, in one or more of the newspapers published in Newark, stating the time and place at which such meeting of the stockholders shall be held; and they shall then and there elect the first directors of said company.

Company authorized to make insurances.

8. *And be it enacted*, That the said company shall have power: First, to make insurance upon dwelling-houses, stores, and all kinds of buildings, and upon household furniture, merchandise, and all personal or other property, against loss or damage by fire; second, to make insurance upon vessels, freight, goods, wares and merchandise, and to make all and every insurance connected with marine risks of transportation, and inland navigation; and generally to insure against all losses pertaining to fire and marine risks; third, to cause themselves to be reinsured when deemed expedient.

Corporation may hold real estate.

9. *And be it enacted*, That all policies of insurance, or other contracts authorized by this act, which shall be made and entered into by said corporation, may be with or without the seal thereof, and shall be subscribed by the president or

vice-president, and attested by the secretary; and being so signed, executed, and attested, shall be binding and obligatory upon the said corporation, according to the true intent and meaning of said policies and contracts; and all such policies and contracts may be so made, signed, executed, and attested, without the presence of the board of directors; and all policies of insurance which shall be made by the said corporation, in pursuance of this act, shall be made upon such terms and conditions, and for such periods of time, and confined to such place as shall be from time to time ordained and prescribed by the by-laws, rules and regulations of the said corporation.

Company may hold real estate.

10. *And be it enacted*, That it shall be lawful for the said company to purchase, hold, and convey any estate, real and personal, for the use of the said corporation; *provided*, the said real estate be only such as is necessary for the corporation in the transaction of the business thereof, or such as shall be taken as security for, or in the payment of debts; and also to invest the capital stock, or so much of the surplus profits of the said company as they may deem fit, in such manner as the directors shall decide.

Proviso.

Stock transferable.

11. *And be it enacted*, That the capital stock of said corporation shall be transferable, according to the rules and regulations prescribed by the directors, and 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 for, shall forfeit the same to the said corporation, and all payments made thereon, and all profits that may have arisen thereon.

Dividends.

12. *And be it enacted*, That it shall be lawful for the directors of said company to make dividends of so much of the profits of the said company, as shall to them appear desirable; 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 net profits made by the company —the capital stock shall be and remain unimpaired, and if the said directors shall at any time make a dividend of the capital as aforesaid, those directors consenting thereto, 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 in this state, by any creditor of said company, and may be prosecuted therein to judgment and execution; and each director present when such dividend shall be declared, shall be adjudged to be consenting thereto, unless he forthwith protest against such dividend, and request his protest to be entered on the minutes of the board of directors.

Notice of assignment to be given.

13. *And be it enacted*, That if any person insured by the said corporation shall convey or assign the property insured, it shall be lawful for such person to assign to the purchaser the policy of insurance; but this corporation shall not be bound by such policy after such assignment, until notice of such assignment be made, or the assignment shall have been recorded in the books of the corporation, and the same certified on such policy by the secretary.

Persons insured may maintain action for amount due.

14. *And be it enacted*, That any person or persons insured by said corporation may maintain an action at law against the same for losses or damages due to him, her, or them, from said corporation, if payment is withheld more than ninety days after the amount and due proofs of such losses shall have been ascertained and made, and the said corporation notified thereof; and no stockholder of the corporation, not being in his individual capacity a party to such suit, shall be incompetent as a witness; *provided*, that if the directors agree to rebuild, or replace the property lost or damaged, in such case a reasonable time shall be allowed to them.

Proviso.

State tax.

15. *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, or secured to be paid, for the use of the school fund, to commence three years after the said company shall go into operation; which amount shall be paid in, under oath or affirmation of the president and secretary thereof.

Limitation.

16. *And be it enacted*, That this act shall continue in force for the term of twenty years, and no longer, unless the charter is renewed; 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; *provided*, that no contract made by said corporation before the repeal or expiration of this act, shall be affected thereby; and the said corporation shall have a reasonable time to bring its accounts to a final settlement. Proviso.

Approved March 5, 1857.

CHAPTER XXXVII.

AN ACT to authorize Samuel Acken and Julius Dudley, to build, maintain, and keep in repair a dock or wharf in front of their land in the township of Piscataway, county of Middlesex, adjoining the waters of the Raritan river.

S. Acken and J. Dudley 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 Samuel Acken and Julius Dudley, their heirs and assigns, to build, maintain and keep in repair a dock or wharf upon and in front of their land, in the township of Piscataway, county of Middlesex, to extend into the waters of the Raritan 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 fifteen (15) 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. Proviso. Proviso.

Penalty for injuring works

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

Proprietors authorized to collect wharfage.

3. *And be it enacted*, That it shall and may 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 Samuel Acken and Julius Dudley, their heirs and assigns, to demand, receive and collect reasonable compensation therefor.

Approved March 5, 1857.

CHAPTER XXXVIII.

AN ACT to incorporate the Monmouth County Agricultural Society.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel W. Jones, Horatio Ely, John C. Smock, Andrew Simpson, James J. Conover, and Ezra A. Osborne, of the county of Monmouth, and their associates and successors shall be and they are hereby constituted a body politic and corporate, by the name of "The Monmouth County Agricultural Society."

Society may make by-laws.

2. *And be it enacted*, That the said society shall from time to time have power to make, ordain and establish such constitution, by-laws and regulations as they shall judge proper for the designation of the officers of said society, the election of the same, for prescribing their respective functions, and the mode of discharging the same, and for the transacting, managing and directing the affairs of the society; *provided*, such constitution, by-laws, and regulations shall not be repugnant to the constitution and laws of this state, or the United States.

Proviso.

Corporation may purchase land.

3. *And be it enacted*, That the said corporation may purchase, use, hold, possess and enjoy such real estate as shall be necessary to promote the objects of the society; *provided*,

Proviso.

that such real estate shall at no time exceed in value the sum of ten thousand dollars; and whenever it shall see fit, the said corporation may sell, mortgage, lease, and otherwise dispose of the same at pleasure.

4. *And be it enacted*, That all land or other property which may hereafter be owned by said society, and used for the purpose of promoting the objects of said society, shall not be liable to have any taxes assessed and levied upon it for any purpose whatever; *provided*, that such personal estate shall not exceed in value the sum of five thousand dollars. Property not liable to taxation. Proviso.

Approved March 5, 1857.

CHAPTER XXXIX.

AN ACT to authorize the Trustees of Palmyra Methodist Episcopal Church to sell and convey land.

WHEREAS, the trustees of Palmyra Methodist Episcopal Church, in the county of Burlington, have set forth in their petition that there is a debt of about fifteen hundred dollars remaining on their house of worship, and that the parcel of land on which the said house is erected is much larger than is necessary for the use thereof—therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Isaiah Toy, Richard Pike, George Smith, John Springer and Charles Lowden, trustees of Palmyra Methodist Episcopal Church aforesaid, or their successors in office, or a majority of them, be and they are hereby authorized to sell and convey so much of the land by them held as trustees, in trust, for the use of the Methodist Episcopal Church, as can be spared without inconvenience to the house of worship erected thereon, and apply the pro- Trustees authorized to sell land.

ceeds of said sale to the payment of the debt due on the same.

Approved March 5, 1857.

CHAPTER XL.

AN ACT to incorporate the Bordentown and Drawbridge Turnpike Company.

Commissioners to receive subscriptions.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the subscription books of the capital stock of the Bordentown and Drawbridge Turnpike Company shall be opened by Wm. McMichael, Samuel C. Forker, Mahlon Huchinson, Whitall Stokes and Alfred Thompson, or a majority of them, who are hereby appointed to receive subscriptions to said stock, at such times and places as they, or a majority of them, may direct, giving notice thereof, at least twenty days prior to the opening of said books, by publishing the same in at least one of the newspapers published in the county of Burlington.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be ten thousand dollars, with liberty to increase the same to twenty thousand dollars, and shall be divided into shares of twenty dollars each; and that when two hundred shares shall be subscribed for and taken, the persons holding the same shall be and they are hereby incorporated into a company, by the name and style of "The Bordentown and Drawbridge Turnpike Company," and by that name and style shall have, enjoy, and exercise all the rights, powers and privileges appertaining to corporate bodies, and necessary to carry the objects of this act into effect.

Payment of installments.

3. *And be it enacted*, That at the time of subscribing for said stock, one dollar shall be paid upon each share subscribed for to the said commissioners, or any of them, which

money shall be paid over to the treasurer of the company as soon as one shall be appointed; and the residue of the subscriptions shall be paid in installments, at such times and places, and to such persons as the president and directors of the company shall from time to time direct and give public notice thereof in 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 said installments, or any of them, or to sue for the amount thereof, to and for the use of said company.

Act void if stock is not subscribed for in certain time

4. *And be it enacted*, That if the number of shares hereinbefore made necessary for the incorporation of said company, be not subscribed for within five years from the time of opening the said subscription books, this act, and all the subscriptions under it, shall be null and void, and the said commissioners, after deducting thereout the expenses incurred, shall return the residue to their respective subscribers, or their representative, in proportion to the sums paid by them.

Election of directors.

5. *And be it enacted*, That when two hundred shares of said stock be subscribed for, the said commissioners shall call a meeting of the stockholders, giving at least twenty days' notice of the times and place of said meeting, as hereinbefore directed with regard to the opening of the books, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect, by ballot, nine directors, a majority of whom shall be citizens of this state, to manage the affairs of the 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.

Directors to elect president.

6. *And be it enacted*, That within twenty days after the election as aforesaid, the directors shall elect from their number a president of their said company, who shall be a citizen of this state, and resident of the county of Burlington, who shall hold office for one year and until another shall be elected, and receive such compensation for his services as a majority of said directors shall direct, and shall be 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 elections of the stockholders, or, in case of his death, absence, or inability so to do, the said directors shall appoint some other suitable person, who, for the time being, shall possess the same powers and authority, and perform all the duties herein prescribed.

Duties and powers of directors.

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, who shall be a citizen of this state and resident of the county of Burlington, and all officers, agents, superintendents, and other servants that may be required to transact the business of the company, with such compensation as they may determine upon, and may exact from them such security for the due performance of their respective trusts as they may think expedient: they shall regulate the tolls, and the superintendence and direction of all receipts and disbursements and all other affairs of the company, and may make and enforce such ordinances and by-laws as they may think expedient, to regulate the transfer of the stock, and the general government of the company and management of its affairs; *provided*, the same are not repugnant to the constitution and laws of this state or of the United States.

Proviso

Annual statement to be made.

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

9. *And be it enacted*, That special meetings of the stock-

holders may be called by the order of the said president and directors, or by the stockholders owning one-fourth of the whole stock of the company, by giving notice of the time and place of holding the same, as hereinbefore directed with regard to the annual meeting, which said notice shall specify the particular object of the meeting; but that no business of the company shall be transacted at such special meeting, unless a majority in value of the stockholders attend and concur therein, who may require the books, accounts, and all other papers and proceedings of the company, to be exhibited to them by the president and directors.

Special meetings may be called.

10. *And be it enacted*, That if, from any cause, an election hereinbefore named shall not be had at the time specified in this act, the same may be held at any other time, on notice as aforesaid, and that until such election be had, the officers of the preceding year shall continue to hold their respective offices until others be elected in their stead, and that this charter shall not be defeated nor avoided by reason of irregularity or want of such election.

Corporation not dissolved for failure to elect on day prescribed.

11. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road from Bordentown to the draw bridge on the Trenton road, in the county of Burlington, beginning at or near the main street in Bordentown; thence along the public road leading from Bordentown to the draw bridge on the Trenton road, the most approved course, to the draw bridge, with the privilege to straighten certain points along said road; which said turnpike road shall be at least thirty-two feet in width, and shall be sufficiently arched and drained to make and keep the same dry; and at least sixteen feet thereof shall be sufficiently bedded and faced with stone, gravel, or other material, to make a solid, firm, and even road at all seasons of the year; and it shall be so graded that in its progress no part of said road shall rise above an angle of five degrees with the plane of the horizon; and the said company shall construct, keep in repair, maintain, and make good and sufficient bridges along the line of said road, not less than twenty feet in width; and whenever the said road shall be raised so much at the margin or side as to render carriages passing

Description of road.

thereon liable to overset, the said company shall cause good and sufficient railings to be erected and maintained on the side, so as to prevent horses and carriages from running off; and the said company may, by their officers, agents, or other persons in their employ, enter, from time to time and at all times, upon all lands, to search for stone, gravel, sand or clay, for constructing or improving said road as aforesaid, doing no unnecessary damage to said land; *provided*, that before the said company shall construct the said turnpike road as aforesaid, they shall pay to the respective owners of the land over which the same may pass, all damages which the said owners will sustain by reason of the construction of said turnpike road; and in case the said company and the owners cannot agree upon the amount of said damage, then the damages shall be ascertained and determined, as nearly as may be, in the manner hereinafter provided for ascertaining and determining the damage which any land owner or owners may sustain by the taking of stone or gravel from his lands, for the construction or maintaining of said turnpike road.

Proviso.

Proceedings when company and owners cannot agree.

12. *And be it enacted*, That it shall be lawful for the said company, their officers, superintendents, engineers, and workmen, with carts, wagons and other carriages, and with beasts of burthen and draft, and 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 might make in the enclosures thereof, and to make all ditches and underdrains across and through such lands necessary for properly draining said road; and to take and carry away stones, gravel, clay, sand, earth, or other materials therefrom, suitable for making or repairing said road; and that when the said company, or its agents, cannot agree with the owner or owners of such required lands or materials for the use or purchase thereof, or when, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of the said company, in the construction of the said road, shall be given in writing, under the oath or affirmation of some

engineer or proper agent of the company, and also the name or names of the 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, or to one of the judges of the court of common pleas of the county of Burlington, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or, if unknown or out of the state, to make publication thereof, as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of commissioners, hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial, and judicious freeholders commissioners to examine and appraise the said lands and materials, and to assess the damages, upon such notice to the persons interested as shall be directed by the justice or judge making such appointment, to be expressed therein, not less than twenty days; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation, before some person duly authorized to administer an oath or affirmation, faithfully and impartially to examine the matter in question, and make a true report according to the best of their skill and understanding, to meet at the time and place appointed, and to view and examine the said lands and materials, and make a just and equitable appraisement of the value of the same, and assessment of damages to be paid by the said company for such lands or materials and damages aforesaid, and to make a report thereof under the hands and seals of the said commissioners, or any two of them, and file the same within ten days thereafter, together with the aforesaid description of the lands or materials, and the appointments and oaths or affirmations aforesaid, in the clerk's office of the county of Burlington, to remain on record therein, and shall be recorded by the said clerk; which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess, and enjoy the said lands

or materials, after the payment of the value and damages so assessed, and of the right of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action in any court of competent jurisdiction, in a suit to be instituted against the company if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall continue a lien upon the property of the company in the nature of a mortgage; and the said justice or judge shall tax and allow such costs, fees and expenses to the justice or judge, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as he shall think equitable and right, which shall in all cases be paid by the company.

Rates of toll.

13. *And be it enacted*, That as soon as the said company shall have constructed the said road in a workmanlike manner, according to the several directions in the eleventh section and true intent and meaning of this act, it shall and may be lawful for the said company to erect gates or turnpikes across the said road, and to demand and receive toll for traveling each mile and all fractions over half a mile, of said road, not exceeding the following rates, to wit:

For every carriage, sleigh, or sled, drawn by one beast,	one cent.
For every additional beast,	one cent.
For every horse and rider or led horse or mule,	five mills.
For every dozen of calves, sheep, or hogs,	five mills.
For every dozen of horses, mules, or cattle,	two cents.

And it shall and may be lawful for the toll-gatherer to stop persons riding, leading, or driving any horses, cattle, mules, calves, sheep or hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpikes until they shall have paid the toll as above specified; *provided*, that nothing in this act shall be so construed as to entitle the said company to demand or receive toll of or from any person passing to or from public worship on the Sabbath day, or horses, carriages, sleighs or sleds carrying persons to or from a funeral, or any person passing to or from his common business on his farm, not exceeding one mile from his residence, or any militiaman passing to or from any training on

Proviso.

a muster day appointed by law, or any other military officer or soldier passing or repassing when called to duty by the laws of this state or of the United States.

Mile stones or posts to be erected.

14. *And be it enacted*, That before the said company shall receive toll for traveling said road, they shall cause mile stones or posts to be erected and maintained, one for each and every mile in use on said road, and on each stone or post shall be fairly and legibly marked the distance the said stone or post is from Bordentown, and shall cause to be fixed, and 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 painted in large letters, "Keep to the right, as the law directs."

Penalty for injuring works.

15. *And be it enacted*, That if any persons shall wilfully break, throw down or deface any of the mile stones or posts so erected on the said roads, 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 persons shall forfeit and pay the sum of twenty dollars, besides being subject to an action of damages for the same, to be recovered by the said company, by 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 said road to pass a gate or gates on private grounds adjacent thereto, and again enter on said road with intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gate, to be recovered by the said company, for the use thereof, in an action of debt, with costs of suit.

Penalty for taking illegal toll.

16. *And be it enacted*, That if any toll-gatherer shall unnecessarily delay or hinder any traveler passing at any of the gates or turnpikes, or shall demand and 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 obstructing passage.

17. *And be it enacted*, That all the drivers of carriages, sleighs, or sleds, of every kind and description, whether of burthen or pleasure, or persons on horseback using the said road, shall keep their horses, carriages, sleighs, or sleds on the right hand of said road in the passing directions, leaving the other side of the said road free and clear for other carriages, sleighs, 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 and bridges are not kept in repair.

18. *And be it enacted*, That if the said company shall not keep the said road and bridges in repair, and complaint thereof shall be made to any judge of the court of common pleas of the county of Burlington, he shall immediately appoint, by writing, three disinterested freeholders of said county, who shall view the said road, and report in writing, under their hands and seals, or under the hands and seals of two of them, whether the said road so complained of be in such a state as the law requires it to be kept; and if the report be unfavorable to the said road, the said judge shall immediately, under his hand and seal, order the keeper of the gates or turnpikes to keep open the same, until otherwise ordered; and if the said keeper shall, notwithstanding the order of the said judge, refuse to open the gate or turnpike, and exact toll of travelers, he shall, for each offence, forfeit and pay twenty dollars, to be sued for by any person who will prosecute for the same in an action of debt, with costs of suit; and the judge shall be allowed for his services fifty cents, and the persons appointed one dollar each, to be paid by the company; and it shall be the duty of the persons so appointed, or a majority of them, on application from said company, again to view the said road or bridge, and report, as aforesaid, their opinion to the said judge, who shall, if authorized by the report of the said persons, or any two of them, by license under his hand and seal, directed to the

toll-gatherer, permit the gates or turnpikes to be shut, and the toll to be collected as before, and the said fees shall be allowed and paid as before directed; but if on the first view, as before mentioned, the report of the persons appointed, or a majority of them, shall be in favor of the company, the same fees shall be allowed as before prescribed, and paid by the person or persons making the complaint.

When toll gates may be erected.

19. *And be it enacted*, That whenever the said company shall have completed any two consecutive miles of said road according to the directions and true intent and meaning of this act, it shall be lawful for the said company to erect a tollgate across said road, and demand and receive toll for traveling thereon, agreeably to the foregoing rates.

Public road may be used.

20. *And be it enacted*, That the said corporation may use any portion of the main public road on the route above named, by and with the consent of three-fourths of all the landholders along or on the route of said road; and if the owners of such lands shall refuse their consent, then and in that case such road shall be first vacated according to law.

Commencement and completion of road.

21. *And be it enacted*, That if the said road be not commenced within three years, and completed within six years from the passage of this act, that then and in that case this act shall be void; and the said corporation shall possess the several powers, and be subject to the restrictions and liabilities contained in the act entitled "An act concerning corporations."

Approved March 5, 1857.

CHAPTER XLI.

AN ACT to authorize the owners of a tract of marsh and upland on the upper side of Cohansey Creek, to make, amend and keep in good repair, Tindall's Island Causeway.

Owners authorized to keep causeway in repair.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the owners or possessors of the marsh and upland on the said Tindall's Island, lying on the upper side of Cohansey Creek, in the township of Greenwich, in the county of Cumberland, to make, amend, and keep in good repair, the road called and known by the name of Tindall's Island Causeway, beginning at the fast land of James H. Bacon, and running thence a southerly course, as it is now used, to the said Tindall's Island.

Election of officers.

2. *And be it enacted,* That it shall and may be lawful for the owners and possessors of all the marsh, using said road, and also for the owners of the upland on said Tindall's Island, to meet at the house of William Cook, Esq., in said township, on the first Tuesday of March, A. D., eighteen hundred and fifty-seven, between the hours of one and five o'clock in the afternoon, to choose by ballot or otherwise, and by plurality of votes of those met, such person or persons for manager or managers, a treasurer and clerk, as they may think proper, who shall hold their offices until others are chosen in their places, and also to choose in the manner aforesaid, three indifferent and disinterested men to value the said marsh and upland.

Duties of managers.

3. *And be it enacted,* That the manager or managers, when chosen as aforesaid, shall, as soon as may be convenient, cause all the lots and parcels of marsh, and also the upland, on the said Tindall's Island, belonging to each of the said owners, to be carefully valued by the persons chosen as aforesaid for that purpose, they having first ascertained the quantity and quality of each separate lot from the deeds of the same, or such other sources of information as they may

deem just and reasonable, and shall thereupon make an estimate of the sum or sums of money which will be necessary to defray all the expenses of the different services required by this law, and of procuring the same, and also of making, amending and keeping in good repair the said road, and shall assess the same ratably on said marsh and up-land, agreeably to the valuation and quantity each owner may possess, and shall state the said assessment in a regular duplicate containing the names of all the owners or possessors of the marsh and upland as aforesaid, the number of acres held by each, the sums assessed on them severally, and the time or times of payment; which duplicate shall be delivered by them to the treasurer appointed as aforesaid.

Managers to pay over moneys to their successors.

4. *And be it enacted*, That it shall be the duty of the said manager or managers to make, amend and keep in good repair, the said road or causeway from time to time, and they shall be accountable for any moneys remaining in their hands at the expiration of their said office, and if he or they shall refuse to pay such balance remaining in his or their hands, to his or their successor in office, then such successor shall sue for and recover the same in an action of debt, with costs of suit, in any court of competent jurisdiction.

Proceedings in case of refusal to pay assessments.

5. *And be it enacted*, That the treasurer, on receipt of the said duplicate, shall in person, or by notice in writing left at the usual place of abode of each owner or possessor, or such other person as may have the care of any one or more of the said lots, twenty days before the time of payment, the sums assessed as aforesaid, and if any of the said owners or possessors, or persons having charge as aforesaid, shall neglect or refuse to pay the sum assessed as aforesaid, for the space of twenty days after the time fixed for the payment thereof, it shall and may be lawful to and for the said treasurer to seize and rent out by public vendue to the highest bidder, for so long a time and no longer, as will be requisite, so much of the said marsh or upland belonging to or in the possession of said delinquent owner or possessor, or person having the care of any lot or lots as aforesaid, as may suffice to discharge such assessment and all expenses attending the recovery thereof, having first advertised the same for the

space of two weeks in three of the most public places in the said township of Greenwich.

Manner of voting.

6. *And be it enacted*, That in all cases of an election for officers, or for other purposes, the mode of voting shall be in person or by proxy, in writing, in the following ratio: every person owning, possessing, or having the care of any of the said marsh or upland, shall be entitled to one vote for any quantity not exceeding twenty-five acres, and one vote for every additional fifty acres.

Agents may be appointed to vote.

7. *And be it enacted*, That it shall and may be lawful for the executors and administrators of any person deceased, to whose estate any part of the said marsh or upland did belong, and to and for the guardians of minors, and to and for the agents of single women or other persons who cannot attend the meeting of the said owners and possessors, to vote at the said meetings, such agents being appointed in writing for that purpose.

Duties of clerk.

8. *And be it enacted*, That it shall be the duty of the clerk chosen as aforesaid from time to time to enter in a book, to be provided for that purpose, all proceedings, orders and assessments made by the said owners and possessors, and all transactions whatsoever, which the said owners and possessors shall direct, and the same to deliver up to his successor in office.

Managers to open and clear out ditch.

9. *And be it enacted*, That it shall and may be lawful for the manager or managers chosen as aforesaid from time to time, to dig and take for the purposes aforesaid, any earth, mud or sod, most convenient, and least detrimental to owners thereof, and to open and clear out the ditch on each side of the said causeway, and also to open and clear out the ditch that runs from the east side of the said crossway to Thoroughfare Creek, along on the line of marsh (late Jonathan Brown's, deceased), so that the same shall drain the water from off the said causeway.

Further estimates may be made and collected.

10. *And be it enacted*, That if the said estimate so made and collected as aforesaid, should not produce a sum of money sufficient to fulfil the purposes aforesaid, the said manager or managers shall make in like manner, such further estimate or estimates of such sum or sums of money as may

be necessary, which shall be assessed and collected as is hereinbefore directed.

Re-valuation of land may be made.

11. *And be it enacted*, That it shall and may be lawful, whenever the owners of a majority of the number of acres of the said marsh and upland shall so direct, to choose in the manner specified in the second section of this act, three indifferent and disinterested men to revalue the said marsh and upland, which revaluation, when made and completed, shall be employed in assessing and raising money for any of the purposes contemplated by this act; *provided*, that a revaluation of the same shall not be made oftener than once in every ten years.

Proviso.

Manner of calling meetings.

12. *And be it enacted*, That any five persons, being owners of any of the marsh or upland as aforesaid, may call a meeting of all the owners and possessors of the said marsh and upland, at such time and place as they may appoint, by advertisements under their hands, set up in three of the most public places in the said township of Greenwich, for at least two weeks next preceding the time appointed for the said meeting; and the said owners and possessors, when met as aforesaid, shall have full power by plurality of the votes of those met to choose all the officers named in the second section of this act, who shall hold their offices until others are chosen in their stead.

Approved March 5, 1857.

CHAPTER XLII.

AN ACT to confirm the conveyance of lands in the township of Greenwich, in the county of Gloucester, from William Huff and Harriet, his wife, to William Darmon, and from Joseph C. Gill and Hannah W., his wife, to John H. Thomson.

Preamble.

WHEREAS, a large number of lots and tracts of land lying in the township of Greenwich, in the county of Gloucester, have been sold and the conveyances effected by the owners thereof, alloting the same amongst the purchasers by lot or ballot, or by the purchasers making partition thereof amongst themselves by lot or ballot; AND WHEREAS, William Darmon, of the township of Greenwich, in the county of Gloucester, did purchase of William Huff and Harriet, his wife, of the same place, two certain lots or parcels of land, known and described as lots number one hundred and three and number one hundred and seventy-seven of the town plot of Mantua, being a part of the property deeded by Joseph C. Gill to William Huff aforesaid, by deed, dated twenty-third day of July, A. D. eighteen hundred and fifty-three, reference being had, it will more fully appear; AND WHEREAS, also, the said Joseph C. Gill and Hannah W., his wife, did by deed, bearing date the sixteenth day of July, eighteen hundred and fifty-three, convey three other certain lots in said tracts, to John H. Thomson, which said lots are numbered nine, one hundred and twenty-seven, and one hundred and fifty-seven, respectively, in the town plot of Mantua; AND WHEREAS, it is desirable that the validity of the titles made in this manner be established; therefore,

Conveyance of lands confirmed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the grant, sale or conveyance heretofore bona fide made and executed for the above described lots of land, lying and being in the said township of Greenwich, under and by virtue of or pursuant to an allotment in manner aforesaid, shall not be deemed held, or adjudged invalid or defective, or insufficient in law or avoid-

ed or prejudiced by reason that the same has or have been made in manner aforesaid, but shall be deemed as good, valid and effectual in law for transferring, passing and conveying the estate, right, title and interest of such grantor or grantors of, in and to the lands mentioned in the same, as if such sales and conveyances had been effected without such allotment as aforesaid.

Approved March 5, 1857.

CHAPTER XLIII.

SUPPLEMENT to an act entitled "An act to incorporate the Burlington and Columbus Turnpike Road Company," passed the fourteenth March, eighteen hundred and fifty-six.

Part of former act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the fifteenth section of the act incorporating the Burlington and Columbus Turnpike Company, passed the fourteenth March, eighteen hundred and fifty-six, as limits the duration of the said charter to a term of years, be and the same is hereby repealed.

Time of commencing and completing road.

2. *And be it enacted*, That the time for the commencement and completion of said road shall date from the passage of this supplement instead of the passage of the original act.

Approved March 5, 1857.

CHAPTER XLIV.

A SUPPLEMENT to the act entitled "An act to incorporate the Centreton Turnpike Company."

Company authorized to build road to Centreton bridge.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the directors of the Centreton Turnpike Company shall have power to build a turnpike road along the road leading from the Mount Holly and Beverly turnpike road, in the village of Rancocas, to a stake in said road five feet north of the abutment of Centreton bridge, in the county of Burlington, with the same rights and privileges, and under the same restrictions, except as hereinafter mentioned, as are provided in the act to which this is a supplement.

Part of public road vacated.

2. *And be it enacted*, That so much of said public road as is designated in the foregoing section, shall be and the same is hereby vacated;

Proviso.

provided, a majority in interest of the stockholders of said company, shall certify their acceptance of this act, as a supplement to, and a 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 state: a certified copy of which acceptance having been thus filed, shall be deemed competent and plenary evidence of such acceptance;

Proviso.

and provided also, that this act shall not go into effect until the date of the certificate of the secretary of state as aforesaid.

Approved March 5, 1857.

CHAPTER XLV.

A SUPPLEMENT to "An act to incorporate the Mullica Hill and Woodbury Turnpike Company," approved February twenty-eight, eighteen hundred and forty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the width of the Mullica Hill and Woodbury turnpike road is, and the same is hereby declared to be sixty feet; *provided*, that the same shall not apply to such localities where, within the bounds of the said sixty feet, there shall have existed shade trees, yard fences, or other improvements, at the time of the passage of the act to which this is a supplement, nor shall the said company grade the said road, outside of forty feet, lower than within one foot of the regular grade of said road. Width of road. Proviso.

Approved March 5, 1857.

CHAPTER XLVI.

AN ACT to incorporate the Lawrence Cemetery Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel M. Hamill, Caleb S. Green, George White, George W. Johnston, George R. Vancleve, John F. Phillips and A. Price Lanning, and their associates, be and they are hereby constituted a body politic and corporate in law, by the name of "The Lawrence Cemetery Company," with the general powers and privileges of a corporation. Names of corporators.

Company authorized to purchase land.

2. *And be it enacted*, That the said corporation shall have power to purchase and hold in fee a tract of land not exceeding ten acres, situate in the township of Lawrence, adjoining the ancient burying ground upon the farm late of James White, deceased, and to hold, occupy and improve the same, together with the said ancient burying ground, as a cemetery, and to lay out and divide the said tract so purchased into sub-lots, and to sell and dispose thereof, for the purposes of burial, subject to such conditions, regulations and restrictions as may be established by the said corporation; *provided*, that it shall not be lawful for the said corporation, nor for any other person, to encroach upon any lots now occupied as family burying places, in the said ancient burying ground, nor to deprive any person entitled to bury in the said ground, of the right of burial therein, subject to such rules and regulations as may be prescribed by the said corporation for the better government thereof.

Proviso.

Who may vote at elections for managers.

3. *And be it enacted*, That the said corporation shall be composed only of such persons as shall be owners of burial lots in said cemetery; and in all elections for managers, every person of full age, who shall be proprietor of a lot, or if there be more than one proprietor of any lot, then such person as the majority of joint proprietors shall designate to represent such lot, may give one vote for each lot owned by him or them.

Election of managers.

4. *And be it enacted*, That the affairs of said company shall be managed by a board of seven managers; the first board shall be composed of the persons above named as corporators, whose term of office shall continue until the first day of February, eighteen hundred and fifty-eight, on which day and annually thereafter, on such day, at such place, and subject to such regulations as the said corporation shall prescribe, an election for seven managers shall be held, who shall hold their offices for one year, and until others are chosen in their stead.

Powers and privileges.

5. *And be it enacted*, That the said corporation shall have the powers, privileges and immunities, and be subject to the restrictions and limitations contained in the eighth, ninth, tenth and eleventh sections of the act entitled "an act autho-

rizing the incorporation of Rural Cemetery Associations," approved March fourteen, eighteen hundred and fifty-one, and that the provisions of the said several sections shall be deemed and taken as part and parcel of this act.

Approved March 6, 1857.

CHAPTER XLVII.

AN ACT to incorporate the Rose Hill Cemetery Company, in the township of Matavan, in the county of Monmouth.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Asbury Fountain, James T. Fountain, William S. Hornor, Gordon D. White, Warren Brown, Charles W. Fountain, and their associates, and all persons who now are or may hereafter become members of the company styled the Rose Hill Cemetery Company, and their successors, shall be and they are hereby created and declared a body corporate, by the name and style of "The Rose Hill Cemetery Company," and by that name shall have perpetual succession, and shall be capable in law to hold and dispose of lands not exceeding fifteen 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 company, 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.

General powers.

Election of managers.

2. *And be it enacted*, That the affairs of the company shall be under the control of five managers, to be elected from among and by the stockholders and lot owners of the company, 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 May, eighteen hundred and fifty-seven.

Lands not liable to be taken in execution.

3. *And be it enacted*, That the lands of the company, 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.

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

Approved March 6, 1857.

CHAPTER XLVIII.

AN ACT to incorporate the Trenton Patent Promoting Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William I. Shreve, William H. Inskeep, John D. Lloyd, William Howe, and John W. Murphy, their successors and associates, and all persons who shall become stockholders in the corporation hereby constituted and created, be, and they are hereby constituted and created a body politic in law by the name of "The Trenton Patent Promoting Company," to be located in the county of Mercer, for the manufacture and sale of such articles as they may have the right, or may hereafter secure the right of manufacturing under any patents, as well as such articles of

wood, metal, iron or minerals, as may be advantageously connected therewith; it may nevertheless be lawful for said corporation to procure or prepare any of the wood or iron, or other materials or articles used or traded in by such company, at such place and points as the said corporation may deem most advantageous.

What property may be held.

2. *And be it enacted*, That the said corporation may purchase, possess, and enjoy any real estate not exceeding twenty acres, improvements, machinery, patent rights, and effects whatsoever, as may be necessary and advantageous to said corporation; and it shall be lawful for said corporation to erect mills, basins, and make such improvements as shall be advantageous to them; and it shall be lawful for said corporation to sell, mortgage, lease, and dispose of any part or portion of any of their chattels personal, chattels real, or real estate.

Corporation may use part of power granted.

3. *And be it enacted*, That the said corporation may use any portion or the whole of the power herein granted, without its impairing their rights as a body politic.

Amount of capital stock.

4. *And be it enacted*, That the capital stock of said corporation hereby created shall not exceed two hundred and fifty thousand dollars, inclusive of their real estate, and be divided into shares of fifty dollars each, which shares shall be considered personal estate, transferable on the books of the company in the manner which the by-laws shall provide.

Payment of installments.

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

Proviso.

Election of directors.

6. *And be it enacted*, That the 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 elected annually on the third Tuesday in February, at such time in the day and at such place in the county of Mercer, as the by-laws of said company shall direct, public notice to be given of the time and place of holding such elections at least two weeks previous thereto, in one of the newspapers published in said county, and the election shall then and there be made by such stockholders as shall attend for that purpose, in person or by proxy, and all elections shall be by ballot, each stockholder having one vote, and the persons having the greatest number of votes shall be the directors, and the said directors shall have power to make such by-laws for their own regulation and the management of the stock, property and business of the company, as to them shall seem best; *provided*, such by-laws are not repugnant to the constitution or laws of this state, or of the United States, and the said directors shall proceed to elect by ballot one of their number to be president, and if any vacancy or vacancies shall at any time happen among the directors elected by the stockholders, by death, removal, or resignation, 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.

Proviso

Vacancies.

Corporation not dissolved for failure to elect on day prescribed.

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

Quorum.

8. *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.

Transfers of stock.

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

10. *And be it enacted*, That the corporation hereby authorized or created, shall possess such general powers usually possessed by corporations for their general government, and the management of their affairs, and be subject to the restrictions and liabilities set forth in "An act concerning corporations," approved upon the fourteenth day of February, eighteen hundred and forty-six, so far as the same are applicable. General powers.

11. *And be it enacted*, That this act shall take effect immediately, and that the legislature may alter, amend, or repeal the same, whenever the public good may require. Act may be repealed.

Approved March 6, 1857.

CHAPTER XLIX.

AN ACT to confirm the incorporation of the Trustees of the Central School District of the township of Lawrence.

WHEREAS the trustees of the Central School District of the township of Lawrence, in the county of Mercer, desiring to become incorporated, did, togther with town superintendent of said township, make and sign a certificate containing a description of the boundaries of said district, which certificate was on the seventh day of June, eighteen hundred and fifty-one, recorded in the clerk's office of the county of Mercer; AND WHEREAS, said district was afterwards altered in the mode prescribed by law, and a certificate thereof, made and signed by the said trustees and town superintendent, was on the seventh day of June, eighteen hundred and fifty-four, recorded in the clerk's office aforesaid; AND WHEREAS, in both said certificates the corporate name adopted by said trustees was inadvertently omitted, and doubts have been expressed as to the sufficiency of said certificates, and whether the trustees and Preamble.

the inhabitants of said district can exercise the powers and privileges of a corporation under the same—therefore,

Certificate of incorporation confirmed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said certificate of incorporation, and the said certificate of the alteration of said district, be and they are hereby confirmed as valid and effectual in law; and that the trustees of the said district, as described and established by said certificates, are hereby declared a body politic and corporate in law, by the name of "The Trustees of the Central School District of the Township of Lawrence," with all the powers and privileges specified in the act entitled "A supplement to the act entitled an act to establish public schools," approved March fourteenth, eighteen hundred and fifty-one.

Boundaries of district.

2. *And be it enacted*, That the boundaries of the said Central School District of the township of Lawrence shall be and remain as the same are defined and established by the said certificate of incorporation, and the said certificate altering the bounds of said district, recorded in the clerk's office of the county of Mercer, until the said district shall be altered or abolished in the mode prescribed by law.

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

Approved March 6, 1857.

CHAPTER L.

A FURTHER SUPPLEMENT to the act entitled "An act to incorporate the Morris and Essex Railroad Company," passed January twenty-nine, eighteen hundred and thirty-five.

Company authorized to extend road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the Morris and Essex Railroad Company, and the said company is hereby authorized and empowered to extend their railroad from some point on the line of the same, in the city of Newark, to or near the Hudson river or New York bay, in the county of Hudson, and to take and appropriate all lands, rights, privileges and property necessary for carrying into effect the object and intent of this act, upon making payment therefor, and damages to the owners thereof, as prescribed in the original charter of said company, or the supplements thereto, and as hereinafter mentioned and directed.

Draws in bridges over rivers Passaic and Hackensack.

2. *And be it enacted*, That it shall be lawful for the said company to erect and maintain the necessary docks, wharves and piers in said Hudson river or New York bay, at the terminus of said road, for the transportation of their passengers and freight to and from the city of New York, and to have, maintain and use any steamboat or boats, or other vessels necessary for that purpose only, with their necessary apparatus and appendages, and to erect and maintain bridges or viaducts on the line of said road over the Passaic and Hackensack rivers, making and maintaining thereon at all times necessary and convenient draws for the accommodation of the navigation upon said river, that is to say, the bridge upon the Passaic river shall have a double draw, each opening to be of the width of at least fifty feet in the clear, and the bridge upon the Hackensack river shall not be (by river measurement) within one thousand feet of any bridge now built upon said river, and shall have one draw, with an opening of at least fifty feet in the clear, and for the safety of persons and vessels navigating said rivers, the said company shall cause to be kept near the draws of said bridges,

respectively, one or more lamps, which shall be lighted every evening before it grows dark, and continued lighted until daylight in the morning, and said company shall also keep at said bridges, respectively, a careful person to open such draws for the free passage of steamboats and other vessels, and for any omission to light said lamps, or either of them as aforesaid, or to open said draws as aforesaid, or either of them, the said company shall forfeit and pay the sum of ten dollars, to be recovered, with costs, by any person or persons who will sue for the same, within six months after such neglect.

What land may be held.

3. *And be it enacted*, That it shall be lawful for said company to have, own and hold by lease, contract or deed of conveyance, all such land and real estate at the terminus of said road on said river or bay, as shall or may be necessary for docks, wharves and piers as aforesaid, and for passenger, car and store houses, and for the convenient transaction of their business.

Lands, how acquired by company.

4. *And be it enacted*, That the lands, rights, privileges and property, except as otherwise hereinbefore provided, necessary to carry into effect the object, purpose and intent of this act, may be acquired by said company in the manner directed by their original act of incorporation or by the supplements thereto, and the value of all such lands and premises, rights, privileges and property, and the damages for taking the same, shall and may be ascertained and assessed by commissioners to be appointed, as in said original act or any supplement thereto is directed; but no lands shall be taken or acquired without the consent of the owners thereof, except the lands required for the right of way.

Company authorized to connect with other roads.

5. *And be it enacted*, That it shall be lawful for said company to form connections or junctions of their road already constructed and authorized to be constructed, and the road hereby authorized with any other railroad or railroads of any other company or companies now constructed or hereafter to be constructed, upon such terms and conditions as may be agreed upon by said companies, and also to consolidate their said roads already constructed and authorized, and the road hereby authorized with the road or roads of

any other corporation or corporations already constructed, or hereafter to be constructed.

6. *And be it enacted*, That it shall not be lawful for said company, for the purpose of constructing said railroad and bridges or viaducts, to use or occupy the site or line of any other railroad already laid out or constructed, or the site or sites of any other bridge or bridges, viaduct or viaducts heretofore erected, unless with the consent of the corporation owning such railroad, bridge or bridges, viaduct or viaducts, but it shall be lawful for said road hereby authorized to cross the line of any other railroad, turnpike or common highway; *provided*, that the grade of the road hereby authorized at the point or points of crossing such other railroad or railroads shall correspond with the grade of the railroad or railroads so to be crossed, or otherwise, at such point or points shall be constructed by a viaduct or viaducts at such a height as not to interfere with the passage of the trains upon such other railroad or railroads, and that any turnpike road or roads or common highway or highways so crossed, shall be restored in such manner that the travel thereon shall not be materially incommoded or obstructed; *provided further*, that the said road from the line of the east side of Palisade avenue, for the distance of thirty-five hundred feet westwardly, in the county of Hudson, shall not be constructed with an open cut, but shall be tunneled or arched over, except proper and suitable openings and shafts for light and ventilation, and at such places as shall not interfere with the public travel; *and provided further*, that if the said railroad hereby authorized, shall cross the main line of the New Jersey Railroad and Transportation Company, it shall do so by a viaduct or tunnel over or under said railroad of such height or depth, as not to interfere with the passage of the trains upon said main line of railroad.

Company not to use line of other railroads or sites of bridges.

Proviso.

Proviso.

Proviso.

7. *And be it enacted*, That for the purpose of carrying into effect the objects and purposes of this act, and the complete execution of the same, the said company shall be and they are hereby invested with all the provisions, powers, authority and privileges given and granted by their original act of incorporation and the several supplements thereto,

Powers and privileges, duties and responsibilities.

New Jersey State Library

and the said company is hereby also subjected in respect to said road and the construction and use thereof, to all the duties, responsibilities, restrictions and provisions contained in said acts.

Capital stock may be increased.

8. *And be it enacted*, That for the purpose of enabling said company to construct and complete the railroad authorized by this act, and to carry into effect the provisions of this act, it shall be lawful for them to increase their capital stock the sum of one million of dollars; the amount of increase shall be subscribed for in such manner and at such time or times and places as the board of directors of said company may deem expedient and proper, and separate subscriptions may be opened and separate stock may be created and accounts be opened and kept for the said extension, or the whole be blended in one general fund, as the company by a two-thirds stock vote of its stockholders may direct; and if separate stock is created, no discrimination shall be made to the prejudice of the present stock.

Vested rights of state or companies not to be impaired

9. *And be it enacted*, That nothing in this act shall be so construed as to impair any reversionary interest or vested rights which the state or any incorporated company or companies or any individual may possess, by virtue of an act entitled "An act for building bridges over the rivers Passaic and Hackensack," and for other purposes therein mentioned, passed the twenty-fourth day of November, seventeen hundred and ninety, and the contract or agreement for building said bridges, entered into in pursuance of said act, bearing date the seventeenth day of February, seventeen hundred and ninty-three.

Commencement and completion of road.

Proviso.

10. *And be it enacted*, That the extension hereby authorized shall be commenced within six and be completed within ten years from the passage of this act; *provided however*, that the Morris and Essex Railroad Company, shall purchase the junction or branch road and bridge of the New Jersey Railroad and Transportation Company, at the fair value of the same, to be ascertained and assessed by commissioners as authorized by the fourth section of this act, before the completion and use of the extended road hereby authorized; and the New Jersey Railroad and Transportation Company

are hereby required and bound to sell at the valuation assessed by said commissioners.

11. *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. Public act.

Approved March 6, 1857.

CHAPTER LI.

A FURTHER SUPPLEMENT to an act entitled "An act to incorporate the White Horse Turnpike Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for "The White Horse Turnpike Company" to extend their turnpike road from the White Horse Tavern to a point in Long-a-Coming, at or near Cake's Hotel, subject to the provisions and restrictions of the act to which this is a supplement. Company authorized to extend road.

2. *And be it enacted*, That the said extension shall be constructed at least thirty feet in breadth along the middle as near as may be of what are commonly known as the Clementon and Watsontown roads, and at least fifteen feet thereof shall be covered with gravel, in the manner prescribed by the act to which this is a supplement. Description of road.

3. *And be it enacted*, That at the first annual meeting of the stockholders of said company after the passage of this act, and annually thereafter, they shall elect eleven directors, to manage the affairs of the company, instead of nine, as heretofore. Annual meeting.

4. *And be it enacted*, That the capital stock of said company may be increased to any sum not exceeding thirty-five Capital stock may be increased.

thousand dollars; but no dividend shall be declared on moneys used in constructing this extension, until the same shall have been completed.

Approved March 6, 1857.

CHAPTER LII.

AN ACT to revise and amend the charter of the city of Newark.

TITLE FIRST.

OF THE BOUNDARIES AND CIVIL DIVISIONS OF THE CITY.

Inhabitants incorporated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that district of country in the county of Essex, contained within the boundary lines of the city of Newark, as now established by law, shall continue to be a city by the name of the city of Newark, and all the inhabitants of this state within the limits aforesaid, shall continue forever hereafter to be a body corporate and politic in fact and in name, by the name of "The Mayor and Common Council of the City of Newark," and that by that name, they and their successors forever, shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and that they and their successors may have a common seal and alter the same at their pleasure, and also by their corporate name aforesaid, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the public use of the said corporation, and that the said "The Mayor and

Common Council of the City of Newark," and their successors shall, by virtue of this act become, and be absolutely and completely vested with, possess and enjoy, all the lands, tenements, hereditaments, property, rights, causes of action and estate whatsoever, both in law and equity, in possession, reversion or remainder, which, at the time of the passage of the original charter of the city of Newark, were vested in or belonging to the inhabitants of the township of Newark, in their corporate capacity, as then incorporated by the name of "The inhabitants of the township of Newark, in the county of Essex," according to such estate and interest as the said, "The inhabitants of the township of Newark, in the county of Essex," at the time of the passage of the original charter of the city of Newark had, or of right ought to have had in the same, or which, since that time, have become vested in and belong to the said, "The Mayor and Common Council of the City of Newark," in their corporate capacity.

City divided into wards.

2. *And be it enacted*, That the said city of Newark shall continue to be divided into eleven wards, as heretofore constituted by law, the boundaries of which shall be described as follows:

Boundaries of First Ward.

I. All that part of the said city bounded as follows: beginning at the Passaic river, at a point opposite the middle of Centre street; thence, running westwardly, in a straight line, to a point in the middle of Centre street, at the easterly terminus of said street; thence, westwardly, along the middle of Centre street to a point in the middle of Park Place; thence, westwardly, in a straight line across the Military Common to a point in the middle of New street at the easterly terminus of said street; thence, westwardly, along the middle of New street to a point in the middle of High street; thence, northwardly, along the middle of High street to a point in the middle of Quarry street; thence, eastwardly, along the middle of Quarry street to the easterly terminus of said street; thence, in a straight line, due east, to the Passaic river; thence, southwardly, along the Passaic river to the place of beginning, shall constitute the First Ward of the said city.

II. All that part of the said city bounded as follows: be-

Boundaries of Second Ward.

ginning in the middle of Broad street at a point opposite the middle of William street; thence, running westwardly, along the middle of William street to a point in the middle of High street; thence, northwardly, along the middle of High street to a point in the middle of New street; thence, eastwardly, along the middle of New street to the easterly terminus of said street; thence, eastwardly, along the boundary line of the First Ward to a point in the middle of the Military Common; thence, southwardly, in a straight line passing through the liberty pole on said Military Common to a point in the middle of Broad street; thence, southwardly, along the middle of Broad street to the place of beginning, shall constitute the Second Ward of the said city.

Boundaries of Third Ward.

III. All that part of the said city bounded as follows: beginning in the middle of Broad street at a point opposite the middle of William street; thence, running southwardly, along the middle of Broad street to its junction with South Broad street, otherwise called the Essex and Middlesex turnpike road; thence, southwardly, along the middle of South Broad street or the Essex and Middlesex turnpike road to the division line between the city of Newark and the township of Clinton; thence, along the said division line between the city of Newark and the township of Clinton, the several courses thereof, to a point in the middle of Broad street; thence, eastwardly, along the middle of Broad street to a point opposite the middle of High street; thence, northwardly, along the middle of High street to a point in the middle of William street; thence, eastwardly, along the middle of William street to the place of beginning, shall constitute the Third Ward of the said city.

Boundaries of Fourth Ward.

IV. All that part of the said city bounded as follows: beginning in the middle of Broad street at a point opposite the middle of Fair street; thence, running eastwardly, along the middle of Fair street to a point in the middle of Mulberry street; thence, southwardly, along the middle of Mulberry street to a point opposite the middle of Oak street; thence, eastwardly, along the middle of Oak street to a point in the middle of Columbia street; thence, northwardly, along the middle of Columbia street to a point opposite the middle of

Oak alley; thence, eastwardly, along the middle of Oak alley to a point in the middle of Liberty street; thence, northwardly, along the middle of Liberty street to a point opposite the middle of East Fair street; thence, eastwardly, along the middle of East Fair street to the New Jersey railroad avenue; thence, northeastwardly, along the middle of said avenue to the termination thereof; thence, in a straight line, to the original outlet of the Morris canal at the Passaic river; thence, northwardly, along the Passaic river to a point opposite the middle of Centre street; thence, westwardly, in a straight line, to a point in the middle of Centre street at the easterly terminus of said street; thence, westwardly, along the middle of Centre street to a point in the middle of Park Place; thence, westwardly, along the boundary line of the First Ward to a point in the middle of the Military Common; thence, southwardly, in a straight line passing through the liberty pole on said Military Common to a point in the middle of Broad street; thence, southwardly, along the middle of Broad street to the place of beginning, shall constitute the Fourth Ward of the said city.

Boundaries of Fifth Ward.

V. All that part of the said city bounded as follows: beginning in the middle of the New Jersey railroad avenue at the centre of Elm street; thence, running southeastwardly, along the middle of Elm street to Adams street, and thence, in the same line and course to a point in the middle of Hamburg Place, or the Great Swamp road; thence, southwardly, along the middle of Hamburg Place, or the Great Swamp road, the several courses thereof, to the termination thereof at or near the Meadows; thence, southwardly, in a straight line to the Newark bay, at the mouth of Maple Island creek; thence, northwardly and westwardly, along the said Newark bay and the Passaic river, the several courses thereof, to the original outlet of the Morris canal; thence, southwardly, in a straight line to a point in the middle of the New Jersey railroad avenue, at the northerly terminus of said avenue; thence, southwestwardly, along the middle of said avenue to the place of beginning, shall constitute the Fifth Ward of the said city.

VI. All that part of the said city bounded as follows:

Boundaries of Sixth Ward.

beginning at the southerly terminus of Broad street in the division line between the city of Newark and the township of Clinton, and in the middle of said street; thence, running eastwardly, along the middle of said street to a point opposite the middle of High street; thence, northwardly, along the middle of High street to a point opposite the middle of Bank street; thence, westwardly, along the middle of Bank street to its junction with a road leading to Orange, formerly known as the Crane road; thence, northwestwardly, along the middle of said Crane road to a point opposite the middle of a road or drift-way known as the Old Parsonage drift-way; thence, along the middle of said road or drift-way, the several courses thereof, to a point in the middle of Littleton avenue; thence, southwardly, along the middle of Littleton avenue to a point in the middle of South Orange avenue; thence, westwardly, along the middle of South Orange avenue to the division line between the city of Newark and the township of Orange; thence, in a southerly direction, along the division line between the city of Newark and the townships of Orange and Clinton, to the place of beginning, shall constitute the Sixth Ward of the said city.

Boundaries of Seventh Ward.

VII. All that part of the said city bounded as follows: beginning in the middle of High street at a point opposite the middle of Bank street; thence, running westwardly, along the middle of Bank street to its junction with the road leading to Orange, formerly known as the Crane road; thence, northwestwardly, along the middle of said Crane road to a point opposite the middle of First street; thence, northwardly, along the middle of First street to a point opposite the middle of Sussex avenue; thence, eastwardly, along the middle of Sussex avenue to a point in the middle of the Morris canal; thence, northwardly, along the middle of the Morris canal to a point in the middle of the road leading to Orange, known as Orange street; thence, eastwardly, along the middle of said road or street to its junction with Quarry street; thence, eastwardly, along the middle of Quarry street to a point in the middle of High street; thence, southwardly, along the middle of High street to the place of beginning, shall constitute the Seventh Ward of the said city.

VIII. All that part of the said city bounded as follows: beginning at a point in the Passaic river, due east from a point in the middle of Quarry street at the easterly terminus of said street; thence, running westwardly, in a straight line, to said point in the middle of Quarry street aforesaid; thence, westwardly, along the middle of Quarry street to a point in the middle of the road leading to Orange, known as Orange street; thence, westwardly, along the middle of said road or street to a point in the middle of the Morris canal; thence, northwardly, along the middle of the Morris canal to the division line between the city of Newark and the township of Belleville; thence, eastwardly, along the said division line to the Passaic river; thence, southwardly, along the Passaic river to the place of beginning, shall constitute the Eighth Ward of the said city. Boundaries of Eighth Ward.

IX. All that part of the said city bounded as follows: beginning in the middle of Broad street at a point opposite the middle of Fair street; thence, running southwardly, along the middle of Broad street to its junction with South Broad street, otherwise called the Essex and Middlesex turnpike road; thence, southwardly, along the middle of South Broad street or the Essex and Middlesex turnpike road to its intersection with the New Jersey railroad avenue; thence, northeastwardly, along the middle of the said avenue to a point opposite the middle of East Fair street; thence, westwardly, along the middle of East Fair street to a point in the middle of Liberty street; thence, southwardly, along the middle of Liberty street to a point opposite the middle of Oak alley; thence, westwardly, along the middle of Oak alley to a point in the middle of Columbia street; thence, southwardly, along the middle of Columbia street to a point opposite the middle of Oak street; thence, westwardly, along the middle of Oak street to a point in the middle of Mulberry street; thence, northwardly, along the middle of Mulberry street to a point opposite the middle of Fair street; thence, westwardly, along the middle of Fair street to the place of beginning, shall constitute the Ninth Ward of the said city. Boundaries of Ninth Ward.

X. All that part of the said city bounded as follows:

Boundaries of Tenth Ward.

beginning in the middle of the New Jersey railroad avenue at the centre of Elm street; thence, running southeastwardly, along the middle of Elm street to Adams street, and thence, in the same line and course, to a point in the middle of Hamburg Place or the Great Swamp road; thence, southwardly, along the middle of Hamburg Place or the Great Swamp road, the several courses thereof, to its termination at or near the Meadows; thence, southwardly, in a straight line to the Newark Bay, at the mouth of Maple Island Creek; thence, along the Newark Bay, the several courses thereof, to the division line between the city of Newark and the city of Elizabeth; thence, westwardly, along the said division line and the division line between the city of Newark and the township of Clinton, to the middle of the Essex and Middlesex turnpike road; thence, northwardly, along the middle of said turnpike road until it intersects the New Jersey railroad avenue; thence, northeastwardly, along the middle of said avenue to the place of beginning, shall constitute the Tenth Ward of the said city.

Boundaries of Eleventh Ward.

XI. All that part of the said city bounded as follows: beginning in the the middle of the Morris canal, at a point in division line between the city of Newark and the township of Belleville; thence, running southwardly, along the middle of the Morris canal, to a point in the middle of Sussex avenue; thence, westwardly, along the middle of Sussex avenue to a point in the middle of First street; thence, southwardly, along the middle of First street to a point in the middle of the road leading to Orange, formerly known as the old Crane road; thence, northwestwardly, along the middle of said Crane road to a point opposite the middle of a road or drift-way, known as the old parsonage drift-way; thence, along the middle of said road or drift-way, the several courses thereof, to a point in the middle of Littleton avenue; thence, southwardly, along the middle of Littleton avenue to a point in the middle of South Orange avenue; thence, westwardly, along the middle of South Orange avenue to the division line between the city of Newark and the township of Orange; thence along the division line between the city of Newark and the townships of Orange, Bloomfield

and Belleville, according to the several courses thereof, to the place of beginning, shall constitute the Eleventh Ward of the said city.

Division lines intersecting dwelling houses.

3. *And be it enacted*, That if any division line between any of the said Wards shall intersect any dwelling house, such dwelling house shall be considered as included in and belonging to the Ward in which the largest portion thereof shall happen to lie.

TITLE SECOND.

ELECTION AND APPOINTMENT OF CITY AND WARD OFFICERS.

Election of mayor.

4. *And be it enacted*, That the mayor shall be the chief executive officer of the said city of Newark, and shall possess the powers and privileges and perform the duties which are hereinafter specified; he shall be elected for the term of two years, at the annual charter election in the year eighteen hundred and fifty-seven, and in every second year thereafter, and shall receive such annual compensation for his services, not exceeding eight hundred dollars per annum, as the common council shall, by ordinance, appoint.

Election of aldermen.

5. *And be it enacted*, That the common council of the city of Newark shall consist of two aldermen in and for each of the wards of said city, who shall be divided into two classes, as heretofore; and each of the wards of said city shall, at the annual charter election, elect one person as alderman of said ward, who shall hold such office for the term of two years.

Board of education.

6. *And be it enacted*, That the board of education of the city of Newark shall consist of two commissioners of public schools in and for each of the wards of said city, who shall be divided into two classes, as heretofore; and each of the wards of said city shall, at the annual charter election, elect one person as commissioner of public schools of said ward who shall hold such office for the term of two years.

Annual election of officers of city.

7. *And be it enacted*, That an election by ballot, shall be held in each of the wards of said city on the second Tuesday in October next, and on the second Tuesday in October

in every year thereafter, at such places as the common council shall appoint, and of which at least six days' previous notice shall be given by the common council in two daily newspapers printed and published in said city; at which time, once in two years, as hereinbefore specified, there shall be elected in and for the said city, one mayor, who shall hold his office for the term of two years; and in each and every year, there shall be elected in and for the said city one auditor of accounts, five chosen freeholders, two surveyors of highways, and two coroners, who shall hold their offices, respectively, for the term of one year, and in and for each of the wards of said city, one alderman and one commissioner of public schools, who shall hold their offices, respectively, for the term of two years; and one assessor, one collector, three judges of election, one ward clerk, one commissioner of appeals in cases of taxation, one member of the board of excise, and three constables, who shall hold their offices, respectively, for the term of one year; justices of the peace of the several wards of said city shall be elected at the time prescribed by this act for the election of city and ward officers.

Mode of conducting elections.

8. *And be it enacted*, That the aforesaid annual charter election in each ward shall be held and conducted by the judges of election and the clerk of election, at the same hours, in the same manner and under the same regulations, in all things, as prescribed by law for the state elections for members of the legislature, except as hereinafter provided.

Who are entitled to vote.

9. *And be it enacted*, That every person entitled to vote by the existing laws of this state, at an election for members of the legislature, if held on that day, who is at the time an actual resident of the ward in which he offers his vote, shall be entitled to vote in the ward in which he resides, but not elsewhere, for all or any of the officers to be chosen at such election.

Statement of result to be made.

10. *And be it enacted*, That the statement of the result of such election in each of the wards of said city and the certificate thereof in the manner required by law at the state elections for members of the legislature, shall be made within

five days after such election by the proper officers, and shall be filed without delay with the city clerk.

Common council to canvass votes.

11. *And be it enacted*, That the common council of the said city, for the time being, shall convene on Monday next succeeding such election, at two o'clock in the afternoon, at their usual place of meeting, for the purpose of canvassing the votes given at such election, and the original statements of the votes filed with the city clerk, shall be produced by the said clerk; the common council shall make a written statement of the whole number of votes given at such election, for mayor of the said city and for the several other officers to be elected in and for the said city and the several wards thereof, the names of the persons for whom such votes were given and the number of votes given for each; and shall thereupon determine and declare what person or persons have received the highest number of votes for each of the offices mentioned in such statement; the statement and final declaration of the common council shall be certified by the presiding officer and the clerk, and filed in the office of the city clerk; and within ten days after the said common council shall have determined what persons have been elected to the several offices in the said city, the city clerk shall cause a written notice of his election to be given to each of the persons so elected.

Common council to elect in case of ties.

12. *And be it enacted*, That the person or persons receiving the greatest number of votes, of those given in the city for any city office, and of those given in each ward, for any office in that ward, shall be elected to that office; and if, at any election for charter officers authorized by this act, any officer except mayor or alderman or justice of the peace shall not have been chosen by reason of two or more candidates having received an equal number of votes, the common council of said city shall, by ballot, elect such officer from the two or more candidates having the highest number of votes.

Who are eligible to office.

13. *And be it enacted*, That no person shall be eligible to any office at any such election, unless he shall then be an elector and resident of said city; nor shall he be eligible to any office for any ward unless he shall then be an elector

and resident of such ward; and when any officer elected at any such election shall cease to reside in said city, or if elected for any ward shall cease to reside in such ward, his office shall thereby become vacant.

Commencement of terms of officers.

14. *And be it enacted*, That the term of office of the chosen freeholders of the said city shall commence on the second Wednesday in May next succeeding their election; the term of office of justices of the peace of the several wards of the said city shall commence at the time or times provided by law; and the term of office of all other officers elected at the annual charter election, as herein provided, shall commence on the first Tuesday after the first day of January next succeeding such election, unless elected to supply a vacancy.

Vacancies in office of mayor or aldermen, how supplied.

15. *And be it enacted*, That whenever a vacancy shall occur in the office of mayor or alderman by the refusal or neglect of such officer to take the oath of office within the time required by law, by his resignation, death, ceasing to be an inhabitant of the city or ward for which he shall have been elected, or by any other cause, the common council of said city shall immediately appoint a special election to be held in the several wards of said city, or in the ward in which such vacancy has taken place, to supply such vacancy, of which special election the same notice shall be given as is required by this act to be given of the annual charter election of said city; and such special election shall be conducted and the result be determined and certified in the manner prescribed in this act for conducting and determining the result of the annual election in the said city for the same office; in case any such vacancy shall occur in the office of mayor or alderman, within three months before the first Tuesday in October in any year, it shall be within the discretion of the common council to appoint a special election or not, as they shall deem expedient.

Terms for which persons are elected to be designated on ballot.

16. *And be it enacted*, That if at any annual election to be held in the said city, there shall be one or more vacancies to be supplied in any office, and at the same time any person is to be elected for the full term of said office, the

term for which each person voted for, for the said office is intended, shall be designated on the ballot.

Office vacant unless person qualifies in certain time.

17. *And be it enacted*, That if any person who shall be elected to any office at the annual charter election shall not qualify, according to law, for the space of forty days after the first Tuesday after the first day of January next succeeding such election; or if any person who shall be elected or appointed to fill any vacancy in any of the said offices, shall not qualify according to law for the space of forty days after such election or appointment, his office shall be deemed vacant.

Vacancies may be supplied by common council.

18. *And be it enacted*, That in case a vacancy shall occur in the office of any of the aforesaid officers, except mayor or alderman, or justice of the peace, by death, resignation, neglect to qualify according to law, or by any other cause, the common council may, in their discretion, proceed to fill such vacancy by the appointment of a suitable person who is eligible to such office according to the provisions of the thirteenth section of this act.

Manner of conducting state elections

19. *And be it enacted*, That all elections hereafter to be held within the said city, for members of the senate and general assembly of this state, for sheriff, clerk, surrogate and coroners of the county of Essex, and for members of congress and electors of president and vice-president of the United States, or for any other officers of the general or state governments, or officers of said county of Essex, to be elected by the people, shall be held in the several wards of the said city, on the day or days which now are or hereafter may be designated for holding such elections, at the places therein appointed by the common council for holding the annual charter elections; the polls shall be opened at eight o'clock in the forenoon, and closed at seven o'clock in the afternoon; and the judges of election in the several wards shall preside at and conduct all such elections; and the ward clerks of the said wards shall be the clerks of such elections in their respective wards; every person in said city entitled to vote at such elections shall vote in the ward wherein he actually resides at the time of such election, but not elsewhere; and in case any person at any election what-

ever held in 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, to be sued for and recovered in the name of the ward clerk of the ward where the offence shall be committed in an action of debt with costs, and applied to the use of the poor of said city.

Duties and powers of election officers.

20. *And be it enacted*, That the said judges of election shall take the same oaths, 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 case of the absence, death, incompetency, or refusal to serve of any of the said officers of election, at any election provided for by this act, such vacancy or vacancies shall be supplied in the manner prescribed by law for supplying such vacancies in the townships of this state, and the ward clerks of the said wards, respectively, shall procure election boxes for the use of their wards, in such manner and of such description, as are required to be procured by the township clerks of this state, and be subject to the same penalties as township clerks are subject to, for neglecting to procure such boxes and keep the same in repair.

City officers to be appointed by common council.

21. *And be it enacted*, That the common council shall from time to time appoint, by a majority of the whole number of the members of said common council, a city clerk, city treasurer, street commissioner, city surveyor, sealer of weights and measures, city counsel, city attorney, chief of police, chief engineer of the fire department, and one or more assistant engineers, one or more collectors of arrears of taxes, one or more overseers of the poor, and such other subordinate officers, not herein named, as they shall think necessary for the better ordering and governing the said city, and the carrying into effect the powers and duties con-

ferred and imposed upon the said common council by this act; every person who shall be appointed to any office under the provisions of this act shall be a resident and elector of the said city, and shall continue in office until the office for which he shall have been appointed shall be declared vacant, or until another person shall be appointed to succeed him and shall enter upon the duties of his office.

Officers to give bond.

22. *And be it enacted*, That the city treasurer, street commissioner, ward collectors, collectors of arrears of taxes, and such other officers as the common council may require, shall, before they enter on the duties of their respective offices, give bonds to the city in its corporate name, in such sums and with such sureties as the common council may approve for the faithful performance of their duties.

Constables to take oath and give bond.

23. *And be it enacted*, That every constable of the said city shall, before he enters upon the duties of his office, take and subscribe before the city clerk, an oath or affirmation in the form prescribed for constables of townships, in the nineteenth section of the act entitled, "An act incorporating the inhabitants of townships, designating their powers and regulating their meetings," using the word "city" instead of the word "township;" and the said clerk shall endorse on the said oath or affirmation, the day and year on which the same was taken and subscribed, and file the said oath or affirmation and endorsement thereon in his office; and further, that every constable of the said city, before he enters upon the execution of his office, shall enter into bond to "The Mayor and Common Council of the City of Newark," with one or more sureties, to be approved by the said common council, in such sum as the said common council shall direct, in the form, as near as may be, prescribed in the first section of the act entitled "an act respecting constables;" which bond shall be delivered to the city clerk, who is hereby directed and required to record and file the same in his office; and all suits or actions on such bonds shall be conducted and prosecuted in the manner provided by law in such cases.

Oaths of officers.

24. *And be it enacted*, That every person who shall be elected or appointed to any office in pursuance of this act, shall, before he enters upon the duties of his office, take and

subscribe before the city clerk or the mayor of said city, the oath of allegiance to this state, and likewise, an oath or affirmation that he will faithfully and impartially execute the trust reposed in him, according to the best of his ability and understanding, which oaths shall be filed and preserved in the office of the said clerk.

TITLE THIRD.

POWERS AND DUTIES OF THE COMMON COUNCIL.

Common council.

25. *And be it enacted*, That the aldermen of the said city duly elected by the several wards thereof, shall constitute and be called "The Common Council of the City of Newark."

Powers of common council.

26. *And be it enacted*, That the common council shall annually elect a president from its own body, and in his absence a president pro tempore, choose officers, appoint its times and places of meetings, determine the rules of its own proceedings, be the sole judge of the election, returns and qualification of its own members, keep a journal of its proceedings, and may punish or expel a member for disorderly conduct or a violation of its rules; but no expulsion shall take place except by the vote of two-thirds of all the members elected, nor until the delinquent member shall have had five days' notice of the proceeding, and an opportunity to be heard in his defence.

Duty of city clerk.

27. *And be it enacted*, That the city clerk shall be the clerk of the common council; he shall keep accurate minutes of the proceedings of the common council, and shall perform such other duties as may be prescribed for him.

Quorum.

28. *And be it enacted*, That a majority of the whole number of aldermen shall constitute a quorum for the transaction of business; but a smaller number may adjourn from time to time, and compel the attendance of absent members; the mayor and the president of the common council shall respectively be authorized to call special meetings of the common council, when the public good shall in their opinion render it necessary; and on the request of five members of the common council, in writing, addressed to the mayor, it shall be his duty to call a special meeting.

29. *And be it enacted*, That no ordinance or resolution shall be passed by the common council, except with the concurrence of a majority of all the members of the common council; every ordinance shall be read three times before its final passage, and every ordinance involving the expenditure of money or affecting personal liberty, shall be published for the space of ten days, in two daily newspapers printed and published in the city of Newark, between its second and third reading. Passage of ordinances.

30. *And be it enacted*, That every ordinance or resolution passed by the common council shall, before it takes effect, be presented to the mayor by the city clerk, duly certified by the president of the common council and the city clerk; if he approve it, he shall sign it; if not, he shall return it with his objections, and file it with the clerk within ten days after he received it; and the said common council shall, at its first regular meeting thereafter, enter the objections at length on its journal, and shall proceed to re-consider the same, and if two-thirds of all the members of the common council agree to pass the same, it shall take effect; but in every such case, the votes shall be taken by ayes and noes, and entered on the journal; and if such ordinance or resolution shall not be returned within ten days as aforesaid, it shall take effect in like manner as if he had signed it; but each and every ordinance, so passed as aforesaid, shall be published for the space of twenty days, in two daily newspapers printed and published in said city, before the same shall take effect. Ordinances to be presented to mayor for signature.

31. *And be it enacted*, That the common council shall have power within the said city to make, establish, publish and modify, amend or repeal ordinances, rules, regulations and by-laws for the following purposes:

I. To manage, regulate and control the finances and property, real and personal, of the city. To regulate finances of city.

II. To prevent vice and immorality, to preserve public peace and good order, to prevent and quell riots, disturbances and disorderly assemblages. To prevent vice, &c.

III. To restrain and suppress disorderly and gaming houses, and houses of ill fame, all instruments and devices To suppress gaming houses

used for gaming, and to prohibit all gaming and fraudulent devices.

To regulate victualling houses.

IV. To regulate victualing houses or cellars, billiard tables, and bowling saloons.

To prohibit and regulate sports.

V. To prohibit, restrain and regulate all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses, or other public performances and exhibitions for money.

Boundaries of streets.

VI. To ascertain and establish the boundaries of all streets, highways, public lanes and alleys in said city, and to prevent and remove all encroachments upon said streets, highways, lanes and alleys.

Repairing streets.

VII. To regulate, clean and keep in repair the streets, highways, bridges, wharves, docks and slips in said city, and to prevent all obstructions in the river Passaic, near or opposite to such wharves, docks and slips; to prevent and remove obstructions and encumbrances in and upon all streets, sidewalks, crosswalks, lanes, alleys, bridges, aqueducts, wharves, docks or slips, in any manner whatever; to direct and regulate the planting, rearing, trimming and preserving of ornamental shade trees in the streets, parks and grounds of the city; and to enforce the removal of snow, ice or dirt from the sidewalks and gutters by the owners or occupants of the premises fronting thereon.

To regulate erection of stoops, &c.

VIII. To prevent or regulate the erection or construction of any stoop, step, platform, bay window, cellar door, area, descent into a cellar or basement, sign or any post, or erection, or any projection or otherwise, in, over or upon any street or avenue, and to remove the same at the expense of the owner or occupant of the premises.

Horse racing.

IX. To prevent and punish horse racing and immoderate driving or riding in any street, and to authorize the stopping and detaining any person who shall be guilty of immoderate driving or riding in any street, and to regulate the speed and running of locomotive engines and railroad cars, through said city.

Droves of cattle on Sunday.

X. To prohibit the driving any drove or droves of cattle through any of the streets of the city on the first day of the

week, commonly called Sunday, and to regulate the same at other times.

XI. To regulate, protect and improve the parks, public burial grounds and other public grounds in said city. Burial grounds.

XII. To provide lamps and gas fixtures and to light the streets, parks and public places of every description in said city. Lamps and gas fixtures.

XIII. To preserve the aqueducts in said city, and to make and regulate wells, pumps and cisterns in the public streets and squares. Aqueducts.

XIV. To establish and regulate one or more pounds, and to restrain and regulate the running at large of horses, cattle, swine and other animals, geese and other poultry, and to authorize the impounding and sale of the same for the penalty incurred and the costs of keeping and impounding. Pounds.

XV. To regulate and prevent the running at large of dogs, to authorize the destruction of dogs running at large, and to impose taxes on the owners of dogs. Dogs.

XVI. To regulate or prohibit the keeping of swine. Swine.

XVII. To locate, regulate and remove slaughter houses, establish and regulate public markets, license and regulate butchers, designate the places, times and manner of selling meats, fish, and to prohibit persons from selling without license. Markets.

XVIII. To prescribe and regulate the places of vending or exposing for sale, hay, straw and wood, from wagons or other vehicles. Sale of hay, &c.

XIX. To regulate and prohibit any practice having a tendency to frighten animals, or to annoy persons passing in the streets or on the sidewalks in said city. Practices having tendency to frighten animals.

XX. To restrain and punish drunkards, vagrants, mendicants and street beggars. Vagrants.

XXI. To establish a board of health, to define its powers and duties, and provide for the protection and maintenance of the health of the city. Board of health.

XXII. To abate or remove nuisances of every kind, and to compel the owner or occupant of any lot, house, building, shed, cellar, or place wherein may be carried on any business or calling, or in or upon which there may exist any matter Abatement of nuisances.

or thing, which is or may be detrimental to the health of the inhabitants, to cleanse, remove or abate the same, from time to time, as often as they may deem necessary for the health of the inhabitants of the city, at the expense of the owner or occupant thereof.

Burial of dead

XXIII. To regulate the burial of the dead, prohibit interments within such limits as it may prescribe, purchase land for public burial places, direct the keeping and return of bills of mortality, and to establish such regulations for conveying the dead through the streets of said city, as the health, quiet and good order of the city may in their opinion require.

Licenses to cartmen, &c.

XXIV. To license and regulate cartmen, porters, hack, cab, omnibus, stage and truck owners and drivers, carriages and vehicles used for the transportation of passengers and merchandise, goods or articles of any kind, (or to authorize the mayor to grant such licenses and to require the owners to mark the same in such manner as the common council shall designate;) auctioneers, common cryers, hawkers, pedlers, pawnbrokers, junk-shop keepers, sweeps and scavengers, and to fix the rates of compensation to be allowed to them, and to prohibit unlicensed persons from acting in such capacities.

Ringing of bells

XXV. To regulate the ringing of bells, and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets.

Bathing.

XXVI. To regulate or prohibit swimming or bathing in the waters of, or bounding the city.

Weights and measures.

XXVII. To regulate weights and measures, in conformity with the standard of weights and measures established by law, and to require every merchant, retailer, trader and dealer in merchandise or property of any description, which is sold by measure or weight, to cause his or her weights and measures to be sealed by the city sealer, and to be subject to his inspection.

Police.

XXVIII. To establish, regulate and control a day and night police, and to regulate and define the manner of their appointment and removal, their duties and their compensation.

Fire department.

XXIX. To establish, regulate and control a fire department; to regulate and define the manner of the appointment

and removal of the officers and members of the fire department, their duties and their compensation; to provide fire-engines and other apparatus, and engine-houses and other places for keeping and preserving the same, and to provide water for extinguishing fires.

Erection of buildings.

XXX. To regulate and control the manner of building dwelling-houses and other buildings, and to prohibit within certain limits, to be from time to time prescribed by ordinance, the building or erection of any dwelling-house, store, stable, or other building of wood or other combustible materials; to regulate the construction of chimneys, and to compel the sweeping thereof; to prevent the setting up or construction of furnaces, stoves, boilers, ovens or other things in such a manner as to be dangerous; to prohibit the deposit of ashes in unsafe places; to authorize any city officer or person or persons whom they may designate for that purpose, to examine and inspect by day, any place or places, for the purpose of ascertaining whether the same is or are in a safe condition, and if not, to direct or cause the same to be made so; to regulate or prohibit the carrying on of manufactories dangerous in causing or promoting fires; to regulate or prohibit the manufacture, sale or use of fireworks and the use of firearms in said city; to regulate or prohibit the keeping and conveying gunpowder, camphene, spirit gas, and other dangerous materials, and the use of lights in barns, stables and other buildings; to raze or demolish any building or erection when necessary, to prevent the extension of a conflagration, and to provide for the ascertainment and payment of just compensation to owners of property destroyed in such cases; to require all such further or other acts to be done, and to regulate or prohibit the doing all such further or other acts as they may deem proper to prevent the occurrence and provide for the extinguishment of fires in said city.

Curbing and paving sidewalks.

XXXI. To level, grade, curb and pave, flag or gravel the sidewalks in any street, highway, lane or alley, to prescribe the manner in which the said work shall be performed, and to cause the expense thereof to be assessed on the adjoining lots, whether improved or unimproved, and collected in the same manner as for regulating, grading and paving streets.

Draining, filling up and fencing lots.

XXXII. To direct the digging down, draining, filling up or fencing of lots, pieces or parcels of ground, in all cases where such digging down, draining, filling up or fencing is necessary to prevent or abate a nuisance, to prescribe the manner in which the said work shall be performed, and to cause the expense thereof to be assessed on such lots, pieces or parcels of ground, whether improved or unimproved, and collected in the same manner as for regulating, grading and paving streets; but no special ordinance shall be introduced, to authorize or compel the peformance of any work or improvement mentioned in this or the last preceding sub-division, or paragraph, being sub-divisions thirty-one and thirty-two of the thirty-first section of this act, until public notice shall be given of the intention of the common council to cause said work or improvement to be done and performed, and to that end it shall be the duty of the street commissioner, by direction of the common council, to give notice in two daily newspapers printed and published in the city of Newark, of the intention of the common council to cause such work or improvement to be done and performed, briefly describing such work or improvement, and requesting such persons as may object thereto, to present their objections in writing, at the street commissioner's office, on or before the expiration of twenty days from the date of such notice, and at any time thereafter, the common council may proceed to consider such special ordinance, as aforesaid.

Taxes.

XXXIII. To adopt all legal and requisite measures for levying and collecting the taxes.

To define duties of officers.

XXXIV. To prescribe and define the duties of all officers appointed by the common council, and their compensation, and the penalty or penalties for failing to perform such duties, and to prescribe the bonds and sureties to be given by the officers of the city for the discharge of their duties, and the time for executing the same, in cases not otherwise provided for by law.

To fix compensation of officers.

XXXV. To fix and determine a reasonable compensation to be paid to any officer of said city, or other person employed by them, for any service required of him by this act, or by any ordinance or resolution passed by them, for which

no specific fee or compensation is provided by this act, to be paid by the person or persons for whom such service shall be performed, for the use of the city.

Common council may make ordinances.

32. *And be it enacted*, That the common council shall have power to make, establish, alter, modify, amend and repeal all such other ordinances, rules, regulations, and by-laws, not contrary to the laws of this state or of the United States, as they may deem necessary to carry into effect the powers and duties conferred and imposed on them by this act or by any other law of this state.

May prescribe penalties for violation of ordinance.

33. *And be it enacted*, That in all cases where, by the provisions of this act, the common council have authority to pass ordinances on any subject, they may prescribe a penalty or penalties for the violation thereof, either by imprisonment, not exceeding ten days, or by fine, not exceeding fifty dollars, to be recovered, with costs, in an action of debt and in the name of "The Mayor and Common Council of the City of Newark," for the use of the said city, before any police justice thereof, in which action the first process may be either by warrant or summons, and in which action it shall be lawful to declare, generally, in debt, for such penalty and give the special matter in evidence; and further, it shall be lawful for any such justice, before whom judgment of imprisonment shall be given, to carry such judgment into effect, by warrant of commitment, under his hand and seal, directed to the keeper of the common jail of the county of Essex; the book of record of the ordinances of the city of Newark shall be taken and received as evidence of the passage according to law of all ordinances duly recorded therein; and further, the volume of ordinances printed by authority of the common council shall, in like manner, be taken and received as evidence of the due passage thereof, and the publication of the said ordinances in two daily newspapers according to law, shall, in all cases, be presumed to have been made, until the contrary be proved.

Workhouses may be built and maintained.

34. *And be it enacted*, That the common council shall have power to build, establish, keep and maintain one or more workhouse or workhouses, and one or more alms-house or alms-houses for the relief of the poor; and shall have power

by ordinance, to regulate the said houses, and to direct or order what persons shall be placed therein, and for what length of time, and the manner of ordering, placing and keeping persons therein; the application and expenditure of all moneys raised for the maintenance and relief of the poor of the said city, shall be under the government and direction of the said common council, and of such overseers of the poor and other officers as they shall for that purpose constitute and appoint: and the overseer or overseers of the poor appointed by the common council, shall possess the powers and perform the duties of the like officers of the townships of this state, so far as such powers and duties shall be consistent with the provisions of this act.

Common council may borrow money

35. *And be it enacted*, That the common council shall have power to borrow money from time to time for all purposes for which they are authorized to raise money by tax, not exceeding in the whole the sum of two hundred and fifty thousand dollars, and to secure the payment thereof by bond or other instrument under their common seal and the signature of the mayor of said city, and to provide by tax for the payment thereof; but notwithstanding the limitation aforesaid, it shall be lawful for the common council to make temporary loans for a period not exceeding, with any renewals thereof, one year, which loans shall only be in anticipation of city taxes and of assessments for laying out and opening, straightening, altering or widening any street, road, highway or alley, and for the construction of sewers, and the regulating, grading and paving of streets and sidewalks, and shall not exceed the amount of such anticipated assessments and taxes; and to secure the payment thereof in manner aforesaid.

TITLE FOURTH.

OF THE POWERS AND DUTIES OF CITY OFFICERS, AND THE ENFORCEMENT OF THE ORDINANCES OF THE CITY.

Mayor to make annual statement to common council.

36. *And be it enacted*, That it shall be the duty of the mayor to communicate to the common council, at their first meeting in January in each year, and at other times when

he shall deem it expedient, a general statement of the situation and condition of the city, in relation to its government, finances and improvements, with such recommendations as he may think proper; to be vigilant and active in causing the laws and ordinances of the city to be duly executed and enforced, and to exercise a constant supervision over the conduct and acts of all subordinate officers, and to examine into all complaints preferred against them for a violation or neglect of duty; and generally to perform all such duties as may be required of him by law.

Duties of mayor in case of breach of the peace.

37. *And be it enacted*, That the mayor is hereby invested with all the powers which any police justice of the said city is now, or may hereafter be invested with; and that the said mayor is hereby authorized, on witnessing any breach of the peace, forthwith to commit the offender for a hearing, without the issuing of any warrant or process; and that, for the purpose of quelling any insurrection, riot, disturbance, or disorderly assemblage, the said mayor shall have the control of the constables and police force of said city, and the power to call upon the citizens for aid in all cases of insurrection, riot, or disturbance of the public peace; and when he shall deem it necessary, to call out the militia of the said city, and to employ the same in quelling such insurrection, riot, or disturbance.

Vacancies in the office of mayor.

38. *And be it enacted*, That, whenever there shall be a vacancy in the office of mayor, or whenever the mayor shall be prevented, by absence from the city, sickness or any other cause, from attending to the duties of his office, the president of the common council, or, if the said president shall be absent or disabled, the president to be elected pro tempore, shall act as mayor, and possess all the rights and powers of the mayor, during the vacancy in office caused by the absence or disability of the mayor or president of the common council.

Duties of city and ward officers.

39. *And be it enacted*, That the chosen freeholders, surveyors of highways, commissioners of appeals in cases of taxation, constables, and city clerk, elected or appointed as aforesaid, shall respectively possess the powers, and perform the duties of the like officers of any township of this state, so far

as such powers and duties shall be consistent with the provisions of this act; and that the assessor, collector, and judges of election of each of the wards of said city shall respectively possess the powers and perform the duties of the like officers of any township of this state, to the same extent, and in the same manner, in all respects, as if each of the wards of said city was constituted a separate township of the county of Essex, so far as such powers and duties shall be consistent with the provisions of this act; and that the members of the common council of the said city, collectively and individually, shall possess the powers, and perform the duties which by law belong to or are imposed upon members of the township committee of any township in this state, collectively or individually, so far as such powers and duties are consistent with the provisions of this act.

Duties of city treasurer.

40. *And be it enacted*, That the city treasurer shall receive all moneys belonging to the city, and shall deposit and keep the same as directed by the common council, and shall keep an account of all receipts and expenditures in such manner as the common council shall direct, and shall perform such other duties appertaining to his office as may be required of him by law, or by any ordinance or resolution of the common council; the said treasurer shall, at the close of the fiscal year, make out a full and true account of the receipts and expenditures during the year, and also the state of the treasury, and within twenty days thereafter, deliver said account to the city clerk, who shall lay the same before the common council at their next meeting; and if, upon examination, it shall be found correct, it shall be filed in the office of the city clerk; and it shall be the duty of the said clerk to cause a copy of the said account to be published in two daily newspapers printed and published in said city, within one week after the same shall have been filed in his office; the fiscal year shall commence on the first day of January in each and every year.

Duties of city clerk.

41. *And be it enacted*, That the city clerk shall keep the common seal, and all the records, books, papers and documents of the city, which shall be filed in his office; he shall countersign all licenses signed by the mayor, and keep the

record of the proceedings of the common council, whose meetings it shall be his duty to attend; he shall engross all the ordinances of the city of Newark in a book provided for that purpose, with proper indexes, which book shall be deemed a public record of such ordinances, and each ordinance shall be signed in said book by the mayor or acting mayor, the president of the common council, and city clerk; and copies of all papers duly filed in his office, and transcripts thereof, and of the records and proceedings of the common council, and copies of the ordinances of the said city, certified by him under the common seal, shall be evidence in all courts and places; he shall also receive and pay over to the treasurer all moneys which, by any law, ordinance, or usage, are paid to the city clerk, and report to the common council monthly, the amount of such receipts and payments.

Auditor of accounts.

42. *And be it enacted*, That the auditor of accounts shall possess the powers and perform the duties conferred and imposed upon him by law, or by the ordinances of the said city.

City sealer of weights and measures.

43. *And be it enacted*, That the city sealer of weights and measures shall possess the powers, and be subject to the obligations conferred and imposed upon him by law, or by the ordinances of the said city; and the standard of weights and measures of this state, for the approving and sealing of the same in the several counties thereof, shall be the standard of weights and measures for the said city of Newark; and on application for that purpose, the secretary of state of this state shall allow and assist the said city sealer of weights and measures to compare and adjust a corresponding standard of weights and measures for said city, and shall certify to and seal the same in the manner required by the first section of an act entitled "an act to establish a uniform standard of weights and measures in this state."

Street commissioner, city surveyor, &c.

44. *And be it enacted*, That the street commissioner, city surveyor, city counsel, city attorney, chief of police, collectors of arrears of taxes, and all other officers appointed by the common council, not herein named, shall possess the powers and be subject to the obligations conferred and imposed upon

them by law, or by the ordinances, by-laws, rules and regulations of the common council.

Board of excise to grant license.

45. *And be it enacted*, That the members of the board of excise elected by the several wards, shall constitute the board of excise of the city of Newark, in whom shall be vested the exclusive power to grant licenses to persons to keep inns and taverns, and victualling houses, with the privilege of retailing spirituous liquors, within the said city.

Meetings of the board of excise.

46. *And be it enacted*, That the board of excise shall meet in the common council chamber on the first Tuesday of February, in each year, and at such other times as they may appoint, for the purpose of receiving and hearing applications for license; the board shall elect by ballot one of their number chairman of said board, and the city clerk shall be clerk of the board; the city clerk shall keep a full record of the proceedings of the board, in a book to be provided for that purpose, which record shall be certified by the chairman and the clerk of the board, and deposited in the office of the city clerk; a majority of all the members elected to the board shall constitute a quorum for the transaction of business, and no license shall be granted without the vote of a like majority.

Applications for license.

47. *And be it enacted*, That every application for license as aforesaid shall be made to said board by the petition of the person or persons applying for the same, stating the place or premises where the said inn and tavern or victualling house is proposed to be kept, and a certificate thereunto annexed, signed by at least twelve respectable citizens and freeholders in the ward in which the place or premises is or are situate, setting forth that such inn and tavern or victualling house is necessary to accommodate the public, and entertain strangers and travellers, and that such person or persons is or are of good repute for honesty and temperance, well capable of carrying on the trade or business for which the license is requested, and well provided with room and other suitable conveniences for the comfort and accommodation of the public, of strangers and travellers.

Fees for license.

48. *And be it enacted*, That the board of excise shall have power on every application to keep an inn and tavern or

victualling house as aforesaid, to grant or withhhold the same, and to revoke for cause shown, any license whatever granted by such board; the said board shall charge for every license granted, not less than thirty nor more than one hundred dollars, and may attach such terms and conditions to the license as they may deem proper; and no license shall be granted for a longer term than one year; every license shall be signed by the chairman and clerk of the board, and no license shall be delivered until the fee therefor shall be paid to the city clerk; and all moneys received for licenses shall be paid to the city treasurer; every license granted as aforesaid, and the person or persons to whom the same shall be granted, shall be subject to the provisions of an act entitled, "an act concerning inns and taverns," and the supplement or supplements thereto, except so far as the same may be inconsistent with the provisions of this act.

Firemen exempt from tax and jury duty.

49. *And be it enacted*, That the chief engineer of the fire department, assistant engineers, fire wardens and firemen of said city, shall, during their term of service, be exempt from tax not exceeding the sum of three dollars in each year, and from serving as jurors, or in the militia, in time of peace; exempt firemen who have received, or shall hereafter receive certificates, under the common seal, that they have served as firemen in the said city for the term of seven years, shall be exempt from further duty as firemen, and shall be and remain thereafter exempt from tax not exceeding three dollars in each year, and from serving as jurors, or in the militia, in time of peace.

Police justices to be appointed for each ward.

50. *And be it enacted*, That there shall be, in and for the said city, one police justice in each of the wards of said city, who shall be appointed by the senate and general assembly, in joint meeting, and shall hold his office for the like term, and be commissioned in the like manner as justices of the peace in and for the several counties in this state, and be amenable, in the like manner to the senate and general assembly; but the said police justice shall not, by virtue of his office, be authorized to hear and try any civil action except such as may be brought to recover a penalty under the ordinances

of the said city, in which cases he may act as a justice of the peace in his civil capacity.

Powers and authority of police justices

51. *And be it enacted*, That every police justice shall be entitled to use and exercise the like power, authority, and jurisdiction in all criminal matters and complaints arising in the city of Newark, as the justices of the peace in and for the several counties of this state are or may be by law entitled to use and exercise, and that any two police justices shall be authorized and empowered to hear, try and determine all such matters and complaints of a criminal nature, as any two justices of the peace are or may be by law authorized and empowered to hear, try and determine; *provided*, that nothing herein contained shall be so construed as to constitute the said police justices, or any of them, members of the general court of quarter sessions of the peace in and for the county of Essex.

Proviso.

Actions before police justice.

52, *And be it enacted*, That, unless when otherwise directed, all actions or proceedings before any police justice under the provisions of this act, shall, as nearly as may be, be regulated by the provisions of, and conducted in the manner prescribed in and by an act entitled "an act constituting courts for the trial of small causes," and the several supplements thereto, and that the court held by every police justice in and for the said city of Newark, shall be a court of record, and vested for the purposes mentioned in this act, with all such power as is usual in courts of record of this state.

May issue writs of subpœna, &c.

53. *And be it enacted*, That every police justice may, in all matters or causes pending before him, award and issue writs of subpœna ad testificandum into any county of this state.

May issue process for violation of city ordinances.

54. *And be it enacted*, That every police justice shall be empowered, on oath, affirmation or affidavit, made according to law, and filed in his office, that any person or persons has or have been guilty of a violation of any of the ordinances of the said city, to issue a process either in the nature of a warrant, or a summons, against the person or persons so charged, which process shall, when in the nature of a warrant, be returnable forthwith, and when in the nature of a summons be returnable in not less than five nor more than fifteen days;

that such process shall state what ordinance the defendant or defendants named therein has or have violated, when, and in what manner the same has been violated, and that on the return of such process, or at the time to which the justice shall have adjourned the same, the said justice shall proceed to hear testimony and to determine and give judgment in the matter without the filing of any pleadings; and that the justice shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods and chattels and person of the defendant or defendants; *provided*, that nothing herein contained shall prevent the enforcement of the ordinances of the said city in the manner hereinbefore provided. Proviso.

55. *And be it enacted*, That no warrant, or process in the nature of a warrant, shall be issued by any police justice against any person or persons, on any complaint made as aforesaid, for the violation of any of the ordinances of the said city, unless upon oath or affirmation made and filed before said justice, establishing to his satisfaction, by one or more particulars mentioned therein, that such process is necessary to secure the due enforcement of the ordinance, in the matter of said complaint, against such person or persons. No warrant to be issued unless upon oath or affirmation.

56. *And be it enacted*, That every person against whom judgment may be obtained before any police justice for the violation of any of the ordinances of the said city, shall have the right of appeal, in common with the city, to the higher courts, as in the case of civil suits before justices of the peace. Parties may appeal.

57. *And be it enacted*, That the chief of police and the officers of the day and night police, appointed by the common council, shall, (in addition to the authority conferred upon them by the ordinances, by-laws, rules and regulations of the common council,) possess and have all the powers of constables within the city limits, for the purpose of preserving the peace, and enforcing the ordinances of the city. Powers of city police.

TITLE FIFTH.

OF THE BOARD OF EDUCATION, AND THE PUBLIC SCHOOLS OF THE CITY.

58. *And be it enacted*, That the commissioners of public

Board of education constituted.

schools of the several wards of the said city shall constitute and be called "The Board of Education of the City of Newark," and the present commissioners of public schools in said city shall continue to be a body corporate and politic, in fact and in name, by the name of "The Board of Education of the City of Newark," and by that name, they and their successors forever shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in any court of law or equity, and that they and their successors may have a common seal, and alter the same at their pleasure.

Officers of board.

59. *And be it enacted*, That the board of education shall annually elect a president from its own body, and in his absence a president pro tempore, appoint its times and places of meeting, and determine the rules of its own proceedings; it shall also appoint a secretary, who shall keep a journal of its proceedings, and perform such other duties as the board may prescribe; a majority of the whole number of commissioners shall constitute a quorum for the transaction of business, and no resolution or order of the board shall be adopted, unless with the consent of a majority of the whole number of commissioners; the president of the board shall have the power to call special meetings whenever he shall deem it expedient.

Annual estimate to be sent to common council.

60. *And be it enacted*, That the board of education shall prepare and transmit to the common council of the city of Newark, on or before the first Friday of February in each year, an estimate of the amount of moneys necessary for the support of public schools in said city during the year, which estimate shall specify particularly, under the several heads of erection and repairs of school-houses, salaries of teachers, school books, school furniture and school libraries, stoves and fuel, and incidental expenses, as nearly as may be, the several sums required for each branch of expenditure; and the said common council of the city of Newark shall determine by resolution the amount of moneys to be appropriated to public schools during the year, including therein the quota of the city of Newark of the annual appropriation

made by the state for the support of public schools; and the said common council are hereby empowered to raise by tax such sum or sums of money for the support of public schools as they may deem expedient and necessary, and all moneys so raised and appropriated, shall be expended by the board of education for the support of public schools in the city of Newark, according to the provisions of this act.

Board to establish and take charge of public schools.

61. *And be it enacted*, That the board of education shall take charge of the public school-houses in the city of Newark, and shall cause all necessary repairs to be made to the same; and are also empowered to establish public schools of different grades, adapted to the age and progress of the pupils, including evening schools for apprentices, minors and adult persons; to select and employ teachers; to provide school books, school furniture and school libraries for the schools; to purchase stoves and fuel, and incur such incidental expenses for the maintenance of the said schools as may be necessary; and to adopt rules and regulations for the admission of pupils, the visitation and inspection of the schools, and the government and studies to be pursued therein; and the said board of education, with the concurrence of the common council of the city of Newark, are further empowered to purchase real estate for school purposes, and to erect school-houses thereon for the use of the public schools; and the real estate so purchased as aforesaid, shall be vested in the mayor and common council of the city of Newark; *provided, nevertheless*, that the said board shall at no time make nor incur any expenditure exceeding the amount appropriated by the common council of said city for school purposes; and that all moneys so appropriated shall be expended by the said board in compliance with the laws of this state.

Proviso.

Annual report to be made of number of scholars and expenditures.

62. *And be it enacted*, That the board of education shall, at the close of the fiscal year, prepare a report, embracing the number of schools under their charge, specifying their grades, the number and names of the teachers, the number of pupils on the roll, and the average attendance in each school, the annual cost of each and every school, and a full and true account of the expenditures of said board during the year, under the respective heads of erection and repairs of school-

houses, salaries of teachers, school books, school furniture and school libraries, stoves and fuel, and incidental expenses, and shall transmit the said annual report to the common council, and a copy thereof to the state superintendent of common schools; and the said board shall give such other information to the common council in relation to the public schools, as the said common council shall by resolution require, and shall also notify the said common council of any vacancy which may occur in the office of commissioner of public schools in said city.

City superintendent may be appointed

63. *And be it enacted*, That the said board of education shall have power, from time to time, to appoint a city superintendent of public schools of the city of Newark, and such other officers or agents as they may deem necessary for the proper maintenance of the public schools of said city, prescribe their duties and fix their compensation, which appointments shall continue during the pleasure of the board of education and no longer.

City treasurer to pay drafts of board for amount of credit.

64. *And be it enacted*, That whenever, and as often as the common council of the city of Newark shall by resolution direct the treasurer of said city to credit the said board of education with a sum or sums of money for the support of public schools in said city, it shall be the duty of the treasurer of the city of Newark, immediately after the receipt of a copy of such resolution, duly certified by the city clerk, to enter on his books the sum or sums of money therein mentioned, to the credit of "The Board of Education of the City of Newark;" and the treasurer of said city shall pay on presentation, all drafts drawn upon him by order of the board of education, duly attested by the signatures of the president and secretary of said board, to an amount not exceeding the balance remaining on his books to the credit of the said board of education, and shall preserve such drafts as vouchers, to be exhibited in the settlement of his accounts as treasurer of the city of Newark.

Suits for damages to school property.

65. *And be it enacted*, That all suits or proceedings brought or to be brought in any court of law or equity, against any person or persons or body corporate for damages, for and on account of any injury to any school-house or to any outbuild-

ings, fences, trees, or other improvements thereto belonging, or to any school furniture or school books, in any school-house under the charge of the board of education, shall be in the name of "The Board of Education of the City of Newark," notwithstanding that the legal title to such property may be vested in the mayor and common council of the city of Newark; and all damages which may be recovered in such actions or proceedings shall be paid into the city treasury, and shall be appropriated by the said board for the support of public schools in said city.

Assessors to make out list of children capable of attending school

66. *And be it enacted*, That it shall be the duty of the assessors of the several wards in the city of Newark, and they are hereby authorized and required to make out a list of the children capable of attending school, between the ages of five and eighteen years, within each of said wards respectively, specifying the age of each child in years, together with the names of the parents or guardians of such children, and to transmit the same, under proper certificate, on or before the first day of October annually, to the secretary of the board of education of the city of Newark; and the number of children in said lists shall be duly certified by the said board to the board of chosen freeholders of the county of Essex, at their annual meeting next succeeding the return of said lists as aforesaid, and the quota of the city of Newark in the apportionment of the moneys appropriated by law to public schools in this state, shall be determined by the said board, in the ratio of the number of children contained in said lists, in like manner as if the same had been duly ascertained and transmitted to the said board according to the provisions of an act entitled "an act to establish public schools," and the supplement thereto; and the sum of one dollar for every one hundred names of children contained in said lists, respectively, shall be allowed to the assessors duly making and transmitting the same, to be paid by the board of education of the city of Newark.

Fees of assessors.

State appropriation for public schools

67. *And be it enacted*, That the city of Newark shall be entitled to its just quota of the annual appropriation made by the state for the support of public schools to be ascertained according to law, which shall, from time to time, be

paid to the treasurer of said city, to be expended for the support of public schools in said city, according to the provisions of this act.

TITLE SIXTH.

OF THE ASSESSMENT AND COLLECTION OF TAXES.

Common council may raise money by tax.

68. *And be it enacted*, That the common council shall have power to raise by tax, in each year, such sum or sums of money as they shall deem expedient, for the following purposes:

I. For lighting the streets of the city.

II. For the maintenance and support of the poor.

III. For regulating, cleaning, and keeping in repair the streets and highways.

IV. For regulating, improving and protecting the public grounds and parks.

V. For the construction of bridges and cross-walks.

VI. For the support of public schools.

VII. For the support of the police department.

VIII. For the support of the fire department.

IX. For supplying the city with water for the extinguishment of fires.

X. For the support of public markets.

XI. For the payment of the interest upon the city debt, and upon temporary loans, and such part of the principal thereof as may be due and payable.

XII. For the contingent expenses of the city:

And for all other objects and purposes authorized by this act; *provided always*, that the tax or taxes hereafter raised, shall not exceed, for city, county and state purposes, one hundred cents on every one hundred dollars of the valuation of the assessed property in said city, as ascertained by the assessor's returns of the previous year.

Proviso

Manner of assessing and collecting tax.

69. *And be it enacted*, That such sum or sums of money shall be assessed by the assessors, and collected by the collectors of the said city, in the manner in which the taxes of the county of Essex are assessed and collected, except that so much of the said taxes as may be raised for lighting the

streets of the city, shall be assessed and collected upon, and from all persons residing, and lands located within the district of said city, to be established from time to time, by an ordinance of the common council, and to be called the lamp district of the said city; which taxes, when collected, shall be paid to the treasurer of the said city, and be subject to the order of the said common council.

Time of assessment.

70. *And be it enacted*, That the duties which the assessors of the several townships and wards in the county of Essex are required by the provisions of an act entitled "an act concerning taxes," to perform between the twentieth day of May and the twentieth day of August, shall be performed by them between the twentieth day of April and the twentieth day of June, in each year hereafter.

Assessment of lands and real estate.

71. *And be it enacted*, That the said assessors of the said city, in making their assessments, as now provided by law, are hereby directed and required to assess all lands, tenements, hereditaments and real estate, whether said lands and real estate be improved or not, in the names of the owners thereof, respectively, and to designate the same by the street where situate, and by the number thereof, where the same is numbered, and if not numbered, then by such other short description as will be sufficient to ascertain the location and extent thereof; that only one assessment shall be made on any improved lot, together with unimproved lands adjacent thereto and connected therewith, and belonging to the same owner; and that the said assessors of the said city shall, when maps are for that purpose provided by the common council, make their assessments, as nearly as may be, according to such maps.

Colored persons exempt from tax.

72. *And be it enacted*, That all persons of color, resident in the said city, shall be and are hereby declared to be exempt from any poll tax.

Duties of board of assessors.

73. *And be it enacted*, That the assessors of the several wards of the city of Newark shall meet annually on the last Tuesday in June in each year, and may from time to time adjourn, and when so met they shall constitute a board of assessors for the said city, and it shall then be their duty, as such board of assessors, to review the several assessments

made by the respective assessors of the several wards of the said city, and to diminish, increase, or alter any such assessments, in order that the assessments on property, whether real or personal, in the several wards of the said city, may be made as just and as nearly equal as possible; which assessments, so revised and approved by the said board, shall be the assessments for the several wards of the city of Newark, subject as heretofore to the action of the commissioners of appeals in cases of taxation.

Time of meeting of assessors.

74. *And be it enacted*, That the said assessors shall meet annually, on the second Monday in July, instead of the first Monday in September, to perform the duties required of them by law; *provided*, that the assessors of the several wards of the city of Newark shall perform the duties required by the fifth section of the act entitled "an act concerning taxes," within fifteen days from the said second Monday in July; and the assessors of the several other townships and wards of the county of Essex within fifteen days from the first Monday in September, as now directed by law.

Proviso.

Meetings of commissioners of appeal.

75. *And be it enacted*, That the commissioners of appeals in cases of taxation in and for the several wards of the said city shall meet annually on the second Tuesday in September, in each year hereafter, to perform the duties required of them by law; and that no deduction shall be made in the valuation or assessment of any lot, by reason of any mortgage, judgment, or other incumbrance thereon, but that it shall be lawful for the owner or owners of such lot to set off against the interest due upon any mortgage thereon, a proportion of the tax paid on said lot in any year, equal to the proportion that said mortgage bears to the value of the premises covered by said mortgage; *provided*, that the parties interested in said mortgage shall be allowed to make such agreement relative to the payment of said tax as they may see proper.

Proviso.

Assessments to be deposited with city treasurer.

76. *And be it enacted*, That the assessments of taxes for the several wards of the city of Newark, made by the assessors, as aforesaid, shall, on or before the first day of October, be deposited in the office of the city treasurer; and such taxes shall bear interest at the rate of seven per cent. per

annum, from and after the twentieth day of October next after the assessment thereof.

77. *And be it enacted*, That any assessment of taxes hereafter made in the city of Newark against any person or persons, shall be and remain a lien on all the lands and real estate of such person or persons within the said city, for the amount of such assessment, with interest thereon, and all costs and fees, for the space of two years from the twentieth day of June of the year in which said assessment shall be made; and any assessment of taxes hereafter made upon any lands and real estate within the said city, shall be and remain a lien upon such lands and real estate, with interest thereon, and all costs and fees, for the space of two years from the twentieth day of June of the year in which such assessment shall be made, notwithstanding any devise, descent, alienation, mortgage, or other incumbrance thereof, and notwithstanding any mistake in the name or names of the owner or owners, or omission to name the owner or owners of such lands and real estate; and any assessment of taxes in which such mistake or omission occurs, shall be valid and effectual in law, and if unpaid shall be returned in the list of delinquent taxes, and such lands and real estate may be proceeded against and sold in the manner provided by this act. Assessments to be a lien on property.

78. *And be it enacted*, That the duties which the collectors of the several wards of the said city are required to perform by the tenth section of the act entitled "an act concerning taxes," shall be performed on the first day of August in each year hereafter; and the provisions of the eleventh section shall be construed to relate to the said first day of August, except that the time of payment of moneys to the collector of the county of Essex shall be on or before the twenty-second day of October in each and every year. Duties of collectors.

79. *And be it enacted*, That if any ward collector of the city of Newark shall neglect for the space of ten days after the twentieth day of October in each and every year, to make out a list of the names of delinquents, as directed by the twelfth section of the act entitled "an act concerning taxes," and to deliver the same to a justice of the peace of the county of Essex, residing in said city, or to settle his Penalty for neglecting to return list of delinquents.

accounts with the city treasurer and pay over the moneys received by him, he shall, for such neglect, forfeit all fees and compensation to which he would have been entitled for collecting and paying over the taxes for the year in which such neglect shall occur; *provided*, that no such neglect shall in any wise be held to relieve any person or persons from the payment of his, her or their tax or taxes, or to affect the proceedings for the collection thereof, hereinafter mentioned.

Proviso.

Property may be sold for payment of taxes.

80. *And be it enacted*, That it shall be the duty of any justice of the peace to whom any list of delinquents shall be returned as aforesaid, immediately upon the receipt thereof, to administer to the collector returning the same, the oath prescribed by the thirteenth section of the act entitled "an act concerning taxes," and to issue his warrant directed to "the collector of arrears of taxes of the city of Newark," containing a list of the names of the several persons and of the sums due from them, respectively, either in figures or words at length, as the same shall have been returned to him as aforesaid; and shall thereby command the said collector to cause the said several sums of money, with interest thereon as aforesaid, and all lawful costs and fees, to be levied and made of the goods and chattels of the several persons therein named, and from whom the same are due, respectively, by selling the same at public auction, giving at least four days' notice of the time and place of such sale, by advertisement set up in five public places in said city, and in case the said collector of arrears of taxes cannot find sufficient goods and chattels of said persons, whereof the tax or taxes due from them, respectively, with all costs and fees, can be made, and in case there are no lands and real estate of said persons within the said city, then the said warrant shall further direct the said collector of arrears of taxes to take such further proceedings, to be set forth in said warrant, as are mentioned in the eighteenth section of the act entitled "an act concerning taxes," which warrant the said justice, before delivery thereof to said collector, shall record in his docket; and if any justice of the peace residing in the city of Newark, shall neglect or refuse to perform any duty re-

quired of him by this act, he shall, for every such neglect or refusal, forfeit and pay the sum of five hundred dollars, to be sued for and recovered, with costs, in the name and for the use of "The Mayor and Common Council of the City of Newark," before any court of competent jurisdiction.

Collectors to pay over moneys received to city treasurer.

81. *And be it enacted*, That it shall be the duty of the said collector of arrears of taxes to execute, according to the command thereof, all warrants which shall be issued and delivered to him as aforesaid; to pay over, from time to time, and at least once in each week, without delay, all moneys received by him, to the treasurer of said city; and within sixty days from the date of any warrant directed and delivered to him, to make a full return and statement in writing to the common council of said city, of his proceedings on the same, setting forth particularly the amount of money received by him, the several sums then remaining unpaid, and the names of the several persons then in arrear, and the sums due from each, respectively; and on or before the first day of June next after receiving any warrant, as fully as practicable, to execute the same, and make return thereof to the justice who issued the same, with a full return of all his proceedings thereon; and at the same time to make a full return and statement to the common council of said city, setting forth the amount of money received by him thereon since his first return and statement, the sums, if any, remaining unpaid, the names of any persons still in arrear, and the sums due from them respectively, which said return and statement shall be verified by the affidavit of the said collector; and in case there are no lands and real estate of said persons within the said city, it shall be lawful for the justice who issued such warrant, or in case of his death, removal from office, or other disability, for any other justice of the peace residing in said city, thereupon to issue another warrant for the collection of the sum or sums remaining unpaid, with interest, costs and fees, in the like form, and to be proceeded upon in the same manner as hereinbefore mentioned, and so until the whole is collected.

Common council may remove collector.

82. *And be it enacted*, That the said collector of arrears of taxes shall be removable at the pleasure of the common

council of said city; and in case of a vacancy in the office by removal, death, or otherwise, the common council shall have power at any time to fill such vacancy; and any warrant in the hands of said collector, at the time any vacancy occurs, may be executed, in whole or in part, as the case may require, by his successor; and it shall be the duty of any collector, within twenty days after being removed from office, or the expiration of the term of his appointment, to make a full return of his proceedings upon any warrant or warrants in his hands to the justice or justices who issued the same, together with such warrant or warrants; and within the same time to make and deliver to the common council of said city, a full return and statement of his proceedings thereon, including all the particulars mentioned in the preceding section.

Collector liable for amount of taxes not paid over in certain time.

83. *And be it enacted*, That the said collector of arrears of taxes shall be liable to the said "The Mayor and Common Council of the City of Newark," for the amount of taxes mentioned in any warrant directed and delivered to him under this act, with interest, or for such part thereof as shall not have been paid to the treasurer of said city, on or before the first day of June next after said collector shall receive said warrant, unless the deficiency happen without any neglect, fraud, or default on his part, to be recovered, with interest and costs, in an action on the case for so much money had and received by the said collector, for the use of the said "The Mayor and Common Council of the City of Newark."

Record to be made of unpaid taxes.

84. *And be it enacted*, That the full return and statement for each of the wards of the city of Newark to the common council of said city, made by the collector of arrears of taxes, on or before the first day of June next after receiving any warrant as hereinbefore required, shall, by order of the common council, be delivered to the city treasurer; and on the receipt by him of such returns and statements as aforesaid, the treasurer shall prepare a transcript of the unpaid taxes so far as the same have been assessed upon any lands and real estate within the said city, or are a lien upon any such lands and real estate, including in such transcript the names

of the owners, if any be given, of such lands and real estate, the description thereof and the amount of the taxes thereon, respectively, and enter the same in a book to be kept for that purpose; and the said treasurer may, in such transcript, correct any errors of description in such returns and statements, by comparing the same with the original assessment of taxes made by the assessors of the several wards respectively; and immediately after completing such transcript, he shall cause a notice to be published in two daily newspapers printed and published in said city, stating that said transcript of unpaid taxes has been made, and that unless said taxes shall be paid at his office within twenty days after the first publication of said notice, he will proceed to collect the same by public sale, according to law.

Record to be made of unpaid assessments.

85. *And be it enacted*, That whenever the common council shall order and direct the city treasurer to collect any assessment or assessments upon any lands and real estate remaining unpaid, as provided in the one hundred and fifteenth section of this act, the treasurer shall prepare a transcript of such assessments, including in such transcript a brief description of the improvement or work for which such assessment or assessments was or were made, the names of the owners, if any be given, of such lands and real estate, the description thereof, specifying the street, road or avenue on which each lot, tract or parcel of land and real estate fronts, on which side thereof, and near or between what streets it may lie, and the amount of the assessments thereon respectively, and enter the same in a book to be kept for that purpose; and immediately after completing such transcript, he shall cause a notice to be published in two daily newspapers printed and published in said city, stating that the said transcript of unpaid assessments has been made, and that unless said assessments shall be paid at his office within twenty days after the first publication of said notice, he will proceed to collect the same by public sale, according to law.

Collection of unpaid taxes and assessments.

86. *And be it enacted*, That after the expiration of the said twenty days it shall be the duty of the said treasurer to collect the taxes or assessments in any such transcript then remaining unpaid, by public sale at auction of the lands and

real estate whereon said taxes or assessments have been imposed or may be a lien; and public notice of the time and place of the sale of any lands and real estate under the provisions of this act, shall be given by advertisement, signed by the city treasurer, and published in two daily newspapers printed and published in said city, for the space of six weeks, at least once in each week before the time appointed for such sale.

Certificate of sale to be given to purchaser.

87. *And be it enacted*, That if any such tax or assessment remain unpaid on the day specified in such notice, the city treasurer shall proceed to sell by public auction, at the time and place appointed therein, the lands and real estate on which said tax or assessment shall have been imposed, or may be a lien, for the lowest term of years, but in no case exceeding fifty years, for which any person will take the same and pay the amount of such tax or assessment with the interest thereon, and all costs, fees, charges and expenses; such payment shall be made before the conclusion of the sale; and if not so made, the treasurer may re-sell the property, or the city may have its action against the purchaser for the payment and interest at the rate of fifteen per cent. per annum; the sale may be adjourned from time to time until the lands and real estate are disposed of, and such as are not bid for when offered for sale, or for re-sale as aforesaid, shall be struck off to the city for the term of fifty years; a certificate of the sale of each lot, tract or parcel of land and real estate, sold as aforesaid, shall be made by the treasurer and delivered to the purchaser; such certificate shall contain a description of the property and the term for which it was sold, and state the particular tax or assessment, the amount thereof, with interest and expenses, for which the sale was made, and the time when the right to redeem will expire; and the treasurer shall enter and record in his office his proceedings upon such sales, and all sales made, and certificates granted by him, and all redemptions of property sold by him.

Certificate of sale to be recorded.

88. *And be it enacted*, That every certificate of sale shall be presumptive evidence of the facts stated therein; and shall be recorded in the office of the city clerk, in proper

books kept for that purpose, and shall constitute a lien upon the lands and premises therein described, after the same shall have been so recorded; and no assignment of any certificate given on the sale of lands and real estate, for any taxes or assessment, shall have any effect until the same shall be recorded as aforesaid in the office of the city clerk; a declaration of sale shall not be executed and delivered until the certificate has been cancelled and filed with the city clerk, unless the loss or destruction thereof be established by affidavit to the satisfaction of the common council.

Certificate transferable if city becomes the purchaser.

89. *And be it enacted*, That if the city becomes the purchaser of any lands and real estate upon any such sale, the certificate of sale shall be assignable, and all the provisions of this act in relation to such sale, shall apply to the city as to any other purchaser.

Notice of sale to be given to mortgagee.

90. *And be it enacted*, That no mortgagee, whose mortgage shall have been duly recorded before sale for any tax or assessment, shall be divested of his rights in such property, unless six months' notice in writing, of such sale, shall have been given to him by the purchaser, or by any person or persons claiming under him, personally, if a resident of the city of Newark, and if not such a resident, then upon the owner of the premises, if he be a resident of the city of Newark, and by depositing such notice in the post office of said city, directed to the mortgagee at his place of residence as stated in the mortgage or assignment thereof; but nothing herein contained shall be so construed as to impair the lien created by such sale; within a month after the service of such notice, it shall be the duty of the person serving or causing the same to be served, to file in the office of the city treasurer, a copy of the notice served, together with the affidavit of some person who shall be certified by the officer before whom said affidavit shall be taken, to be a creditable person, proving the due service of the said notice.

Mortgagee may redeem.

91. *And be it enacted*, That the owner, mortgagee, occupant, or any person or persons having a legal or equitable interest in any lands and real estate sold for taxes as aforesaid, or for any assessment, under the provisions of this act, may redeem the same at any time within three years from the

time of such sale, by paying to the city treasurer, for the use of the purchaser, his heirs and assigns, the said purchase money, together with any other tax or assessment chargeable thereon, and which the said purchaser may have paid, provided a notice of such payment has been filed in the office of the city treasurer, with interest on such purchase money, at the rate of fifteen per cent. per annum from the time of such sale, and on such payment or payments, from the time of filing such notice as aforesaid, and the certificate of such treasurer stating the payment and showing what property such payment is intended to redeem, shall be evidence of such redemption; upon the receipt of such moneys by the city treasurer, he shall cause the same to be refunded to the purchaser, his heirs or assigns, and all proceedings in relation to said sale shall cease and determine; if the person so redeeming be a judgment creditor or mortgagee of the premises, he shall have a lien on the lands and real estate redeemed by him, by virtue of this act, for the amount paid by him to the city treasurer to effect such redemption, with the interest which may thereafter accrue thereon, at the rate of seven per cent. per annum, in like manner as if the same had been included in his mortgage or judgment, and may enforce the same in the same manner.

Proceedings in case lands sold are not redeemed.

92. *And be it enacted*, That if any lands and real estate so sold, shall not be redeemed as by this act provided, the common council shall execute to the purchaser, his legal representatives or assigns, a declaration of sale under the common seal, signed by the mayor and attested by the city clerk, containing a description of the premises, the fact of assessment, advertisement and sale, the date of the sale, and the period for which the premises were sold; which declaration shall be recorded in the office of the city clerk, and until the same shall have been so recorded, such lands and real estate may be redeemed as hereinbefore provided, notwithstanding the period of three years may have expired from the time of said sale; such declaration of sale shall be presumptive evidence in all courts and places, that such sale and proceedings were regularly made and had, according to the provisions of this act; and such purchaser or purchasers, and his and their

legal representatives, shall by virtue thereof, lawfully hold and enjoy such lands and real estate, with the rents, issues and profits thereof, for his and their own proper use, against the owner or owners thereof and all persons claiming under him or them, until the term shall be completed and ended, for which the purchaser or purchasers may have agreed to take the same, and at the expiration of the said term shall peaceably and quietly yield up such lands and real estate to the lawful owner or owners thereof, and shall be liable for any injury or waste by him or them done or committed therein, in the same manner as a tenant for a term of years.

Certificates of sale and assignments to be recorded.

93. *And be it enacted*, That it shall be the duty of the city clerk to record in proper books kept for that purpose, all certificates of sale and assignments thereof, and all declarations of sale, to give certificates of search in relation thereto, to any person or persons applying for the same, and to cancel such certificates of sale and assignments thereof so recorded, when the land and real estate for which they were given shall be redeemed, on certificate of the treasurer of such redemption, and to file such certificates in his office; it shall be the duty of the treasurer to make out two receipts for all property redeemed, one for the person redeeming and one to be filed in the office of the city clerk.

Records of taxes and assessments to be kept in the office of city treasurer.

94. *And be it enacted*, That a complete record of all taxes and assessments shall be kept in the office of the city treasurer; the record of taxes shall be the assessments of taxes prepared and returned by the assessors of the several wards of the said city, the final returns and statements to the common council made by the collector or collectors of arrears of taxes, and the transcripts of unpaid taxes prepared by the city treasurer; the record of assessments shall be the original certificates of assessment with the maps accompanying the same, the abstracts thereof, and the transcripts of unpaid assessments prepared by the city treasurer.

Fees of collectors of arrears of taxes, justices and treasurer.

95. *And be it enacted*, That the said collector of arrears of taxes shall be entitled to receive the sum of fifty cents for executing a tax warrant against each person named therein, and in addition thereto, two cents on each dollar collected by him and paid over to the treasurer of said city; and for

making the final return and statement to the common council of said city, such amount as may be allowed by the said common council; and the justice of the peace issuing such warrant, for his services, shall be entitled to receive the same fees as are now allowed by law for issuing tax warrants; and the city treasurer shall receive, for the use of the city, for advertising any lot, tract or parcel of land and real estate, the sum of one dollar, and for a declaration of sale to a purchaser, the sum of one dollar.

TITLE SEVENTH.

OF STREETS, HIGHWAYS, SEWERS, GENERAL AND LOCAL IMPROVEMENTS, AND ASSESSMENTS THEREFOR.

96. *And be it enacted,* That it shall be lawful for the common council of the city of Newark, whenever in their opinion the public good requires it, by ordinance—

Common council to lay out streets.

I. To lay out and open any street, road, highway or alley, public park or square, within said city; to order and cause any street, road, highway or alley, already laid out, or which shall hereafter be laid out, to be vacated, straightened, altered or widened; and to take and appropriate for such purpose, any lands and real estate, upon making compensation to the owner or owners thereof, as is hereinafter mentioned and provided.

To lay out drains.

II. To order and cause sewers or drains to be constructed in any part of said city; and, if necessary, to take and appropriate for such purpose any lands and real estate, upon making compensation to the owner or owners thereof, as is hereinafter mentioned and provided.

To cause streets to be graded, paved, &c.

III. To order and cause any street or section of a street to be graded, graveled, paved, flagged, macadamized, or otherwise improved or regulated, in such manner as they may deem advisable, under the supervision and direction of the street commissioner, at the expense of the owners of lands and real estate on the line of said street or section of a street.

97. *And be it enacted,* That no ordinance shall be intro-

duced or presented to the common council, for making any improvement or performing any work, under and by virtue of the provisions of the last preceding section of this act, or either of the sub-divisions thereof, until public notice shall be given of the intention of the common council to cause such improvement to be made, or such work to be done and performed, and to that end it shall be the duty of the street commissioner, by direction of the common council, to give notice in two daily newspapers printed and published in the city of Newark, of the intention of the common council to cause such improvement to be made, or such work to be done and performed, briefly describing such work or improvement and requesting such persons as may object thereto, to present their objections in writing at the street commissioner's office, on or before the expiration of twenty days from the date of such notice, and at any time thereafter, the common council may proceed to consider such ordinance, as aforesaid.

Notice to be given of introduction of ordinance.

98. *And be it enacted*, That whenever any ordinance shall be passed by the common council for making any improvement or performing any work, under and by virtue of the provisions of the ninety-sixth section of this act, or either of the sub-divisions thereof, all further acts and proceedings which it may be necessary for the said common council to take, to carry out said improvement or work to completion, and all orders relating thereto, shall be by resolution and not by ordinance.

Proceedings after passage of ordinance.

99. *And be it enacted*, That whenever the common council shall determine by ordinance, to lay out and open any street, road, highway or alley, public park or square, within said city, or to alter, widen or straighten any street, road, highway or alley, or to make any sewer or drain in any part of said city, and to take and appropriate for such purpose any lands and real estate, they are hereby authorized to treat with the owner or owners thereof, for the same, and for the purpose expressed in such ordinance; they may purchase such lands and real estate of the owner or owners thereof, and make such compensation therefor, as they shall judge reasonable; and thereupon shall receive from such owner or

Proceedings in opening streets, &c.

owners, a conveyance of such lands and real estate to the city; and such compensation shall constitute a part of the whole amount of costs, damages and expenses, to be assessed under and in pursuance of the provisions contained in the one hundred and fifth section of this act.

Proceedings in case council and owners cannot agree.

100. *And be it enacted*, That in case no agreement for such purchase can be made, it shall be lawful for the common council to appoint five disinterested freeholders of the said city, residing in different wards, commissioners to make an estimate and assessment of the damages that any such owner or owners will sustain by taking and appropriating in the manner aforesaid, such lands and real estate; and in estimating and assessing such damages, the said commissioners shall have due regard both to the value of the lands and real estate, and to the injury or benefit to the owner or owners thereof, by making such improvement as aforesaid; and if, in any case, the commissioners shall estimate the benefits to any such owner or owners to be greater than the damages, they shall so declare in their report, and shall specially estimate and assess the value of the lands and real estate, which are necessary to be taken and appropriated for such improvement; and after such award shall be made, the remaining lands and real estate of any such owner or owners shall be liable to assessment, for the payment of the costs, damages and expenses of such improvement, under and in pursuance of the provisions of the one hundred and fifth section of this act.

Commissioners to take oath.

101. *And be it enacted*, That the said commissioners, before they enter upon the execution of the duty required of them, shall severally take and subscribe an oath or affirmation before the city clerk or mayor of said city, to make the said estimate and assessment fairly and impartially, according to the best of their skill and judgment.

Commissioners to give notice of meeting.

102. *And be it enacted*, That the said commissioners shall give public notice, by advertisement in two daily newspapers, printed and published in said city, of the time and place of their first meeting, at least ten days before the time of said meeting; and the said commissioners, or a majority of them, when met, shall have power to examine witnesses un-

der oath to be administered by any one of them, to enter upon and view the premises, if they shall deem it necessary, and to adjourn from time to time, and shall make a just and true estimate and assessment as aforesaid, and make and sign a certificate of such estimate and assessment and file the same with the city clerk, and the same being ratified by the common council, shall be binding and conclusive upon the owner or owners of any such lands and real estate and the said commissioners shall cause the same to be converted and used for the purpose aforesaid; *provided*, that any person or persons conceiving 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 sixty days from the time of making the final order of the common council, and the supreme court shall order a trial by jury to assess the damages sustained by the party aggrieved, the trial whereof shall be conducted as in other cases of trial by jury. Proviso.

103. *And be it enacted*, That in case of non-payment on demand of any damages estimated and assessed as aforesaid, with interest from the date of the assessment, in case of no appeal to the supreme court as aforesaid, the person or persons entitled thereto, may sue for and recover the same from the mayor 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 the award of said jury, as the case may be, shall be conclusive evidence against the defendants. Persons may sue in case of non-payment of damages.

104. *And be it enacted*, That the city treasurer shall, under the direction of the common council, tender and pay to the owner or owners of such lands and real estate, if resident in the said city, the amount of such estimate and assessment of damages due to him or them; but if any such owner is not resident in the city, or upon due inquiry cannot be found therein, or is a lunatic, or idiot, or under age, or if for any other lawful cause he is incapacitated to receive the same, or if such owner will not accept the same and sign a proper receipt therefor, when tendered, then the city treasurer shall make affidavit of such facts, and file the same with the city Payment of damages.

clerk; and the common council shall, after inquiry into the facts of the case, direct the amount of such assessment to be placed in the city treasury, for the use of the person to whom it may be due; and the said moneys so placed in the city treasury, shall be paid by the city to the person or persons entitled thereto, on demand, without interest, except from such time as the demand may be made and payment refused.

Assessment of damages.

105. *And be it enacted*, That in order to provide for the payment of the costs, damages and expenses of laying out and opening, altering, widening or straightening any street, road, highway or alley within said city, the common council shall ascertain the whole amount of such costs, damages and expenses, and shall cause to be made a just and equitable assessment thereof, upon the owners of all the lands and real estate intended to be benefited thereby, in proportion, as nearly as may be, to the advantage each shall be deemed to acquire; that in order to provide for the payment of the costs, damages and expenses of laying out and opening any public park or square within said city, the common council shall ascertain the whole amount of such costs, damages and expenses, and shall cause to be made a just and equitable assessment of two-thirds of such amount upon the owners of all the lands and real estate intended to be benefited thereby, in proportion as nearly as may be, to the advantage each shall be deemed to acquire; the remaining one-third thereof to be assessed upon and paid by the city of Newark; and that in order to provide for the payment of the costs, damages and expenses of constructing any sewer or drain, in any part of said city, the common council shall ascertain the whole amount of such costs, damages and expenses, and shall cause to be made a just and equitable assessment thereof, either in whole or in part, upon the owners of all the lands and real estate benefited thereby, in proportion, as nearly as may be, to the advantage each shall be deemed to acquire; and in case a part only of such amount shall be assessed upon such owners, then the balance of the whole amount of such costs, damages and expenses shall be assessed upon and paid by the city of Newark.

106. *And be it enacted*, That the common council shall appoint five disinterested freeholders of said city, residing in different wards, commissioners to make any such assessment; unless in the acts and proceedings of the said common council, taken for the purpose of carrying out said improvement or work, commissioners shall have been appointed to make an estimate and assessment of the damages sustained by any owner or owners for lands and real estate, taken and appropriated for such improvement or work, as authorized in the one hundredth section of this act, in which case the same commissioners appointed as aforesaid, shall be the commissioners to make the assessment of the whole amount of the costs, damages, and expenses of such improvement or work, in the manner herein required. Commissioners to assess damages.

107. *And be it enacted*, That the said commissioners before they enter upon the execution of the duty required of them, shall take and subscribe an oath or affirmation, before the city clerk or the mayor of said city, to make the said assessment fairly and impartially, according to the best of their skill and judgment. Commissioners to take oath.

108. *And be it enacted*, That the said commissioners shall make a report, by a certificate in writing, of the assessment so made, and before proceeding to sign the same, shall place the said report in the office of the city clerk for examination, by the parties interested therein, and shall give notice in two daily newspapers printed and published in the city of Newark, which notice shall be published for ten days successively, that such report has been deposited as aforesaid, and also of the time and place when and where the parties interested can be heard by the said commissioners; and after hearing the parties, the said commissioners shall proceed and complete the report, and sign the same, and return the said report with all objections in writing, which shall be presented to, and left with them, by any of the parties interested, to the common council. Commissioners to make report of assessment.

109. *And be it enacted*, That the whole amount of the costs and expenses of regulating, grading and paving any street, or section of a street, or grading, graveling, flagging, macadamizing or otherwise improving any street, or Expenses of regulating streets, by whom to be paid.

section of a street, shall be assessed upon the owners of lands and real estate upon the line of said street, or section of a street; and whenever such improvement shall have been made under the provisions of this act, the common council shall ascertain the whole amount of the costs and expenses of such improvement in any street, or section of a street, and shall cause to be made a just and equitable assessment thereof, upon the owners of lands and real estate on the line of said street, or section of a street, by the city surveyor;

Proviso. *provided*, that the provisions of this section shall not be construed to apply to necessary repairs of any street, road,

Proviso. highway or alley; *provided also*, that after any street, or section of a street, shall be once entirely paved or macadamized, at the expense of the owners of property as aforesaid, the common council shall take charge of and keep the same in repair, without further direct assessment on the property on such street, or section of a street.

City surveyor to make report. 110. *And be it enacted*, That the city surveyor shall make a report, by a certificate in writing, of the assessment so made, and before proceeding to sign the same, shall give notice in two daily newspapers printed and published in the city of Newark, which notice shall be published for ten days successively, that such report has been deposited in his office, for examination by the parties interested therein, and also of the time and place when and where the parties interested can be heard by him; and after hearing the parties, the said city surveyor shall proceed and complete the report, and sign the same, and return the said report, with all objections in writing, which shall be presented to and left with him, by any of the parties interested, to the common council.

Objections to assessments. 111. *And be it enacted*, That every certificate of assessment made as aforesaid, under the provisions of the one hundred and fifth, one hundred and sixth, one hundred and seventh, and one hundred and eighth sections of this act, or under the provisions of the one hundred and ninth and one hundred and tenth sections thereof, and presented to the common council, shall be referred by them to the proper committee, for consideration; and in case of any objections in

writing being returned with such report, the said committee shall publish a notice in two daily newspapers printed and published in the city of Newark, which notice shall be published for ten days successively, to the parties interested, of the time and place when and where they will meet to hear them on the objections and report; the said committee shall thereupon examine the matter and report to the common council, and return to them the said report of the said commissioners, or of the said city surveyor, as the case may be, with the objections of the parties, together with the views and opinions of the said committee respecting the said report.

Proceedings of council on objections to report.

112. *And be it enacted*, That the common council shall thereupon examine the matter, and may correct said report and assessment, if they deem proper, and ratify the same; and every certificate of assessment which shall be duly ratified by the common council shall be final and conclusive; or they may return such report and assessment to the said commissioners, or to the said city surveyor, who may have signed the same, and the like proceedings shall be had when the report is returned as in the first instance.

Vacancies, how supplied.

113. *And be it enacted*, That in case of the resignation, death or disability of one or more of the commissioners, appointed under the provisions of the one hundredth or one hundred and sixth section of this act, it shall be lawful for the common council to supply by appointment, the vacancy or vacancies, caused by such death, resignation or disability.

Abstract of assessment to be recorded.

114. *And be it enacted*, That whenever any certificate of assessment as aforesaid, shall be ratified by the common council, such certificate shall be delivered to the city treasurer, and on the receipt by him of such certificate as aforesaid, the treasurer shall prepare an abstract of such assessment and enter the same in a book to be kept for that purpose, and shall give notice in two daily newspapers printed and published in the city of Newark, which notice shall be published for ten days successively, stating in general terms the streets or sections of streets comprised in such assessment, and requiring the owners of land and real estate, assessed in such certificate, to pay the amount to him at his

office, within sixty days from the first publication of the notice.

Proceedings in case of non-payment of assessments.

115. *And be it enacted*, That if any such assessment upon any lot, tract or parcel of land and real estate shall not be paid within the time appointed in said notice, the common council of the said city may, as they shall deem proper, either bring an action on the case, in any court of competent jurisdiction, in the name of "The Mayor and Common Council of the City of Newark," against the owner or owners of such lot, tract or parcel of land and real estate, for so much money laid out and expended by them for the use of such owner or owners, and declare generally, and give the special matter in evidence, and either party, from any judgment rendered therein, may have the same remedy, by appeal or otherwise, as if said parties were private individuals; or may order and direct the city treasurer to collect such assessment by public sale at auction of the lands and real estate whereon such assessment has been imposed, or may be a lien.

Act not to affect agreements for payment of taxes or assessments.

116. *And be it enacted*, That nothing contained in this act shall be construed to affect any agreement between the owner or owners of any lands and real estate, and the occupant or tenant thereof, respecting the payment of any tax or assessment on such lands and real estate, but they shall be answerable to each other in the same manner as if this act had not been passed; and if any such tax or assessment shall be paid by any person, when by agreement or by law, the same ought to have been paid by some other person, then it shall be lawful for the person paying the same, to sue for and recover the amount of such tax or assessment, with interest and costs of suit, in any court having cognizance thereof, as so much money paid for the use of the person who ought to have paid the same; and the proof of such tax or assessment and of the payment thereof, shall be conclusive evidence in said suit; and in all cases where there is no agreement to the contrary, the owner or owners of the lands and real estate upon which such tax or assessment shall have been imposed, or may be a lien, and not the occupant or tenant,

shall be deemed the person or persons who, in law, ought to bear and pay such tax or assessment.

Buildings or parts of buildings may be removed.

117. *And be it enacted*, That all the provisions of this act in relation to laying out, opening, altering or widening any street, highway, road or alley, shall be construed to extend to and embrace the removal of any building, or part of a building which has been heretofore erected within the lines of any street or road whose lines and courses have been, or shall hereafter be run, marked, laid out and designated by commissioners appointed and acting in conformity with the provisions of the one hundred and twenty-first section of this act, or of the third section of an 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, and of the twenty-first section of an act entitled "a further supplement to an act entitled an act to incorporate the city of Newark," approved March thirteenth, eighteen hundred and fifty-one.

Alterations in streets occupied by track of railroad company.

118. *And be it enacted*, That whenever any street or part of any street in the said city, occupied or used by the track of any railroad company, shall require to be altered or widened for the convenience of public travel, and proceedings for the altering or widening the same shall have been taken under the provisions of this act, it shall be lawful for the commissioners appointed by the common council, and whose duty it may be, to make a just and equitable assessment of the whole amount of the costs, damages and expenses of such altering or widening among the owners of all the lands and real estate, intended to be benefited thereby, to assess such portion of said costs, damages and expenses upon the corporation or company owning or using said railroad track, as shall to them seem equitable and just, and such assessment shall be a lien upon any property of said corporation or company in the city of Newark, and may also be enforced in the same manner as the assessment upon such owners of lands and real estate intended to be benefited thereby.

Surveys of streets to be filed and recorded.

119. *And be it enacted*, That it shall be lawful for the common council, whenever they shall deem it expedient, to

cause surveys to be made, and the same to be filed in the office of the clerk of the county of Essex, and recorded in the book of records of roads and highways for the said county, of such streets, roads, highways and alleys, as they may think proper, which heretofore have been, or at any time hereafter may be opened by the owner or owners of any land over which the same runs, and which has been by such owner or owners dedicated to the public, by permitting the public to use the same, and by selling lots fronting thereon, and all such streets, roads, highways and alleys, when surveyed, and such surveys filed and recorded as aforesaid, shall be deemed and taken to be public streets or highways, and shall be made, maintained and treated as such in all respects.

Streets, &c., not recognized as public unless survey is filed.

120. *And be it enacted*, That no street, road, highway or alley, laid out and opened within the said city, since the twenty-ninth day of February, eighteen hundred and thirty-six, or hereafter to be laid out and opened, shall be recognized, considered or treated as a public street, road, highway or alley, unless the same has been or shall be laid out and opened under the direction of the common council, or has been or shall be surveyed, and such survey filed and recorded as aforesaid.

Commissioners for lines and courses of streets.

121. *And be it enacted*, That, whereas, there are several roads, highways and streets within the said city of Newark, the lines of which have not been, and cannot be certainly ascertained, by reason of the indefinite surveys, and plots and maps thereof; for the better fixing upon and settling the lines and courses of said streets, roads and highways, the common council of said city shall and may appoint, from time to time, four disinterested freeholders of the said city, residing in different wards, as commissioners, who, together with the city surveyor for the time being, shall constitute a commission to run, mark, lay out, and designate the lines and courses of any such street, road or highway, as are not and have not been ascertained and clearly designated, which said commission shall have full power and authority to run, mark, lay out, and designate the lines and courses of any such street, road or highway within said city, and shall

make a full and clear map and profile of said street, road or highway, or such part thereof as they shall run, mark, and lay out, designating by some notable and permanent marks, or monuments, the beginnings and endings of said street, or part thereof, as aforesaid; which said map or profile, certified under the hands of said commissioners and surveyor, or a majority of them, shall be recorded in the office of the city clerk, which said record, or original map or profile, so filed as aforesaid, shall be full evidence of the street, road or highway, or part thereof, as the case may be, and of its lines and courses; and the said four commissioners shall receive for their services, such compensation as shall be made and granted by the said common council.

TITLE EIGHTH.

MISCELLANEOUS PROVISIONS.

Inhabitants not incompetent as witnesses.

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

Former ordinances to continue in force.

123. *And be it enacted*, That all ordinances of the said city passed by the common council, under and by virtue of the provisions of the act entitled "an act to incorporate the city of Newark," and the several supplements thereto, shall continue in force until altered or repealed by the common council.

Revision of ordinances.

124. *And be it enacted*, That whenever the common council shall cause a revision of the ordinances of the city to be made, and shall direct the same to be published in a printed volume, such revised ordinances shall take effect without the publication thereof in two daily newspapers printed and

published in the city of Newark, as provided in the twenty-ninth and thirtieth sections of this act.

Books of record to be evidence.

125. *And be it enacted*, That the books of record kept by any of the officers of the city, under and by virtue of the provisions of any city ordinance, shall be admitted as evidence of the matters and things therein contained and recorded, in all courts and places whatsoever.

Officers of election.

126. *And be it enacted*, That the judges and inspectors of election of the several wards in said city, elected at the last annual charter election, shall have all the powers, and perform all the duties which are by this act conferred and imposed upon the judges of election of the several wards in said city, hereafter to be elected.

Members of common council not to hold office of profit under city.

127. *And be it enacted*, That no member of the common council shall, during the period for which he was elected, be appointed to, or be competent to hold, any office, the salary or emoluments of which are paid from the city treasury; nor shall any alderman hereafter to be elected, be competent to hold and exercise the office of commissioner of public schools, or of police justice of the city of Newark, but upon being qualified and entering upon the discharge of his duties as a member of the common council, such office of commissioner of public schools or police justice, if held by him, shall thereby become vacant, and may be filled according to law; and no member of the common council shall be directly or indirectly interested in any contract, as principal, surety or otherwise, the expense or consideration of which is paid from the city treasury.

Parts of former acts repealed.

128. *And be it enacted*, That from and after the passage of this act, all acts and parts of acts inconsistent with, or repugnant to this act, are hereby repealed; but nothing herein contained shall be construed so as to destroy, impair, or take away any right or remedy acquired or given by any act hereby repealed; and all proceedings commenced under any such former act, shall and may be carried out and completed, and all prosecutions for any offence committed, or penalty or forfeiture incurred, shall be carried on in all respects in the same manner, and with the same effect, as though this act had not been passed.

129. *And be it enacted*, That this act shall take effect immediately, and shall be deemed and taken to be a public act, and the legislature may at any time alter, modify or repeal the same. Public act.

Approved March 11, 1857.

CHAPTER LIII.

AN ACT regulating the public printing.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That David Naar, of Trenton, be employed to execute the current printing of both houses of the present legislature during the session thereof. Current printing.

2. *And be it enacted*, That Morris R. Hamilton, of Sussex county, be employed to print the journal and appendix of the senate, and the proceedings of joint meeting, with an index thereto, for the current year. Journal of Senate.

3. *And be it enacted*, That Adam Bellis, of Hunterdon county, be employed to print the minutes and appendix of the house of assembly, with an index thereto, for the current year. Minutes Assembly.

4. *And be it enacted*, That A. R. Speer, of Middlesex county, be employed to print the laws which shall be enacted at the present sitting of the legislature. Laws.

5. *And be it enacted*, That John C. Thornton, of Newark, be employed to print the law and chancery reports of the respective courts, until the fourth day of July next. Law and Chancery Reports.

6. *And be it enacted*, That the execution of the printing hereby awarded, shall be upon good and substantial paper and with clear type, and shall be subject to the inspection and approval of the secretary of state, previous to being paid for by the treasurer. Printing o be inspected.

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

Approved March 11, 1857.

CHAPTER LIV.

AN ACT to authorize the inhabitants of the township of Salem, in the county of Salem, 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 Salem, in the county of Salem, authorized by law to vote at their town meetings, 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 now, or hereafter may be fixed by law, that is, in the said township, 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 as there are road districts, a town committee, consisting of five persons, a superintendent of common schools, as many justices of the peace as the respective township may be constitutionally entitled to elect, one or more constables, one or more pound-keepers, and all such other officers as the inhabitants of the said township now are, or hereafter may be authorized to elect.

Result to be returned and published.

2. *And be it enacted,* That the officers now authorized by law to receive and canvass the votes for justices of the peace, in the said township of Salem, shall, and are hereby authorized and required to receive and canvass at the same time, and in the same manner, the votes for the several township

officers as aforesaid; and shall make a return of the result of the said vote to the clerk of the township, and publish a list thereof, in the same manner as is now required by law.

Former act repealed.

3. *And be it enacted*, That the act entitled "an act to authorize the inhabitants of Salem, in the county of Salem, to vote by ballot at their town meetings," approved March third, eighteen hundred and fifty-six, be, and the same is hereby repealed.

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

Approved March 11, 1857.

CHAPTER LV.

AN ACT to incorporate the Hoboken Fire Department Fund, for the benefit of all indigent and infirm firemen, of the city of Hoboken, and also their widows and orphans.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Mount, Joseph W. Stickler, Charles E. Bailliere, Charles T. Perry, J. Freeman Silke, Peter Ritter, junior, Peter J. Powless, John Cloyd and John W. Vanboskerck be, and they are hereby constituted and made a body politic and corporate in fact, name and law, by the name of "The Trustees of the Hoboken Fire Department Fund," and by that name they and their successors shall have perpetual succession, power to sue and be sued, plead and be impleaded, answer and be answered unto, in all courts and places whatsoever, to make and use a common seal, and the same to change at pleasure, and to purchase, take, have, hold, receive and enjoy any lands, tenements or hereditaments, in fee simple or otherwise, and any moneys, goods, chattels, legacies, donations, annuities, or

General powers.

other personal property, of what kind or quality soever, by gift, grant, devise, bequest, or otherwise, and the same to grant, convey, assign, sell or otherwise dispose of, for the purposes of the said corporation; *provided always*, that the principal sum of such estate shall at no time exceed in value the sum of ten thousand dollars, nor be applied to any other purpose than those for which this corporation is formed.

Proviso.

Objects of incorporation.

2. *And be it enacted*, That the object of such incorporation shall be to assist all such disabled and indigent firemen, their widows and orphans, as may, in the opinion of the board of trustees, require assistance, in conformity with the following provisions: all firemen being indigent and infirm, and all firemen who have been disabled, and shall become indigent and infirm, and all firemen having served the time prescribed by law as such, and shall resign thereafter, and having become indigent and infirm, and the widows and orphans of all such indigent and infirm firemen, shall be entitled to relief from the said corporation.

Board of trustees.

3. *And be it enacted*, That the board of trustees shall consist of three persons from each engine, hose and hook and ladder company of the city of Hoboken, together with the chief engineer of the fire department of Hoboken, two-thirds of whom shall constitute a board for the transaction of business; and the said board shall have power to make and prescribe such by-laws, rules and regulations as to them shall seem needful for the purposes of the said corporation; *provided*, there be a majority of the trustees present and agreeing thereto, and the same shall not be inconsistent with this act or the laws of this state.

Proviso.

Election of trustees.

4. *And be it enacted*, That the trustees from each company shall be elected by the members of such company; and at the first election after the passage of this act, each company shall elect three trustees; whom the board of trustees, at their first meeting after any such election, shall divide by lot into three equal classes, one of which shall go out of office at the expiration of the first year, another at the expiration of the second year, and another at the expiration of the third year; and that at every election thereafter, the said companies shall respectively elect one person as trustee,

who shall hold such office for three years; and in case of death, resignation or disability of any trustee, a person shall be duly elected to fill the unexpired term, by the company he represented in said board.

Officers of association.

5. *And be it enacted*, That the board of trustees, at their first meeting in each year, shall, from among their number, choose by ballot, a president, vice president, secretary and treasurer, and in case of any vacancy in any of said offices, the said board of trustees shall have power to fill the same for the remainder of the current year.

Certificate of membership to be given to chief engineer

6. *And be it enacted*, That the mayor and council of the city of Hoboken shall deliver to the chief engineer of the fire department of said city, all certificates of membership granted by them; and the chief engineer shall countersign each certificate, upon the receipt of two dollars from the person entitled to the same, and no person shall be considered a member of the Hoboken fire department, until his certificate is countersigned as above; and in case of any member being transferred from one company to another, he shall pay the chief engineer the sum of fifty cents; *provided*, such transfer takes place within sixty days after leaving such company.

Proviso.

Moneys to be invested.

7. *And be it enacted*, That all moneys at any time received by the treasurer, shall be held by him, subject to be drawn upon by an order of the trustees, until the same shall amount to two hundred dollars, when one hundred dollars shall be invested by the board of trustees, as part of the permanent fund, in such manner as in their judgment may be most beneficial to the interests of the corporation.

Principal of fund not to be impaired.

8. *And be it enacted*, That the principal of the permanent fund shall not be used or impaired in granting the assistance contemplated by this act.

Treasurer to give bond.

9. *And be it enacted*, That the treasurer shall give good freehold security, approved by the board of trustees, in double the value of the money and securities belonging to the fund, before entering upon the duties of this office.

Property not to be taxed.

10. *And be it enacted*, That the property and effects of the said corporation, held or used for the purposes designed by this act, shall not be subject to the imposition of any tax.

Part of former act repealed.

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

Limitation.

Proviso.

12. *And be it enacted*, That this act shall continue in force for thirty years; *provided always*, that the senate and general assembly may, at any time hereafter, amend, repeal, or modify this act, as they shall think proper.

Approved March 11, 1857.

CHAPTER LVI.

AN ACT to enable the owners and possessors of that tract of land usually called the "Great Meadows," and the low lands and swamps adjoining Pequest river and its branches, situated in the townships of Hope and Independence, in the county of Warren, to drain the said lands and clear out obstructions from and straighten the channels of said streams, within the limits therein mentioned.

Managers to remove obstructions, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jno. Marshall Paul, M. W. Shotwell, and William Kennedy, shall be, and they are hereby appointed managers for removing the obstructions in the Pequest river and its branches, between the upper end of the milldam at Townsbury, in the township of Hope, and the shunpike in the township of Independence, and to clear, and, if necessary, straighten the channels thereof, or otherwise drain the meadows, low lands, and swamps adjoining said river and its branches; and for this purpose, it shall be lawful for the said managers, or either of them, on or before the first day of September, A. D. eighteen hundred and fifty-seven, with their workmen, horses, oxen, or other beasts of burthen, ploughs, wagons, carts, and so forth, to enter

upon the land near and adjoining the said river and its branches, and remove obstructions and straighten the same, and drain the lands by removing the mud, trees, and such other obstructions as may impede the free flow of the water in said river and its branches; and the mud and other obstructions so taken out, he or they may cast upon the banks thereof, and the low lands next adjacent; and full power and authority is also given to said managers to remove from the banks of said river and its branches, all trees or timber which would be likely to fall into said streams and impede the free flow of the waters thereof; *provided always*, that in straightening any of the channels, or in draining the said meadows and low lands, should it be deemed necessary to pass through or over lands situate or lying adjacent to the said meadows, the consent in writing of such owners shall be first had and obtained. Proviso.

2. *And be it enacted*, That the said managers shall and may agree with the owner or owners of any of the lands between the points aforesaid, for the removal or abatement of any obstruction in said river or branches, and on failure so to do, it shall be the duty of said managers to make an assessment in writing of what they candidly believe would be the damage, describing particularly the obstruction to be removed, and serve a copy of said assessment, with a description of the obstructions to be removed, upon the owner or owners of said lands upon which the obstruction or obstructions are situated, and also file a copy thereof with the clerk of the circuit court of the county of Warren, which shall be final and conclusive between the parties, unless the said owner or owners shall be dissatisfied with said assessment and valuation, and then he or they shall have liberty to apply to the judge of the circuit court of the county of Warren, within twenty days from the time said notice of assessment was served upon him or them, who shall order an amicable action to be entered in said circuit court, in which said owner or owners of said land upon which said obstruction is located, shall be the plaintiff, and the said managers defendants; and the said judge shall order a special venire facias to be issued, directed to the sheriff of the county of Warren, to try either Assessments to be made of damages.

Parties dissatisfied may appeal.

at the next general term of the court, or at a special court to be appointed by said judge, what amount of damages, if any, the plaintiff or plaintiffs shall be entitled, in case the obstructions are removed in accordance with the requirements and specifications of the said managers as aforesaid, as filed with the clerk of said court as aforesaid; *provided nevertheless*, that in case the said plaintiffs shall not establish their legal rights to erect and maintain such obstructions without injury to the landholders above on the stream, that the said jury have power, by their verdict, to declare the said obstruction a nuisance, and that the same and so much thereof as they may deem to be a nuisance, shall be abated without the right of claiming damage therefor; and in case the verdict rendered by the jury be for a less sum than the amount assessed by the managers, that the plaintiff pay the costs, or, if for a greater sum, the defendants pay the legal taxed costs; *provided nevertheless*, that the determination of the managers, or the verdict of the jury, shall be final, binding, and conclusive between the parties, their heirs or assigns, not only with reference to the obstructions to be removed, and also as to the amount of damages to be paid therefor.

Proviso.

Proviso.

Managers may sue for sums assessed.

3. *And be it enacted*, That the said managers shall and may apportion the amount each respective owner or possessor of the said meadows, swamps, and low lands shall pay for all and every of the expenses which may accrue in carrying this law into effect, and shall and may demand and receive of all and every of the owners and possessors, such sum or sums of money so by them assessed; and on neglect or refusal of the payment thereof, for the space of sixty days after such demand, it shall and may be lawful for the said managers, or either of them, and they are hereby enjoined, by action of debt to sue for and recover the same, with costs of suit, in such manner, and in such courts as debts of such value are recoverable by the laws of this state; all which sum or sums of money so assessed, received and recovered, shall be applied by the managers to the purposes in this act before mentioned.

Vacancies, how supplied.

4. *And be it enacted*, That if any person or persons who are now named, or hereafter shall be chosen manager or

managers as aforesaid, shall die or remove out of the county of Warren, before the completion of the improvement contemplated by this act, or who shall refuse to take upon himself or themselves the management as aforesaid, then and in such case it shall and may be lawful for any five owners or possessors of the said swamps, meadows, and low lands, to call a meeting of the owners and possessors of the said Great Meadow property, by fixing up advertisements in at least three of the most public places in the neighborhood of such owners and possessors, and also by inserting the same in a newspaper printed in the county, for the space of ten days, expressing the time, place, and intention of such meeting, who shall, when met, elect a person or persons to supply the place or places of such manager or managers so refusing, removing, or dying; and the person or persons so chosen shall have all the power and authority hereinbefore given to the managers named in this act.

Compensation of managers.

5. *And be it enacted*, That the said managers shall severally be entitled to receive for each day he or they may be employed in discharging the duties required by this act, the sum of one dollar.

Public act.

6. *And be it enacted*, That this act shall go into effect immediately after the passage thereof, and shall be deemed and taken as a public act, and at all times be recognized as such in all courts and places whatsoever.

Approved March 11, 1857.

CHAPTER LVII.

A FURTHER SUPPLEMENT to the act entitled "An act to incorporate the Warren Railroad Company," approved February twelfth, A. D. eighteen hundred and fifty-one.

Preamble. WHEREAS, the Warren Railroad Company are desirous of constructing the Vanness Gap tunnel, upon the line of said road, for a double track, and also to construct a double track through the whole line of their road, and in order to do so, and to enable said company fully to complete said Warren Railroad, and meet all expenses and liabilities, it is necessary for said company to increase its capital stock—therefore,

Capital stock may be increased. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the said Warren Railroad Company to increase its capital stock to any sum not exceeding eighteen hundred thousand dollars.

Time of completion extended. 2. *And be it enacted*, That the time for the completion of the said Warren railroad shall be extended until the first day of January, eighteen hundred and sixty-two.

Approved March 11, 1857.

CHAPTER LVIII.

A FURTHER SUPPLEMENT to the act entitled "An act to authorize the business of banking," approved February twenty-seventh, Anno Domini eighteen hundred and fifty.

Redemption of notes. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every bank or association in the county of Hunterdon, heretofore or hereafter incorpo-

rated by special enactment, or under the provisions of the act to which this is a supplement, issuing circulating notes, may hereafter redeem their circulating notes at Trenton, Camden, or Philadelphia, instead of Newark, Jersey City, or New York.

Approved March 11, 1857.

CHAPTER LIX.

AN ACT to incorporate the Plainfield Gas Light Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jacob Manning, Elias Kirkpatrick, Cornelius Boice, Elston Marsh, John W. Craig, James Leonard, Ira Pruden, Abraham D. Titsworth, and all and every person or persons who may become subscribers according to the mode hereinafter prescribed, and their successors, are hereby created a body politic and corporate, in fact, by the name of "the Plainfield Gas Light Company;" and by the 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 situated in the village of Plainfield, in the township of Plainfield, and in the township of Warren, and to enter into and execute contracts, agreements, or covenants in relation to the objects of this corporation, and of enforcing the same, and be capable of purchasing, taking, and holding 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 to them in the regular business of the said corporation; *provided*, that the said

General powers.

Proviso.

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 first obtained in writing from the owner or owners thereof.

Company authorized to lay down pipes, &c.

2. *And be it enacted*, That the said corporation shall be empowered to lay down their gas pipes, and to erect gas posts, burners and reflectors in the streets, alleys, lanes, avenues, or public grounds of the village of Plainfield, in the township of Plainfield and in the township of Warren, and to do all things necessary to light the said village of Plainfield, situate partly in the township of Plainfield and partly in the township of Warren, and the dwellings, stores, and other places situated therein; *provided*, that the public travel shall at no time be affected or impeded by the laying of the said pipes or the erection of the said posts, and the streets, side and cross-walks, public grounds, lanes and avenues shall not be injured, but all be left in as good and perfect condition as before the laying of the said pipes or the erection of the said posts.

Proviso.

Commissioners to receive subscriptions.

3. *And be it enacted*, That Jacob Manning, Zachariah Webster, Abraham D. Titsworth, John W. Craig and Alfred Berry 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 fifty dollars each; and the said commissioners, or a majority of them, shall open books for that purpose, at such time and in such place or places within this state as they shall designate by a public advertisement, to be previously inserted, for at least three weeks, in one or more public newspapers printed in Plainfield, and shall continue the same open until the said capital shall be subscribed, or at their discretion close the same, after they shall have remained open three days, and again open the same at some other time or times, place or places, giving public notice thereof as aforesaid; and the sum of five per centum upon each share so subscribed, shall be paid in specie, or in the bills of banks which redeem their bills with specie, by each subscriber, at the time of subscription, to the said commissioners, or a majority of them, and each subscriber shall be entitled to receive a certificate for such stock

from said commissioners; and the amount so received by the said commissioners at the time of subscription, shall by them, or a majority of them, be paid over to the directors of the said company, to be appointed as hereinafter directed; and all the powers of the said commissioners shall cease and determine on the appointment of such board of directors; and the said board, when so appointed, shall have power, and they are hereby authorized, from time to time, under the foregoing regulations, to open the books for the further subscription of stock, until the whole stock subscribed amounts to the sum of one hundred thousand dollars; and are also authorized to call upon the said subscribers for the payment of further installments, in such sum or sums, at such time or times, and under such forfeiture or forfeitures, as they may deem expedient, until the whole amount of said shares so subscribed shall have been fully paid.

Election of directors.

4. *And be it enacted*, That the management of the concerns of the said company shall be vested in nine directors, to be selected from the stockholders, five of whom shall be residents of the county of Essex, and all of whom shall be residents of this state; and the said directors shall choose by a plurality of votes, a president from among themselves; and as soon as conveniently may be, after fifty thousand dollars shall have been subscribed, the before named commissioners, or a majority of them, shall convene the said stockholders, by public notice, to be given as aforesaid, and at such time and place as they shall designate in said notice, to choose the first board of directors, who shall hold their offices until the first Tuesday in April, thereafter; and the said directors and president shall hold their offices from the first Tuesday of April in every year, for one year, and shall be elected on the first Tuesday of April in each year, at such time and place as a majority of the directors shall appoint, and public notice shall be given of the time and place of holding such election, for ten days, in one or more newspapers published in Plainfield, 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 election; and all elections shall be by ballots 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 fifteen days before the time of voting.

Corporation not dissolved for failure to elect on day prescribed.

5. *And be it enacted*, That if at any time an election is not held on the day herein specified, the corporation shall not be dissolved for that cause, but an election shall be held in such manner as is directed by the by-laws, at any time within one year.

Quorum.

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.

Stock transferable.

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

Penalty for injuring works.

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 anything appertaining to the works of the said corporation, or whereby the same may be stopped, obstructed, or injured, the person or persons so offending shall be considered guilty of a misdemeanor, and being thereof convicted, shall be punished by fine not exceeding three hundred dollars, or imprisonment at hard labor not exceeding two years, or both; *provided*, such criminal prosecution shall not in any wise impair the right of action for damages by civil suit, hereby authorized to be brought for any such injury as aforesaid, by and in the name of the said corporation, in any court of the state having cognizance of the same.

Proviso.

Books of account 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.

Works to be erected in certain time.

10. *And be it enacted*, That the said company shall erect and establish their said gas works within five years from the passage of this act, and if said company fail to comply with the requirements of this section, then all the rights, privi-

leges and powers granted by this act shall be forfeited, and said act void and of no effect.

11. *And be it enacted*, That this charter shall continue in force for the period of thirty years. Limitation.

Approved March 13, 1857.

CHAPTER LX.

AN ACT to incorporate the "Franklin Agricultural Society of Somerset County."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That David Sanderson, Joshua Doughty, George H. Brown, Daniel Talmage, William G. Steele, Philemon Dunn, William D. Bellis, John V. Voorhees, Henry A. Herder, Farrington Barcalow, and Alexander E. Donaldson, of the county of Somerset, and their associates and successors, shall be and they are hereby constituted a body politic and corporate, by the name of "The Franklin Agricultural Society of Somerset County," with the power to purchase, hold and improve real estate not to exceed in value ten thousand dollars, and power to sell and convey the same, and with all the powers, rights and incidents of a corporation. Names of corporators.

2. *And be it enacted*, That the capital stock of said company shall be ten thousand dollars, with liberty to increase it to twenty thousand dollars, which shall be divided into shares of twenty dollars each, and paid in by the stockholders at such time and in such manner, and in such instalments as the directors of said company may direct, and in such penalties for neglecting the payment of such instalments as the said directors shall deem advisable; and such shares shall be deemed personal property, and be transferable in such Amount of capital stock.

manner as the company, by their by-laws, may appoint; *provided*, that notice in writing shall be given to each of the stockholders of the time when the shares are required to be paid in.

Proviso.

Commissioners to receive subscriptions.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books and receive subscriptions to the capital stock of said company, at such time or times, and place or places, as they, or a majority of them, may think proper, giving notice thereof at least two weeks, by publishing the same for two weeks in some newspaper published in this state, and circulating in the county of Somerset; and as soon as two hundred and fifty shares of said stock shall be subscribed, and such amount paid thereon as said commissioners shall order, a like publication for the space of two weeks shall be given for the meeting of the stockholders to choose nine directors who shall hold their office for one year, and until others are elected.

Subscription books to be delivered to directors.

4. *And be it enacted*, That the said election shall be certified by the said commissioners, or a majority of them, who shall thereupon deliver over to said directors the subscription books and moneys paid in, at such time and place as shall be appointed by the commissioners, or a majority of them, notice whereof shall be given to the said directors, and who shall be thereupon authorized to hold their first meeting.

Election of directors.

5. *And be it enacted*, That the affairs of the company shall be managed by nine directors to be chosen by the stockholders annually, at such time and place, in such manner and upon such notice as by the by-laws of said company may be directed, who shall serve for one year, and until others are chosen in their stead; and the said directors shall, from time to time, elect a president from their body, and shall also elect and employ such other officers as they may deem necessary, and make all such by-laws, rules, and regulations as they may think proper.

Objects of incorporation.

6. *And be it enacted*, That the object of said company shall be to improve the condition and breed of stock, and also to improve the agricultural, horticultural, and manufacturing arts of the state, and for the carrying out and perfecting the objects of their incorporation, they shall be

allowed to purchase and hold real estate and personal property sufficient for that purpose, and the same shall be held exempt from taxation.

7. *And be it enacted*, That the office where the business of the company is transacted, shall be located in Somerville, in the county of Somerset. Place of business.

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

Approved March 13, 1857.

CHAPTER LXI.

AN ACT relating to the courts in the several counties of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the justice of the supreme court to whom a judicial district has been or may be assigned, be and he hereby is authorized to appoint a suitable person in each county in the district, as sergeant-at-arms of the courts within the county, to hold office during the pleasure of said justice; whose duty it shall be to attend daily upon the said courts in the county wherein appointed during the several terms thereof; for which services they shall be entitled severally to receive two dollars per day for each day of actual attendance upon said courts, to be paid by the county collector of the county on the certificate of the presiding judge; *provided however*, that he shall not for the same time receive a per diem compensation as a constable or as crier of the courts in the county. Justice of the supreme court to appoint sergeant-at-arms. Proviso.

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

Approved March 13, 1857.

CHAPTER LXII.

AN ACT to prevent horses, mules and cattle from running at large in the village of Tuckerton, Burlington county.

Cattle running at large may be impounded.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any person who may reside in the village of Tuckerton, to drive or convey to any public pound which may be in the village aforesaid, any horse, mule or cattle found running at large, pasturing or feeding in the public highways or otherwise in the village aforesaid, and impound the same, and the keeper or keepers of the public pound in said village is or are hereby required and authorized to receive such horses, mules and cattle, and the party, or the pound keeper if the duty be performed by him, shall have twenty cents per head for impounding each horse, mule or cattle, and the keeper shall also have twelve cents per head for every horse, mule or cattle, for letting in and out of the pound, and for feeding and attending eight cents per head for every twenty-four hours they shall continue in said pound, and if the owner or owners of the said horses, mules or cattle so impounded shall not pay the charges of impounding and keeping within four days after such beasts shall be impounded, and take the same away, it shall then be the duty of the pound keeper to set up advertisements in five of the most public places in the township of Little Egg Harbor, describing such horse, mule, or cattle, and giving at least ten days' notice of an intended day and place of sale; and if the owner or owners of such horses, mules or cattle do not appear and redeem the said beasts before the time so notified, the said pound keeper shall sell the same accordingly, and out of the money arising from such sale shall pay the charges of conveying to the pound, and retain in his hands his fee for impounding, keeping, and feeding said horses, mules or cattle, and twenty-five cents for advertising sale and collecting the money for each horse, mule or cattle, and return the surplus to the owner or owners of the beast if they shall appear to claim the same,

Cattle sold, if charges are not paid.

and if no owner or owners shall appear and claim such surplus within six months after such sale, the same shall be paid to the overseer or overseers of the poor of the town wherein such beasts were found running at large as aforesaid.

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

Approved March 13, 1857.

CHAPTER LXIII.

AN ACT to authorize the inhabitants of the township of Union, in the county of Ocean, to vote by ballot at their town meetings.

Township 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 Union, in the county of Ocean, 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 now, or may hereafter be fixed by law, viz: a township clerk, a judge of election, an assessor, a collector, one chosen freeholder, two surveyors of the highway, three commissioners of appeals, two overseers of the poor, a town committee consisting of five persons, a superintendent of common schools, as many justices of the peace as said township may be constitutionally entitled to elect, two constables, as many overseers of the highways as there are road districts, one or more pound keepers; and shall also vote upon the same ballot for the amount of money to be raised for school purposes, for the repairing of the roads, for the support of the poor, and for the place of holding the next annual town meeting, and the election of state and county officers.

Officers of election.

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

Mode of conducting election.

3. *And be it enacted*, That the elections shall open at the hour of ten o'clock in the forenoon, and close at the hour of four o'clock in the afternoon of the same day, except when justices of the peace are elected, when the polls shall open and close at the same hour as at state elections, and shall 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 thereof, as are performed by the board of election and the clerk in other elections; they shall take the same oath or affirmation, as far as applicable, be invested with the same powers, and be liable to the same penalties; the same qualifications for voters shall be required, and the result ascertained in the same manner, and stated according to law.

Town committee to fill vacancies, &c.

4. *And be it enacted*, That a plurality of votes shall be sufficient to elect any officer or officers, or to fix the place of holding the town meetings, or the state and county elections, but a majority of the whole number shall be required to determine any 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 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, the town committee shall, at their next meeting thereafter, fill such vacancy, unless they shall deem a special town meeting for that purpose advisable, determine upon such place, elect between those having an equal number of votes, and determine the amount or sum to be raised or specified.

5. *And be it enacted*, That the clerk of said 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 said 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 said county. Clerk of township to be clerk of township committee.

6. *And be it enacted*, That the reports of the township committee and the overseers of the poor and town superintendent of schools, now required to be made by law, shall be filed and preserved by the township committee; in posting up the list of officers elected, as required by law, the clerk shall add thereto the results of the election in other particulars; the first election under this act shall be held at the place where the last town meeting was held; 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 and county election, and the township committee may allow the clerk such compensation for the additional duties required by this act, as they may deem reasonable. Reports of township committee and overseers of the poor.

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

Approved March 13, 1857.

CHAPTER LXIV.

AN ACT to prevent swine from running at large at Paulsborough, in the county of Gloucester.

Swine running at large may be impounded.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful, after the passage of this act, for any swine to run at large in or within the following described bounds, viz: beginning at a corner of the lands of Joseph C. Gill and George Fries, in Mantua creek, and thence following the division line between the said parties, the several courses thereof extending the last course across the Clark's land to the centre of the road leading from Billingsport towards Clonmell, thence by the centre of the said road to the centre of the road leading from Berkley to Clonmell, thence along the middle of said road to the line of John Loudenslager's land, thence by his land to low water mark, in Mantua creek aforesaid, thence down the same, the several courses thereof, to the beginning in the township of Greenwich, in the county of Gloucester, and any person may take such swine to the public pound of said township, and they shall be there kept until taken out by the owner, who shall pay for each of said swine so impounded ten cents, of which five cents shall be allowed to the person who takes said swine to the pound, and the rest to the pound keeper; and the pound keeper shall be allowed five cents for each day for each swine kept in said pound.

Swine may be sold for non-payment of charges for impounding.

2. *And be it enacted*, That if the owner or owners of said swine so impounded, shall not pay the charges of impounding and keeping within five days after such swine shall be impounded, and take the same away, it shall then be the duty of the pound keeper to set up advertisements in five of the most public places in said district, describing such swine, and giving at least ten days' notice of an intended day and place of sale; and if the owner or owners of such swine do not appear and redeem the same before the time so notified, the said pound keeper shall sell said swine accordingly, and out of the money arising from such sale, shall pay the charges

of conveying to the pound, and retain in his hands his fees for impounding, keeping and feeding said swine, and twenty-five cents for advertising sale and collecting the money, for each swine, and return the surplus to the owner or owners of the swine, if they shall appear and claim the same; and if no owner or owners shall appear and claim such surplus within three months after such sale, the same shall be paid to the overseer or overseers of the poor of the township of Greenwich.

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

Approved March 13, 1857.

CHAPTER LXV.

AN ACT to incorporate the Bridgeville Water Power and Manufacturing Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, and it is hereby enacted by the authority of the same*, That George Titman, Anthony B. Robeson, Amos H. Drake, Daniel Axford and Jesse Titman, and the survivors of them, and all such persons as may hereafter be associated with them, or the said survivors, their successors and assigns, shall be and they are hereby constituted a body corporate by the name and style of "The Bridgeville Water Power and Manufacturing Company," for the purpose of improving the water power on the Pequest river or creek, in the county of Warren, and for the purpose of manufacturing, dyeing, bleaching and printing wool and cotton, and all goods of which wool or cotton, or other fibrous materials form a part, and all the machinery incident thereto, and for the transaction of all business connected therewith, by the name of "The Bridgeville Water Power

New Jersey State Library

Style of incorporation.

and Manufacturing Company," to be located in the township of Oxford, in the county of Warren, and the said company may build, construct, and erect all and any such mills, factories, mill-dams and other works, and excavate and make all and any such raceways and reservoirs, and do all such other things as may be required or deemed necessary and proper to carry on such branches of manufacture, and for the improvement of the said water power; and the said company shall have power and authority to raise by subscription a capital stock of one hundred thousand dollars, with privilege to increase the same to two hundred thousand dollars.

General powers.

2. *And be it enacted*, That the said incorporation, by their said name and style, shall be capable of purchasing, holding and conveying any lands, tenements, hereditaments, goods and chattels, wares, and merchandise, whatsoever, necessary to the objects of this incorporation, or such other real estate as the said company may be obliged or deem it for their interest to take, in settlement or payment of any debts due the said incorporation, and may sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts of law and equity whatsoever; and may have and use a common seal, and make such by-laws for their regulation and government as they may deem proper; *provided*, the same are not inconsistent with the constitution and laws of the United States and of this state.

Proviso.

Amount of capital stock.

3. *And be it enacted*, That the capital stock of the said incorporation shall be divided into shares of fifty dollars each; and as soon as thirty 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 shall have been made by a majority of the directors to be chosen in pursuance of this act, and filed in the office of the secretary of state, then it shall and may be lawful for the said corporation to commence the improvement, building, manufacturing and other business authorized by this act, and with that capital to conduct and carry on the same, until the said company shall deem it expedient to extend their capital, which they are authorized to do, from time to time, to the amount mentioned in the first section of this act.

4. *And be it enacted*, That the capital stock of this company shall be deemed personal estate, and transferable upon the books of the said incorporation in such manner as the by-laws may provide, but no shareholder indebted to the company shall be permitted to make any transfer or receive any dividend until such debt be paid; and whenever any transfer of any shares shall be made for collateral security and not absolutely, the same shall be so expressed in the entry of such transfer, 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 be made or paid except from the actual profits of said incorporation. Transfers of stock.

5. *And be it enacted*, That George Titman, Anthony B. Robeson, Amos H. Drake, Daniel Axford, and Jesse Titman, or a majority of them, shall be commissioners, whose duty it shall be to open books to receive subscriptions to the capital stock of said company, first giving two weeks' notice in a newspaper circulating in the county of Warren, of the time and place of the opening of such books, and also as soon as thirty thousand dollars of the said stock shall have been subscribed, to give like or written notice for a meeting of the stockholders to choose such directors, officers and agents as may be deemed necessary for conducting the affairs of said company. Commissioners to open books of subscription.

6. *And be it enacted*, That the property and concerns of the said corporation shall be managed and conducted by five directors, being stockholders, (one of whom shall be president,) who shall hold their office for one year, and until others are chosen; and the said directors shall be chosen on the second Tuesday of January in each year, (after the first election,) at such time and place as shall be directed by the by-laws of the said company, and public notice thereof shall be given two weeks in the newspaper before mentioned; and each stockholder shall be entitled in person or by proxy to one vote on each share of stock held by him or her; and the five persons receiving the greatest number of votes, and being stockholders, shall be directors; and all vacancies occurring by death, resignation or otherwise, among the Election of directors.

directors chosen as above, shall be filled by such person or persons as a majority of the remainder of the directors shall appoint; and a majority of the directors shall be a quorum for transacting the business of the said incorporation.

Payment of installments.

7. *And be it enacted*, That the books of subscription to the said capital stock shall be opened thereafter under the direction of the board of directors, and subject to such rules 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 time and in such proportions or installments as they shall deem proper; *provided*, that no single installment be more than five dollars on each share, nor any installment be called for oftener than once a month, under the penalty of forfeiture of their respective 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 newspaper before mentioned.

Proviso.

Books of account to be kept.

8. *And be it enacted*, That the directors shall at all times keep or cause to be kept at their principal manufactory, proper books of accounts, in which shall be regularly entered all the dealings and transactions of the said corporation, which books shall at all business hours be subject to the inspection of the stockholders of the said company.

Annual statement to be made.

9. *And be it enacted*, That on the first Tuesday in January in each year, the directors shall submit to the stockholders a written statement of the capital stock paid in, and the amount of all existing debts against the company; and the debts of said corporation shall at no time be suffered to exceed the amount of the capital stock actually paid in.

Corporation not dissolved for failure to elect on day prescribed.

10. *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 designated by this act, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold such election on some other future day.

Restrictions and liabilities.

11. *And be it enacted*, That the corporation hereby created, shall possess and enjoy the general powers and privileges, and be subject to the general restrictions and liabilities

granted, set forth, and imposed in an act of the legislature of New Jersey, entitled "an act concerning corporations," approved the fourteenth day of February, eighteen hundred and forty-six.

Company not to construct raceway, &c., without consent of owners of property

12. *And be it enacted*, That nothing in this act shall be so construed as to authorize the said company to construct any dam, forebay, race, races or reservoirs, without first procuring the consent or title of the owner to such private property, as may be necessary for such purpose or purposes.

Public act.

13. *And be it enacted*, That this act shall be taken and deemed to be a public act, and shall take effect immediately on the passage thereof.

Approved March 16, 1857.

CHAPTER LXVI.

AN ACT to incorporate the Phillipsburgh Water Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Benjamin T. Harris, Henry Segraves, Charles Sitgreaves, John S. Bach, Samuel C. Brown, Henry Bowers, John Tindall, John Lander, Alexander Wilson, Joseph C. Kent, Herbert Thomas, and their associates, and all other persons who shall become subscribers to the capital stock hereby created, and their successors, shall be and they are hereby incorporated and made a body politic and corporate, in fact and in law, by the name of the Phillipsburgh Water Company.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be ten thousand dollars, with liberty to increase the same to seventy thousand dollars, which shall be divided

into shares of ten dollars each, and paid in by the stockholders at such times, in such manner, and in such installments, and upon such notice, as the directors of said company, by their by-laws or otherwise, may direct and appoint; and in case of failure by any stockholder to pay his or her installments at the time and place appointed for the payment thereof, or within thirty days thereafter, such stockholder shall incur a forfeiture of his or her share or shares, and of all previous payments thereon, for the use of the company; and such shares shall be deemed personal property, and be transferable in such manner as the said company by their by-laws may appoint; *provided*, that notice in writing shall be given to each of the stockholders of the time when the shares are required to be paid in.

Proviso.

Commissioners to receive subscriptions.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books and receive subscriptions to the capital stock of said company, at such time or times, and place or places, in the town of Phillipsburgh, as they, or a majority of them, may think proper, giving notice thereof at least three weeks prior to the time for receiving subscriptions, by publishing the same for three weeks, successively, once in each week, in some newspaper published in the county of Warren, and also by setting up notices for said period, in at least five public places in said town; and the said commissioners, or a majority of them, shall be authorized to declare what amount shall be paid on each share at the time of subscribing, and to appoint some suitable person from among them, as treasurer, to receive the same; and as soon as five hundred shares of said stock shall be subscribed, shall give like publication for a meeting of the stockholders to choose nine directors, a majority of whom shall reside within the township of Phillipsburgh, and who shall hold their offices for one year, and until others are elected.

Commissioners to deliver over money to directors.

4. *And be it enacted*, That the said election shall be certified by the said commissioners, or a majority of them, who shall thereupon deliver over to said directors the subscriptions, books and moneys paid in, first deducting the expenses of the said commissioners, at such time and place

as shall be appointed by the commissioners, or a majority of them, notice whereof shall be given to the said directors, and who shall be thereupon authorized to hold their first meeting.

Election of directors.

5. *And be it enacted*, That the affairs of the company shall be managed by nine directors, to be chosen by the stockholders annually, at such time and place in said town, in such manner, and upon such notice, as by the by-laws of said company may be directed, who shall serve for one year, and until others are chosen in their stead; and the said directors shall from time to time elect a president from their body, and shall also elect and employ such other officers as they may deem convenient and necessary, and make all such by-laws, rules and regulations, as they may think proper, not inconsistent with the constitution or laws of this state or of the United States.

What property company may hold.

6. *And be it enacted*, That the said company shall have power to purchase and hold such real estate, and to construct, keep up and maintain such wells, reservoirs, aqueducts, pipes, water-works, fixtures and apparatus as may be necessary or useful to supply the town of Phillipsburgh with water, in quantities sufficient for all the purposes which may conduce to the safety of the town, and to the health and comfort of the citizens.

Company authorized to lay down pipes

7. *And be it enacted*, That the company be and they hereby are authorized and empowered to lay pipes for conducting the water beneath the public streets, lanes and alleys of said town, free of all charge, and to place such hydrants and fire plugs as may be necessary, the tapping of the mains and the insertion and placing of all branch pipes to be under the sole control of the said company, by such persons as they may employ and appoint.

Penalty for injuring works

8. *And be it enacted*, That if any person shall wilfully and maliciously injure any of the said works of the said company, such person or persons shall forfeit and pay therefor to the said company double the amount of damages, to be recovered in an action of trespass on the case, in any court having cognizance thereof.

Company may sell water.

9. *And be it enacted*, That the said company may sell and

dispose of the water to be conveyed by their pipes, under such regulations and upon such terms and conditions as they may, by their by-laws, from time to time, regulate and adopt.

Act may be repealed.

10. *And be it enacted*, That this act shall go into effect immediately after the passage thereof, and that the legislature may alter or repeal the same, whenever in their opinion, the public good shall require the same.

Approved March 16, 1857.

CHAPTER LXVII.

AN ACT for the establishment of a Reform School in the county of Essex.

Board of chosen freeholders authorized to establish reform school.

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 establish, at some point in the county of Essex, either in connection with the jail or otherwise, as the said board of chosen freeholders may determine, a school for the instruction, employment and reformation of juvenile delinquents, to be called the "Essex County Reform School."

Money may be appropriated for purchase of site.

2. *And be it enacted*, That the said board of chosen freeholders may appropriate from the funds of the county, to be raised by county bonds, such an amount of money as may be necessary for the purchase of an eligible site, and the erection of suitable buildings for the purposes of the school, and they shall be authorized, from year to year, to appropriate such sums of money as may be needed for the support of the school; *provided*, that the whole amount of land purchased

Proviso.

shall not exceed fifty acres, and the whole amount appropriated for site and buildings shall not exceed twenty thousand dollars.

3. *And be it enacted*, That the government of the said school shall be vested in a board of trustees, composed of six persons, to be elected by the said board of chosen freeholders at their next annual meeting, after the passage of this act, who, at their first meeting after their election, shall divide themselves by lot, into three classes, of which the first shall continue in office one year, the second two years, and the third three years, respectively, and at each annual meeting thereafter, of said chosen freeholders, they shall elect two trustees to supply the place of those whose term of office shall then expire, who shall hold office for three years; should any vacancy occur in the board of trustees, either by the death, resignation or removal from the county of any member, such vacancy may be filled by the director of the board of chosen freeholders, until the next annual meeting of said board; the services of the trustees shall be rendered gratuitously, but their necessary expenses, while discharging the duties of their office, shall be defrayed by the county. Election of trustees.

4. *And be it enacted*, That it shall be the duty of said board of trustees to take charge of the general interests of the institution; to select and purchase a proper site and erect necessary buildings, when so directed by the chosen freeholders; to see that its affairs are conducted in accordance with such by-laws as the board may from time to time adopt, for the orderly and economical management of its concerns; to see that strict discipline is maintained therein; to provide employment for the inmates and bind them out, discharge or remand them, as is hereinafter provided; to appoint a superintendent and such teachers and assistants as may be found necessary to carry out efficiently, the object of the institution, and to prescribe their duties, to exercise a vigilant supervision over the institution, its officers and its inmates; to remove such officers when deemed advisable, and appoint others in their stead, and to determine the salaries to be paid to the officers respectively. Duties and powers of trustees.

5. *And be it enacted*, That as soon as the school shall be in

Courts or magistrates may sentence boys to reform school.

readiness for the reception of pupils, of which due notice shall be given, by order of the trustees, in at least three of the newspapers in the county of Essex, any court or magistrate having jurisdiction in said county, may sentence any boy under the age of fifteen years, who is vagrant or who may have been convicted before them of any offence against the laws of this state, not punishable by death or imprisonment for life, to the reform school, or to such punishment as is now provided by law for the same offence; and if the sentence shall be to the reform school, then it shall be in the alternative, to the reform school, or to such punishment as would have been awarded, if this act had not been passed.

Parents may have boy committed.

6. *And be it enacted*, That the parent or legal guardian of any idle, disorderly, vagrant, vicious or refractory boy, living in said county, may bring him before a magistrate, and having made oath or affidavit of the facts of the case, may, at the discretion of the magistrate, have him committed to the reform school for such a period during his minority, as may be deemed advisable, such parent or guardian giving satisfactory security to the trustees for any expenses that may be incurred for his maintenance.

Boys to be kept until reformed or discharged.

7. *And be it enacted*, That any boy thus sentenced or committed to the reform school, shall there be kept, disciplined, governed and employed under the direction of said board of trustees, until he shall be either reformed and discharged, or shall be bound out by said trustees, according to their by-laws, or shall be remanded to prison, under the sentence of the court, as incorrigible, as hereinafter provided.

Boys may be removed to county jail or state prison.

8. *And be it enacted*, That if the trustees, or any two of them, in the absence of the others, shall deem it inexpedient to receive any boy who may have been sentenced to the reform school, or if he shall be found incorrigible, or his continuance in the school shall be deemed prejudicial to the management and discipline thereof, they shall certify the same upon the mittimus by virtue of which he is held, which mittimus, together with the boy, shall be delivered to the sheriff or his deputy, who shall forthwith commit him to the county jail or the state prison, as the case may be, in pursu-

ance of the alternative sentence provided for in the fifth section of this act.

Term of sentence.

9. *And be it enacted*, That all commitments of boys, of whatever age when committed, shall be for a term not longer than during their minority, nor less than one year, unless sooner discharged by order of the trustees, as hereinbefore provided; and whenever any boy shall be discharged from the school, by the expiration of his term of commitment, or as reformed, or as having arrived at the age of twenty-one years, such discharge shall be a full and complete release from all penalties and disabilities which may have been created by such sentence.

Trustees may bind out boys.

10. *And be it enacted*, That the trustees of the school shall have power to bind out all boys committed to their charge, for any term of time during the period for which they have been committed, as apprentices or servants, and the said trustees and master or mistress, apprentices or servant, shall respectively have all the rights and privileges, and be subject to all the duties set forth in the act entitled "an act for the settlement and relief of the poor," so far as said act is applicable.

Duties of trustees.

11. *And be it enacted*, That the trustees shall cause the boys under their charge to be instructed in piety and morality, and in such branches of useful knowledge as shall be adapted to their age and capacity, and shall also cause them to be instructed in some regular course of labor, either mechanical, manufacturing, agricultural or horticultural, or a combination of these, as shall be best suited to their age and strength, disposition and capacity; and in binding out the boys, the trustees shall have scrupulous regard to the religious and moral character of those to whom they are to be bound; to the end that they may secure to the boys the benefit of a good example and wholesome instruction, and the sure means of improvement in virtue and useful knowledge.

Approved March 16, 1857.

CHAPTER LXVIII.

AN ACT to incorporate the Hoboken and Hudson River Turnpike Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John P. Wake, Isaac Newton, Rodman M. Price, John V. Van Woerts, Louis Becker, Dudley S. Gregory, Denning Duer, James Brown, Edwin A. Stevens, David Demaray, junior, Lucius S. Comstock, and such persons as shall become stockholders in the manner herein provided, their successors and assigns, shall be and they are hereby created a body politic and corporate, by the name of "The Hoboken and Hudson River Turnpike Company."

Commissioners to open books of subscription.

2. *And be it enacted*, That the said John P. Wake, Isaac Newton, Rodman M. Price, John V. Van Woert, Louis Becker, Dudley S. Gregory, Denning Duer, James Brown, Edwin A. Stevens, David Demaray, junior, and Lucius S. Comstock, or a majority of them, shall be commissioners to open books and receive subscriptions to the capital stock of said company, at such times and places as they may direct, giving notice thereof, for twenty days, in one of the public newspapers of the county of Hudson.

Amount of capital stock.

3. *And be it enacted*, That the capital stock of said company shall be seventy-five thousand dollars, to be divided into shares of fifty dollars each; that, at the time of subscribing for said stock, the sum of five dollars shall be paid upon each share subscribed for, to said commissioners or some person appointed by them for that purpose, which shall be paid over to the treasurer of the company, as soon as one shall be appointed; and the residue of said shares shall be paid in such installments and in such places as the board of directors shall from time to time direct, giving notice of the time and place of payment personally, or in manner aforesaid; and said board shall have power, without further notice, to forfeit to the use of the company any shares upon which any such installment is not paid; and in case the

amount subscribed for shall exceed the capital stock, as hereby limited, said commissioners shall have power to apportion said stock in their discretion.

Election of directors.

4. *And be it enacted*, That when eight hundred shares of said stock shall have been subscribed for, and the first installment thereon paid, said commissioners shall call a meeting of the stockholders for the election of directors, giving notice of the time and place of such meeting in manner aforesaid, and shall certify to said meeting a list of the shareholders who shall have paid up their first installment, at which time and place such shareholders shall proceed to elect, by ballot, seven directors, who shall be shareholders, and a majority of whom shall be residents in this state, who shall hold their office for one year and until others are chosen in their place; and said commissioners, or such of them as shall attend for that purpose, shall be judges of said election; and at or after the expiration of said year, an election of seven directors, with like qualifications, shall be held annually, at such day as the directors by their by-laws, shall appoint, who shall hold their office for one year and until others are chosen in their place, the judge of such election to be appointed by the board; and in case such election shall not be held on the day appointed, the board may order a special election to be held for such directors for the residue of said year, of all which elections notice shall be given in manner aforesaid; no director shall retain his seat after he ceases to be a stockholder, and all vacancies in the board may be filled by a majority of the directors for the time being.

Officers of corporation.

5. *And be it enacted*, That all the affairs and business of said company shall be transacted and managed by said seven directors, a majority of whom shall be a quorum to transact business; they shall elect one of their number a president, who shall continue in office until the election of a new board of directors; they shall also appoint a secretary and treasurer, and such other officers and agents as their by-laws and the affairs of the company may require, which officers and agents, so appointed, shall give such security as the by-

laws may require, and may at any time be removed by the directors, a majority concurring therein.

Annual statement to be made.

6. *And be it enacted*, That at the annual meeting of the stockholders, the directors shall exhibit to them a full and complete statement of the affairs of the company for the year next preceding, including an account of all moneys received, and from what sources, and of all moneys expended, and to whom and for what paid, and the salaries and compensations of all officers and agents.

Description of road.

7. *And be it enacted*, That it shall be lawful for said company to lay out, make, construct, and maintain a turnpike road in the county of Hudson, to commence at a point at or near Bull's ferry, and thence to run southerly, chiefly along or near the shore of Hudson river, to some point on the Bergen turnpike north of the lower or most southerly tollgate on the said Bergen turnpike in the city of Hoboken, said road to be laid out below or east of the Palisades, or high bluffs, near the west shore of the river, and not to extend so far in the river as to interfere with navigation, and in no part to be at an elevation of more than twenty-five feet above the level of ordinary high water in said river; said road shall be laid out not more than four, or less than three rods wide, and at least twenty-four feet in width of the same shall be sufficiently arched and drained to keep the same dry, and shall be sufficiently bedded and faced with stone, gravel, plank, or other hard material, to make a solid, firm, and even road at all seasons of the year; and no part of said road shall rise above an angle of three degrees with the plane of the horizon; and when the same shall pass over the waters of the Hudson, or any other stream, it shall be lawful for said company to construct, keep, and maintain good and sufficient bridges on the line of said road, not less than sixteen feet in width, and protected by sufficient railings on each side.

Company authorized to construct turnpike road.

8. *And be it enacted*, That for the purpose of surveying, laying out, and constructing said road, and procuring materials for the same, it shall and may be lawful for said company, their officers, agents, and servants, to enter upon all lands within the limits of the route as above prescribed,

and, when the route of the road is located and filed in the office of the secretary of this state, to enter upon and occupy all lands within the limits of such location, and to build and construct said road upon the same; *provided*, that said company shall not (except for the purpose of surveying and locating said route, or of ascertaining the nature and situation of required materials) enter and break ground upon any lands required or included in said route, or take away any materials, unless the consent in writing of the owner of said lands or materials is first acquired, until they shall have first paid, either to such owner or into court, the damages for the occupation of the lands and taking the materials required by said company; and in surveying and laying out said road, no trees or ornamental shrubbery shall be cut down, and no unnecessary damage shall be done to any lands entered upon; and, for the purpose of this act, the owner of lands adjoining the shore shall be considered the owner of the lands under water in front of the same. Proviso.

9. *And be it enacted*, That when said company cannot agree with the owners of such required lands, for the use or purchase thereof, or when, by reason of such owner's legal incapacity, absence from the state, or his residence not being known, no such agreement can be made, a particular description of the lands and materials so required for the use of the company shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company; also the name of the occupant 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 assign a time and place for the appointment of commissioners, and shall cause said company to give notice thereof to such owner or owners, if known and in this state, or if they are unknown and out of this state, to make publication thereof, as he shall direct, for any time not less than twenty days, at which time and place, upon proof satisfactory to him of the service or publication of such notice, he shall appoint, by writing under his hand and seal, three disinterested, impartial, and judicious freeholders commissioners to examine and appraise said land or mate- Proceedings when company and owners cannot agree.

rials and to assess the damages, upon such notice or publication of the time and place of their meeting, as shall be directed by said justice in said appointment, not less than twenty days; and said commissioners, having first taken and subscribed an oath or affirmation faithfully and impartially to examine the matter in question, and to make a true report according to the best of their skill and understanding, shall meet at such time and place, and proceed to view and examine said lands or materials, and make a just and equitable appraisement of the damages to be paid by said company for the taking and appropriating the same for the purposes aforesaid, and shall make a report thereof, under the hands and seals of all or any two of them, and shall file the same, within ten days thereafter, with the writing of their appointment and their oaths or affirmations aforesaid, in the office of the clerk of the county of Hudson, to remain of record therein; which report and papers shall be recorded by said clerk in the records of deeds for said county, and the same, or the record thereof, or a copy of either, duly certified by said clerk, shall be plenary evidence, in all courts and places, of the right of said company to use and occupy said land and materials for the purposes aforesaid, upon payment of said damages, with interest, to such owners or into court, as hereinafter provided, and of the right of said owners to recover said amount, with interest and costs, of said company; and the fees and expenses of said commissioners to be taxed by said justice, and the costs of said proceedings shall be paid by said company; and if said owner or owners of said lands or materials shall refuse to receive the amount so awarded, and sign a proper receipt for the same, when tendered, or if, when more than one, shall not agree among themselves as to the division of said amount, or shall not be known, or shall reside out of this state or in some place unknown, or shall be feme covert, under age, or under any incapacity to convey real estate, then and in such case said company may pay such amount, with the interest thereon from the date of such award, to the clerk of the supreme court, to remain in said court for the use of such owner or owners under the direction of said court, and such

payment shall have the same effect as if paid to such owner or owners, and the receipt of such owner or clerk may be acknowledged or proved and recorded as deeds are, and the same, and the record and certified copies therefrom, shall be evidence of such payment in like manner.

Parties dissatisfied may appeal.

10. *And be it enacted*, That said company or said owners may appeal from the award of said commissioners, at any time within thirty days from the filing thereof, to the circuit court of Hudson county, by filing said appeal with the clerk of said court, and serving notice thereof within that time on the opposite party, or his or their attorney or agent, and thereupon, without further proceedings, the case shall be considered at issue, and shall be tried before the next circuit court which shall be held in said county more than ten days after notice of such appeal; and the like proceedings shall be had and like process awarded for the trial thereof by a jury, and to compel the attendance and procure the testimony of witnesses, as may be had upon the trial of any other issue before said court; and the jury shall render a verdict, without respect to the report of said commissioners, for such damages as ought to be awarded for the taking, use, and occupation of said land by said company, such damages not to exceed the value of the land taken and the injury done to the residue of the tract belonging to the same owner; and if the sum awarded by such verdict exceed the amount awarded by the commissioners, the court shall give judgment against the company for the same, or the excess thereof over the amount paid to the owners or to the clerk, with costs, to be taxed as in other cases; and if the sum awarded by the verdict be less than the amount awarded by the commissioners, the court shall give judgment for the same without costs; and if the same shall have been paid to the owner or to the clerk, as herein provided, then satisfaction of said judgment shall be forthwith entered up, and said judgment shall, from the entering thereof, until satisfied, be a lien upon all the lands of said company, and upon the land for which it is awarded prior to any other liens against said company, and may be enforced by process of execution, as all other judgments.

Lands not vested in company in fee.

11. *And be it enacted*, That the lands so taken by the said company for said road, either by consent of the owners, by

the award of commissioners or a jury, or by a conveyance expressed for the purpose of a road, shall not be vested in said company in fee, but said company, their successors and assigns, shall be entitled to have an easement over the same, and to the use and possession thereof, for the width of the route, as located, for the purpose of constructing and maintaining such road, and all gates, toll-houses, and other works and buildings necessary or proper for the use of the same, and for such purposes only; and the owners of any lands along the shore of the Hudson river, over or in front of which said road may be constructed, may reclaim and fill up the lands in front of the same below high water mark to and beyond low water mark, and appropriate the same to their own use, in the same manner as they may now reclaim and appropriate the land between high and low water mark, provided that it be done in such manner as not to hinder, interfere with, or impair the public right of navigation, and the same, when appropriated, to convey in as full and ample a manner as any owner of land may dispose of the same.

Rates of toll.

12. *And be it enacted*, That whenever the part of said road from Bull's ferry to the road which leads from the ferry landing, in front of the land of Francis Price, to the Weehawken turnpike, shall be constructed and completed, and when all of said road is completed on each mile thereof, according to the directions of this act, it shall be lawful for said company to erect one or more tollgates or turnpikes on said road, and to charge and receive thereat toll for traveling each mile of said road so completed, not exceeding the following rates:

For every carriage, sleigh, or sled, drawn by one beast,	two cents.
For each additional beast,	one cent.
For each horse, mule, or head of neat cattle,	one cent.
For calves, sheep, or hogs, each,	one-half cent.

Proviso.

And said company may stop any carriage or beast from passing over said road until such toll be paid; *provided*, that no gate shall be erected on any part of said road where there is now a private road or a common public highway, or south of the high rocks forming the southeast corner of Highwood

13. *And be it enacted*, That if eight hundred shares of said stock shall not be subscribed for, and the first installment thereon paid, and the route of said road located and filed in the office of the secretary of this state, in one year from the passage of this act; and if said road shall not be begun in eighteen months, and completed in three years from the passage thereof, this act shall be void, and the lands taken or occupied by said road shall revert to the owners thereof; and if after opening any part of said road, and before the whole shall be completed, said company shall suspend the further construction of said road for one year, it shall be lawful for the owners of any lands over which said road shall be located, and lying south of the ferry landing in front of lands of Francis Price, to enclose and shut up said road over or in front of his lands, until the whole of said road shall be completed; and said company shall, within six years from the passage of this act, McAdamize or face with broken stone the whole of said road, except the rock surface thereof and bridges. Act void if stock is not subscribed for in certain time

14. *And be it enacted*, That said road, when completed, shall be a public highway for all persons, upon paying the rate of toll herein prescribed for traveling thereon; and it shall not be lawful to lay iron rails or to run any carriages thereon propelled by steam; and the owners of land over which the same is laid may at all times cross over the same freely, from one side to the other, without any charge or hindrance. Road to be public highway.

15. *And be it enacted*, That this act shall continue in force for twenty years, and the legislature may at any time, when the public good so requires, alter, amend, or repeal this act. Limitation.

Approved March 16, 1857.

CHAPTER LXIX.

AN ACT for the better regulation of the firemen of the city of Jersey City.

Election of commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be elected by the firemen of the Jersey City fire department, five commissioners, at the time and in the manner hereinafter provided, to be denominated "The Commissioners of the Jersey City Fire Department."

Mode of election.

2. *And be it enacted*, That the said commissioners shall be elected at the same time, and in the same manner as the chief and assistant engineers are elected, by or under the several ordinances of the common council of Jersey City, relating to the fire department of said city, as may be in force at the time of such election.

Time of election.

3. *And be it enacted*, That the first election for commissioners under this act shall take place on the first Tuesday after the first Monday in May next, and within ten days after such election, the persons so elected shall, in the presence of the fire and water committee of the common council of said city, draw for the term of their respective offices, say one for the term of five years, one for the term of four years, one for the term of three years, one for the term of two years, and one for the term of one year, and annually thereafter there shall be elected one commissioner, to hold his office for the term of five years.

Vacancies.

4. *And be it enacted*, That in case of a vacancy in the office of either or all of the said commissioners, either by death, removal or resignation, the said firemen shall proceed within thirty days thereafter to fill said vacancy or vacancies; and the persons so elected shall hold their office only for the balance of the unexpired term.

Commissioners may be removed.

5. *And be it enacted*, That in case of the refusal or neglect of either or all of the said commissioners to perform any of the duties imposed upon them by this act, the common council of Jersey City shall have power to remove said commissioner or commissioners; such removal to take place only upon the

petition of a majority of the officers of the Jersey City fire department.

Qualifications for commissioners.

6. *And be it enacted*, That no person shall be eligible to election after the year eighteen hundred and sixty, as such commissioner, unless he shall be at the time of such election an exempt fireman, and shall have ceased to be a member of the Jersey City fire department.

Names of commissioners elected to be returned to common council.

7. *And be it enacted*, That it shall be the duty of the chief engineer and secretary of the board of officers of the Jersey City fire department to certify to the common council the names of the persons so elected fire commissioners.

Appointment of clerk.

8. *And be it enacted*, That the said commissioners shall nominate and the common council shall appoint a clerk, at a salary to be determined by the said common council, and the commissioners and clerk shall take an oath to well and faithfully perform their duty.

Applications for organization of fire companies.

9. *And be it enacted*, That it shall be the duty of the said commissioners to inquire into the application for the organization of volunteer fire companies, and the result of such inquiry, whether in favor or against said application, shall be certified through them to the chief engineer, to the common council for confirmation: no volunteer fire companies shall be organized unless approved by said commissioners, save as provided for hereafter.

Names of persons applying for membership, &c., to be returned to commissioners.

10. *And be it enacted*, That it shall be the duty of the chief engineer of the fire department to present to said commissioners the names of all persons applying to be made members of the fire department, and of all persons expelled or resigned from the department, and on the same being duly investigated and determined by them, they shall certify the result of action to the chief engineer, who shall thereupon return the same to the common council for their approval.

Riotous or disorderly conduct at fires.

11. *And be it enacted*, That the said commissioners shall have cognizance of all complaints against members of the fire department for riotous or disorderly conduct at fires or alarms of fire, or for violation of any of the state or city laws respecting the firemen of Jersey City; they shall diligently inquire into the same, and if the parties so charged shall

be proved guilty, the said commissioners are hereby empowered to suspend or remove such firemen, subject to the approval of the common council.

Commissioners may make rules and regulations.

12. *And be it enacted*, That the said commissioners may make such rules and regulations as may be necessary for the performance of their duties, not inconstent with the laws of this state or charter of Jersey City, or of the United States.

Commissioners may administer oaths

13. *And be it enacted*, That the said commissioners, or a majority of said commissioners, may administer oaths and affirmations to witnesses appearing before them, and may require such witnesses to testify in respect to any matters pending before the commissioners, and should such witness or witnesses, after being duly notified, refuse to attend, the commissioners may apply to one of the justices of the peace in and for the county of Hudson, and upon proper proof being made of the service of such notice, the said justice shall issue an attachment compelling the attendance of such witness or witnesses.

False swearing.

14. *And be it enacted*, That false swearing before said commissioners shall be deemed perjury, and punishable as such.

Part of former act repealed.

15. *And be it enacted*, That all laws and parts of laws now existing, the provisions of which are inconsistent with all or any of the provisions of this act are hereby repealed.

Act, when to go into effect.

16. *And be it enacted*, That this act shall take effect on the first Tuesday after the first Monday in May next.

Approved March 16, 1857.

CHAPTER LXX.

AN ACT to change the name of the "Baptist Church of Williamsburgh, Pennsneck," to the "Princeton Baptist Church."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the religious society and corporation heretofore existing and known by the corporate name of the "Baptist Church of Williamsburgh, Pennsneck," in the county of Mercer, and state of New Jersey, shall be hereafter known and distinguished by the corporate name and style of "The Princeton Baptist Church," and by that name the same shall be deemed a body politic and corporate, possessing the lawful powers and privileges of an incorporated religious society; *provided*, that the rights of property of the said society shall in no wise be affected by the said change of name. Corporate name changed. Proviso.

Approved March 16, 1857.

CHAPTER LXXI.

AN ACT to incorporate "The Howard Savings Institution."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Moses Bigelow, Beach Vanderpool, William K. McDonald, John C. Thornton, Joseph N. Tuttle, James B. Pinneo, Edward T. Hillyer, James H. Halsey, Jeremiah C. Garthwaite, Herman Schalk, William W. Pollard, Daniel Dodd, Alfred L. Dennis, Horace J. Poinier, Nicholas Moore, Henry N. Parkhurst, Asa Whitehead, William Shugard, James F. Bond, Frederick T. Frelinghuy- Names of corporators.

sen, Theodore P. Howell, Daniel D. Benjamin, William A. Myer, Anthony Q. Keasby, Joseph Booth, David McCurdy and Stephen G. Gould, and their successors, shall be and are hereby constituted a body corporate and politic, by the name of "The Howard Savings Institution," and by that name shall be capable of purchasing, taking, holding and enjoying, to them and their successors, any real estate, in fee simple or otherwise, and any goods, chattels, or personal estate which shall be necessary for the purposes herein mentioned, and of selling, leasing, or otherwise disposing of the said real and personal estate, or any part thereof, at their will and pleasure; *provided always*, that the clear annual value of such real and personal estate, exclusive of the profits that may arise from the interest accruing upon investments, or upon the sale of any investments in which the deposits may be made, shall not exceed the sum of ten thousand dollars.

General powers.

Proviso.

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

First managers.

3. *And be it enacted*, That the board of managers shall, from time to time, have power to make, ordain and establish such by-laws and regulations as they shall judge proper for

Managers to make by-laws

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

4. *And be it enacted*, That the said institution may receive, as deposits, all sums of money which may be offered for the purpose of being invested, in such amounts and at such times, and on such terms, as the by-laws shall prescribe, which shall be invested accordingly, and shall be repaid to the 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 institution may accept and execute all such trusts of every description, as may be committed to them by any person or persons whatsoever, by will or otherwise, or transferred to them by order of any court. Company may receive deposits.

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

6. *And be it enacted*, That no emolument whatever shall, directly or indirectly, be received by the president or managers for their services, nor shall the said institution issue any notes or bills, nor shall any manager, officer or agent of Officers not to borrow money from institution.

the institution be allowed, directly or indirectly, to borrow any money from the said institution, or to use the same except to pay necessary expenses, nor shall the said institution take or hold any bonds, mortgages, or other securities, for the payment of money, drawn or endorsed by or existing against any manager, officer or agent of the institution, and no manager or officer shall have any interest in any of the deposits, or the profits arising from the same, except such as may be due for deposits made by them as trustees for the benefit of others.

Investments of moneys.

7. *And be it enacted*, That the said institution shall invest no money in any public stocks, other than such as are created under the laws of the United States, or of the states of New Jersey, New York, Ohio, Kentucky and Massachusetts, or in the stocks of the cities of Newark and Jersey City in this state, or of the cities of New York and Brooklyn, in the state of New York, authorized by the laws of the said states respectively, nor on bonds and mortgages, except on unincumbered real estate worth at least double the amount of the sum invested, nor in the stock or loans of any incorporated company whatever.

Certificates of deposit.

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

Payment of deposits to minors.

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

Proviso.

case of marriage, to the use or control nor liable for the debts of the future husband.

Depositors may appoint agent to receive money in case of death.

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

Interest not allowed on less sum than five dollars.

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

Deposits to be entered on books of company.

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

Vacancies, how supplied.

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

Annual report to be made.

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

Place of business.

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

Public act.

16. *And be it enacted*, That this act shall be and is hereby declared to be a public act, and the same shall be construed in all courts favorably and benignly for every beneficial pur-

pose therein intended, and that no misnomer of the said institution, in any deed, grant, devise, or other instrument of contract or conveyance, shall vitiate or defeat the same; *provided*, the institution shall be sufficiently described, so as to ascertain the intention of the parties; *and provided, also*, that the legislature may, at any time hereafter, amend or modify this act.

Proviso.

Proviso.

Limitation.

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

Approved March 16, 1857.

CHAPTER LXXII.

AN ACT authorizing the appointment of commissioners to lay out and map streets, avenues and squares, in that part of Bergen township south of the Morris canal, in Hudson county.

Commissioners appointed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That A. D. Melick, Jacob A. Van Horne, Jacob M. Vreeland, Hartman Vreeland, and Egbert Waters, are hereby appointed commissioners for the purpose of performing the several acts and duties prescribed in this act, and that in case of the death, resignation or refusal to act, of either of the said commissioners, the vacancy shall be filled by vote of a majority of said commissioners.

Commissioners to lay out streets, &c.

2. *And be it enacted*, That it shall be the duty of said commissioners to survey and map all that part of the township of Bergen which lies south of the Morris canal, to mark the same out into streets, avenues and squares, of such width, extent and direction as to them shall seem most conducive to the public good, and in the performance of their duty

as aforesaid, it shall be lawful for the said commissioners and all persons acting under their authority, to enter upon any lands to make the necessary surveys and to place permanent monuments thereon.

Commissioners to take oath.

3. *And be it enacted*, That the said commissioners, before they enter upon their duties, shall make and subscribe to an oath or affirmation, before any judge or justice of the peace in the county of Hudson, that they will faithfully, impartially and to the best of their ability perform the duties imposed on them by this act.

Copies of map to be filed.

4. *And be it enacted*, That the said commissioners shall complete their work within two years from the passage of this act, that they shall make so many copies of their map as they may deem proper for the use of the township, one of which shall be filed in the clerk's office of the county of Hudson, and one copy shall be deposited in the office of the secretary of state at Trenton.

Streets to be opened in accordance with map.

5. *And be it enacted*, That this survey and map, when completed, shall be known and designated as the map of Bergen township, south of the Morris canal, in the county of Hudson, and all streets, avenues and highways thereafter opened, within the boundaries aforesaid, shall be opened in accordance with said map and not otherwise.

Compensation of commissioners.

6. *And be it enacted*, That each of said commissioners shall be entitled to receive the sum of one dollar for each day they shall respectively be employed in the performance of the duties hereby assigned them, which sum shall be in addition to all reasonable charges and expenses for surveys, maps, plans, monuments, and the work incidental thereto.

Property may be assessed to pay damages.

7. *And be it enacted*, That in order to provide for the payment of the expenses incurred in the performance of the duties imposed on said commissioners under this act, they are hereby authorized to direct the assessor of the township of Bergen, (who is hereby required to perform the same,) to assess upon the property within the boundaries aforesaid, such sums as they may deem necessary to defray the expenses aforesaid, which sum shall not exceed five hundred dollars ($500) for the first year after the passage of this act, and if the expenses incurred by said commissioners as aforesaid

shall exceed the sum of five hundred dollars, ($500), such excess, as nearly as the same can be ascertained, shall be divided into two parts, one of which shall be assessed and collected as aforesaid, the second year after the passage of this act, and the other part shall be assessed and collected as aforesaid, the third year after the passage of this act, and after such sum or sums shall have been assessed by said assessor in the same manner as other taxes are assessed, it shall be the duty of the collector of said township to collect and pay the same to said commissioners without unnecessary delay; *provided*, that the whole cost and expenses of said commissioners, to survey, lay out and map, as provided in this act, shall not exceed the sum of eleven hundred dollars; *and provided further*, that no assessment shall be made on any property situated within the boundaries mentioned in the second section of this act, which lie north of a line drawn from Newark bay to New York bay, parallel and intersecting the south side of the Morris canal, where the same is crossed by the bridge on the Bergen Point plank road.

Proviso.

Proviso.

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

Public act.

Approved March 16, 1857.

CHAPTER LXXIII.

A SUPPLEMENT to an act entitled "An act to incorporate the West Jersey Railroad Company," approved February fifth, eighteen hundred and fifty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fifteenth section of the act entitled "An act to incorporate the West Jersey Railroad Company," be and the same is hereby repealed, and that the

Part of former act repealed.

said company may commence running cars for the transportation of passengers and freight on that portion of the road that is now completed, and on each and every portion of said road as soon as the same may be completed, anything contained in the fifteenth section of the said act to which this act is a supplement, to the contrary thereof notwithstanding.

2. *And be it enacted*, That this act shall take effect when approved of by the board of directors. Act to go into effect.

Approved March 16, 1857.

CHAPTER LXXIV.

SUPPLEMENT to an act entitled "An act to incorporate the Trenton and Allentown Turnpike Company," approved March eleventh, eighteen hundred and fifty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That, that part of said turnpike road between Sandtown and Allentown, shall be divided into two divisions as follows, that is to say, that part from Sandtown to Newtown to be called the second division, and that part from Newtown to Allentown, to be called the third division, and by such shall be known in all proceedings against the company; and any defect in one of said divisions shall not affect the right to collect toll on the other. Turnpike road divided into two divisions.

2. *And be it enacted*, That so much 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. Part of former act repealed.

Approved March 16, 1857.

CHAPTER LXXV.

A FURTHER SUPPLEMENT to the act entitled "An act to incorporate the city of Paterson," approved seventeenth March, eighteenth hundred and fifty-one.

Election of judge of excise court.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the legal voters in each of the wards in the city of Paterson, shall at each annual spring election, elect one of said voters, who shall be denominated "judge of the excise court," and shall, upon complying with the provisions of the succeeding section, hold office for one year commencing on the first Tuesday in May succeeding his election.

Mode of election.

2. *And be it enacted*, That the clerk of each ward in said city shall provide and keep in repair, at the expense of said city, one additional ballot box, of the description mentioned in the twenty-third section of the act entitled "an act to regulate elections," approved April sixteenth, eighteen hundred and forty-six which said box he shall cause to be labelled, "excise judge ballot box," and each vote for excise judge shall be by ballot, on which shall be written or printed, the words "for excise judge," the ward in which the vote is given, and the name of the person voted for, and shall not contain the name of any other person voted for at said election, which ballot shall be delivered to the judge of election, and by him deposited in the box labelled as aforesaid; and the judges of election shall reject every ballot cast for excise judge, which does not conform to the foregoing provisions.

Judge to take oath.

3. *And be it enacted*, That each of said judges shall, before he enters upon the duties of his office, and within ten days after he is elected, take and subscribe an oath or affirmation, that he will honestly, justly and fairly execute the duties of judge of the excise court in the city of Paterson, to the best of his skill and understanding, which said affidavit shall be filed in the office of the clerk of said city within fifteen days after election, and the said clerk shall record the same.

4. *And be it enacted*, That three or more of the judges elected as aforesaid, who shall have made and filed an affidavit in conformity with the preceding section, shall constitute the excise court, in the city of Paterson, and shall hold their courts on the second Tuesday in May, August, November, and February in each year, and shall have the sole and exclusive power to grant licenses to keep inns and taverns in said city, subject to the same provisions, and in like manner as the same is or may be lawfully done by either the mayor or aldermen of said city, or the courts of common pleas in this state. court.

5. *And be it enacted*, That the clerk of the city of Paterson shall be clerk of the excise court in said city, and shall deliver all the moneys which he receives for licenses, excluding his fees, to the treasurer of said city. Clerk of court

6. *And be it enacted*, That it shall be lawful for the said court and clerk to demand and receive from each applicant for license, the following fees, and no other, to wit: the court for every petition presented, the sum of five dollars, and for every recognizance taken the sum of three dollars; the clerk, for drawing, entering and filing such recognizance, drawing the license and annexing thereto the seal of said court, which said seal the mayor and aldermen of said city are hereby directed to procure, and making entry of each application, and of such license being granted, the sum of two dollars. Fees for licenses.

7. *And be it enacted*, That the court shall, before they grant a license to keep an inn and tavern, be satisfied, from personal inspection, that the applicant is of good repute for honesty and sobriety, and is provided with sufficient house room, good stabling and provender; and all persons licensed by said court shall be entitled to the privileges, and subject to the restrictions specified in the act entitled "an act concerning inns and taverns." Qualifications for license.

8. *And be it enacted*, That all acts and parts of acts which conflict with the provisions of this act shall be, so far as they thus conflict, inoperative in the city of Paterson. Parts of former acts repealed.

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

Approved March 16, 1857.

CHAPTER LXXVI.

A FURTHER SUPPLEMENT to the act entitled "An act to authorize the business of banking," approved February twenty-seventh, eighteen dundred and fifty.

Bonds of city of Paterson may be deposited as basis for banking.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any association of persons formed for the purpose of banking, under, and pursuant to, the provisions of the act to which this is a supplement, to deposit and transfer, in addition to the stocks and securities mentioned in said act, and the several supplements thereto, the bonds of the city of Paterson, issued by the mayor and aldermen of said city, under, and by virtue of the provisions of an act of the legislature, entitled "a further supplement to an act entitled an act to incorporate the city of Paterson," approved March nineteenth, eighteen hundred and fifty-one, which supplement was approved March sixth, eighteen hundred and fifty-six, bearing interest at the rate of seven per cent. per annum, as a basis or security for circulating notes, subject to all the provisions, restrictions and limitations prescribed and imposed in the said act authorizing the business of banking.

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

Approved March 16, 1857.

CHAPTER LXXVII.

AN ACT to incorporate the Burlington and Mount Holly Turnpike Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become subscribers to the capital stock hereinafter mentioned, their successors and assigns, shall be and hereby are ordained, constituted and made a body politic and corporate, in fact and in law, by the name of Burlington and Mount Holly Turnpike Company, and John C. Deacon, Benjamin Buckman, George B. Deacon, Charles H. Hollinshead, George Higbee, Abraham Gaskill, Henry J. Deacon, George C. Brown, Samuel W. Taylor, Thomas J. Risdon, Henry Irict, Thomas Conway, John T. Troth, or a majority of them, are hereby appointed commissioners to open subscription books, and receive subscriptions to the capital stock, at such times and places as they, or a majority of them, may direct, giving notice thereof at least twenty days prior thereto, by publishing the same in at least two of the newspapers of Burlington county. Commissioners to receive subscriptions.

2. *And be it enacted*, That the capital stock of said company shall be twelve thousand five hundred dollars, with the privilege of increasing the same to any sum that may be necessary to carry into full effect the object of this act, and not exceeding thirty thousand dollars, and shall be divided into shares of twenty-five dollars each, and at the same time of subscribing to said stock, two dollars and fifty cents shall be paid on each share subscribed for, to the said commissioners, or any of them, which money shall be paid over to the treasurer of the said company, as soon as one shall be appointed, and the residue of said stock shall be paid to the said treasurer in such installments, and at such times and places, as the board of directors of said company shall from time to time direct, and give public notice thereof in manner as aforesaid, and upon failure of the payment thereof as so directed, the said board shall have power to forfeit the Amount of capital stock.

shares of every person so failing to pay said installment, or any of them, to and for the use of the said company.

Annual election of directors.

3. *And be it enacted*, That the affairs of said company shall be managed by a board of seven directors, a majority of whom shall be a quorum for the transaction of business, but any less number may adjourn from time to time; and when two hundred shares of said stock shall be subscribed for, the said commissioners, or a majority of them, may call a meeting of said stockholders, giving at least twenty days notice thereof, in manner as aforesaid, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect by ballot from among their number, seven directors, for the term of one year, and until others shall be appointed, a majority of whom shall be citizens of this state, of which election of the commissioners, or a majority of them, shall be judges, and at the expiration of said term, and annually thereafter, upon the like notice being given as aforesaid by the existing board of directors, the stockholders shall elect by ballot seven directors as aforesaid, and the judges of said election shall be appointed by the president of said company, and at every election by the stockholders, one vote may be given for each share of stock by the holder thereof, either in person or by proxy, and the board of directors may regulate and determine the time of the year for the regular annual meeting of the stockholders, of which due notice shall be given as aforesaid; and if from any cause, any election hereinbefore mentioned shall not be had at the time specified, the same may be held at any other time, on like notice as aforesaid, and the officers of the preceding year shall hold their respective offices until others shall have been elected in their places; and that this charter shall not be defeated and avoided by the reason of the irregularity or want of such election.

Duties and powers of president.

4. *And be it enacted*, That as soon as conveniently may be, at the first, and each subsequent annual election of directors, they shall elect from their members a president of said company for one year, and until another shall be elected, who shall be a citizen of this state, and a resident of the county of Burlington, and who shall receive such compensation for

his services as the board of directors may determine on; he shall keep the seal of the company, and preside at all meetings of the board, and in case of his absence the said board shall appoint one of their number for the time being, who shall possess the same power and authority, and perform the like duty; and the board of directors may fill any vacancy that may occur therein, until the next annual election, and may exact from the president, treasurer and other officers and agents of said company, such security for the due performance of their respective trusts as they deem expedient; and special meetings of the stockholders may be called by the said board, or by the stockholders owning one fourth of the whole stock subscribed, by giving notice thereof as aforesaid, and stating the object for which the meeting is called; but no business shall be transacted at such special meeting, unless it be represented by a majority of the stock subscribers, and then held by the stockholders.

Annual statement to be made.

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

Company authorized to construct road

6. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road, with the necessary bridges, beginning in the city of Burlington, in the section of Federal and High streets, and then to extend along and occupy the present public road from Burlington to Mount Holly, and end at a point in said road, or High street, in the town of Mount Holly, opposite the depot of the Burlington and Mount Holly Railroad Company, and the said company may, by its officers, agents, or any persons in their employ, from time to time, and at all times, enter upon and pass over all lands to search for stone, gravel, sand, clay, or other materials for constructing and repairing said road, doing no unnecessary damage to said land; *provided*, before said company shall close their gate or turnpike, and collect toll, they shall pay the respective owners of the land over which the road shall pass, all damages which they shall sustain by reason of the construction of said road, if any such there be, in case the said company and any of said

Proviso.

land owners cannot agree upon the amount of said damage as aforesaid, then they shall be ascertained and determined, as nearly as may be, in the manner hereinafter provided for ascertaining damages for materials taken from landowners for the construction of said road; *provided nevertheless*, that the road within the limits of the city of Burlington, shall conform to such regulations or ordinances that may be enacted or established by the city authorities for the width of foot-ways, and grade of the road or street and gutter-ways.

Proviso.

Description of road.

7. *And be it enacted*, That the said turnpike road shall be constructed at least thirty-two and not exceeding sixty-six feet in width, and shall be sufficiently arched and drained to make and keep the same dry, and at least twenty feet thereof shall be sufficiently bedded and faced with stone, gravel, or other material, to make a good, firm and even road at all seasons of the year, and be so graded that in its progress, no part of the said road shall rise above an angle of four degrees with the plane of the horizon, and the said company shall make and keep in good repair all necessary bridges on said road, and whenever said road, in passing over low ground, shall be raised so much at its sides as to render carriages passing on said road liable to overset, the said company shall cause good and sufficient railings or fenders to be erected and maintained on the sides, so as to prevent horses and carriages from running off.

Proceedings in case company and owners cannot agree.

8. *And be it enacted*, That it shall be lawful for the said company, their engineers, agents, superintendents and all persons employed by them, with carts, wagons, and other carriages, and with beasts of burthen and draft, and all necessary materials, tools and implements, to enter upon and pass over any and all land contiguous or near to said road, and as far distant therefrom as they may find it expedient to obtain the necessary materials for the construction and repairing of said road, doing as little damage thereto as possible, and repairing any breach they may make in the enclosures thereof, and to make and maintain all such ditches and underdrains across and through such lands as may be necessary for the proper draining of said road, and also to take and carry away therefrom all stone, gravel, sand, clay, earth

or other material, suitable for making and repairing said road, passing over the most eligible routes for and with said materials, and with the power to make and repair temporary roads and bridges for that purpose where needful; and in case any of the said land owners shall not be willing to give the materials and the right of way as aforesaid, or either, for the use as aforesaid, and the said company or their agents cannot agree with them or their legal representatives as to the price to be paid for the same, then either party, after giving ten days' notice thereof in writing, to the opposite party, stating the time and place, may apply to any disinterested justice of the supreme court of this state, or any judge of the court of common pleas of the county of Burlington, whose duty it shall be forthwith to appoint three discreet, disinterested and impartial freeholders of said county, commissioners to ascertain the price and value of such materials as may be required by said company, and all damage to be sustained by reason of their removal or right of way as aforesaid, who shall, before they enter upon the duty of their appointment, take an oath or affirmation faithfully and impartially to execute the duties thereof, 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 as to them shall appear just and proper, and transmit such award and decision, in writing, and under their hands and seals, or in the hands and seals of a majority of them, to the clerk of said county, to be by him filed as a public record by said clerk, and certified copies taken if required by either party, and upon payment or tender of the sum so awarded by the commissioners, the said company or their agents may enter upon and remove all such materials, and use and enjoy all such rights of passing to and fro therewith as have been appraised as aforesaid, and by reason of any legal incapacity, or the absence of the owner or owners of such land or materials, no agreement can be made with said company, then it shall be the duty of said company to pay the amount of any and every award made in behalf of any such person, by commissioners appointed as aforesaid into the court of chancery, to

the clerk thereof, subject to the orders of said court, for the use of said owners.

Rates of toll.

9. *And be it enacted*, That as soon as the said company shall have constructed the aforesaid turnpike road from the city of Burlington to Mount Holly, according to the directions of this act, and the true intent and meaning thereof, it shall and may be lawful for the said company to erect all necessary gates or turnpikes across the same, and demand and receive toll for traveling over each and every mile of said road, and for every fraction of a mile over half a mile, not exceeding the following rates, to wit:

For every carriage, sleigh or sled drawn by one beast,	one cent.
For every additional beast,	one cent.
For every horse and rider, or led horse or mule,	five mills.
For every dozen calves, sheep or hogs,	five mills.
For every dozen horses, mules or cattle,	two cents.

And in the same proportion for a greater or less number, and it shall and may be lawful for toll-gatherers or their agents to stop all persons riding, leading, or driving any horses, mules or cattle, sheep, calves 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 said company to erect any toll gates in the corporate limits of the city of Burlington, to demand or receive toll of or from any person passing with horses, carriages, sleighs, or sleds carrying persons to and from a funeral, or any person passing to or from one part of his farm on which he resides to another part thereof on the ordinary of said farm, or any other part of his land which is detached therefrom, and in his own occupancy, and not more than one mile distant therefrom.

Proviso.

Mile stones or posts to be erected.

10. *And be it enacted*, That before said corporation shall receive toll for travelling on said road, they shall cause mile stones or durable posts to be erected and maintained at the end of every mile, and each shall be legibly marked the distance it is from Burlington, and shall cause to be fixed at the gates or turnpikes aforesaid, in some conspicuous place,

a plainly printed list of rates of toll which may be lawfully demanded; also a board, on which shall be printed in large letters, "Keep to the right as the law directs."

Penalty for obstructing passage.

11. *And be it enacted*, That all drivers of carriages, wagons, sleighs or sleds, of every kind and description, whether of burthen or pleasure, or persons on horseback, using the said road, when met by another carriage, wagon, sleigh or sled of any kind or description, or persons on horseback, shall each keep to the right in the passing direction; and also, when any carriage, wagon, sleigh or sled of any kind or description, whether of burthen or pleasure, or persons on horseback, shall be overtaken by another carriage, wagon, sleigh or sled, of any kind or description, or by persons on horseback coming up from behind, the said foremost of whatever kind it may be, shall also keep to the right, so as to always and in both cases allow a free, clear and unobstructed passage by either way, at his or her left hand side, 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 passing, and will sue for the same, with costs of suit, and shall also be subject to an action for damages for every such offence, to be recovered with costs of suit.

Penalty for injuring works

12. *And be it enacted*, That if any person shall wilfully break, throw down or deface any of the mile marks so erected on said road, or wilfully tear down or deface any of the printed rates of toll or directions, or shall cut, break down or destroy or otherwise injure any gates, turnpikes, or any other appurtenance of said road that shall be erected pursuant to this act, or shall forcibly pass the same without having paid the legal toll at such gates or turnpikes, such persons shall forfeit and pay the sum of ten dollars, besides being subject to an action for damages for every such offence, to be recovered by said company by action of debt, or other proper action, in any court of competent jurisdiction, with costs of suit, and if any person, with his or her carriage, team or horses, turn out of said road to pass a gate or gates, upon private grounds adjacent thereto, and enter on the road again, with evident intent to avoid the toll due by

virtue of this act, such person or persons shall forfeit and pay ten times as much as legal toll would have been if he had passed through the gate or gates, to be recovered by the said company for the use thereof, in an action of debt, with cost of suit.

Penalty for taking illegal toll.

13. *And be it enacted*, That if any toll-gatherer shall unnecessarily delay or hinder any traveler passing through any of the gates or turnpikes of said road, or shall demand more toll than 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.

Proceedings in case road and bridges are not kept in repair.

14. *And be it enacted*, That if the said company shall not keep the said turnpike road and bridges, which hereafter may be erected thereon, in good repair, and complaint thereof in writing shall be made by three responsible persons of the county of Burlington, to a judge of the court of common pleas of said county, who may be disinterested, the said judge shall then forthwith, give notice to the president of said company, or the keeper of the nearest gate or turnpike to the cause of complaint, setting forth the nature thereof, and that if the cause of complaint, if any, be not removed within three days after such notice is served, or the gate or gates thrown open and free of toll, he will then appoint in writing under his hand and seal, three reputable, discreet and disinterested persons, not of the township or townships where the cause of complaint arose, which three persons or a majority of them, on due notice to be given to the president or the keeper of the said nearest gate or turnpike, at least three days beforehand, shall meet at such time and place as the judge may appoint, and having taken an oath to act impartially, shall proceed to view and examine the said turnpike road or bridge so complained of, and they, or a majority of them, shall report to the said judge in writing, under their hands and seal, whether it be in such a state as the law requires it to be kept, and if the report be unfavorable to the turnpike road or bridge, the said judge shall immediately in writing under his hand and seal, order the keeper of said gate or turnpike to keep open the same until

otherwise ordered, and if the said keeper shall, notwithstanding the order of said judge to open the said gate or turnpike, exact toll of travelers, he shall, for every such offence, forfeit and pay twenty dollars, to be sued for by any person who shall prosecute for the same, in an action of debt, with costs of suit; and the judge shall be allowed for his services one dollar, and the persons appointed one dollar each, to be paid by the company, unless said report be in favor of the road, and also that there was not sufficient cause for said complaint, in which case it shall be borne by the complainants, and upon due proof being made before the said judge, by the company or their agents, that said company have repaired said road or bridge in the particulars complained of, said judge shall forthwith by license, and under his hand and seal, directed to the toll-gatherer aforesaid, permit the gates or turnpikes to be shut, and the toll to be collected as before, and the same fees shall be allowed and paid as before directed.

Road not to be constructed until public highway is vacated.

15. *And be it enacted*, That nothing in this act shall be construed to affect the title of the owners to the lands over which said road may pass, or from whence materials may have been taken for its construction, and the said company shall not construct said turnpike road until the public road now running from Burlington to Mount Holly be first vacated according to law, and if the turnpike road be not commenced within three years from the passage of this act, and shall not be completed from Burlington city to Mount Holly as aforesaid, within five years from the passage of this act, their charter shall be null and void; and after defraying all the expenses that may have been incurred, the residue of the money paid in shall be divided among the subscribers and their respective representatives, in proportion severally paid by them.

Approved March 18, 1857.

CHAPTER LXXVIII.

AN ACT supplemental to the charter of the First Presbyterian Church in Elizabethtown.

Trustees authorized to raise money by tax.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the First Presbyterian Church in Elizabethtown be, and they are hereby authorized and empowered to assess such sums of money as a tax, or rent, upon the pews of their church, as may be necessary to defray the annual current expenses of the congregation, to be made payable in such manner as the said trustees, by their by-laws, may direct; and in default of the payment of the said tax, or rent, so assessed as aforesaid, for the space of one year, the said pew or pews may be sold for the shortest period of time practicable, under the direction of the said trustees, to pay all arrears due thereon.

Approved March 18, 1857.

CHAPTER LXXIX.

A SUPPLEMENT to an act entitled "An act to incorporate the city of Hudson, in the county of Hudson," approved April eleventh, eighteen hundred and fifty-five.

Firemen exempt from jury and militia duty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every person who shall have been a fireman in the city of Hudson for a year previous to January first, eighteen hundred and fifty-seven, and who shall serve as such for six years thereafter, and every person

who may have served less than a year past therein, and who shall serve until the whole period of service shall amount to seven years from the date of his certificate, and every person who may become such fireman after the passage of this act, and shall serve as such for the period of seven years thereafter, shall, during and forever after such service, be exempted from serving as a juror in any of the courts of this state, and from all militia duty and military tax in time of peace; and all persons having served as a member of said fire department for the period of seven years, and having received a certificate from the common council of the city of Hudson, of such service, shall be forever exempt from such militia duty and tax, except in case of war, invasion, or insurrection.

Water Commissioners may contract for supply of water.

2. *And be it enacted*, That it shall be lawful for the water commissioners of said city, subject to the approval of the mayor and common council, to make a contract with the water commissioners of Jersey City for a sufficient supply of water for the extinguishment of fires, and the laying of the necessary pipes and apparatus for the distribution of and easy access to the said water; and the yearly cost of the same shall be assessed annually upon the real estate in said city along or over or through which the said water pipes shall be laid.

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

Approved March 18, 1857.

CHAPTER LXXX.

A SUPPLEMENT to an act entitled "An act to incorporate the Endeavor and Fulton Fire Engine Companies, in the city of Burlington."

Corporations may purchase and hold real estate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey, and it is hereby enacted by the authority of the same,* That for the purpose of carrying out more completely the objects declared in the act to which this is a supplement, the said corporators shall have power, from time to time, to purchase, take and hold real and personal estate, and sell, lease and dispose of the same; *provided,* the capital stock shall not exceed five thousand dollars; and to borrow any sum or sums of money not exceeding fifteen hundred dollars, as may be necessary, and to secure the repayment thereof by bond and mortgage, or otherwise, on the said real estate, at a rate not exceeding the legal rate of interest in this state.

Proviso.

Approved March 18, 1857.

CHAPTER LXXXI.

A SUPPLEMENT to the "Act relative to juries and verdicts" approved April seventeen, eighteen hundred and forty-six.

Preamble.

WHEREAS, great embarrassment and inconvenience have been experienced in conducting the business of the courts in several counties within the state, from sheriffs summoning and returning for jurors, members of fire companies, who are exempt from serving as jurors; AND WHEREAS, it is proper that public records should be kept of such citizens, to which sheriffs can have access for information, when

selecting persons qualified to serve as jurors at an ensuing term of the courts to be held in any county; therefore,

Names of exempt firemen to be filed in clerk's office.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no fireman shall be entitled to claim exemption from jury duty in any county court in this state, unless he shall give evidence of his enrollment in a fire company, in addition to the requirements of existing laws, by filing his name in the office of the clerk of the county in which he resides, with the title and location of said company, at least thirty days before the commencement of the term at which he may offer his excuse.

Clerk to keep register of names of firemen.

2. *And be it enacted*, That the clerk of each county shall provide, at the expense of the county, a suitable book, which shall be entitled "The Firemen's Register," in which he shall arrange in alphabetical order the names thus filed in his office, the date of filing, and the name of the company to which each person belongs, and also the time when he ceased to be such exempted fireman, which information shall be furnished annually on the first day of January, by the chief officer of each company, by his sending to the clerk a certified list of those whose names have been taken off during the year; said book to be open for inspection without charge, for which services the clerk performing the same shall be entitled to demand and receive twenty-five cents from the person filing his name, before the same shall be marked filed or registered.

Pleas, &c., for common misdemeanors

3. *And be it enacted*, That on indictments for common misdemeanors, pleas taken and verdicts rendered without objection at the time before the president judge of a court of oyer and terminer and general jail delivery, shall be valid and effectual in law, and be recorded in the minutes of the court.

Approved March 18, 1857.

CHAPTER LXXXII.

AN ACT to create the county of Union.

Boundaries of the county.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the county of Essex, as the same stood before the passing of this act, contained within the following boundaries, viz: beginning on the sound leading from Elizabethtown Point to Amboy, at the easternmost point in the division line between the counties of Essex and Middlesex; thence northeasterly along the eastern line of Essex county to the southeast point in the division line of the township of Clinton; thence westerly along the division line between the township of Clinton and city of Elizabeth to the division line between the townships of Clinton and Union; thence along the northerly and westerly line of division between the townships of Union and Clinton to the northerly division line of the township of Springfield; thence down the east branch of the Rahway river to the junction of the east and west branches of said river; thence up the west branch of said Rahway river to the mouth of William and Abner Stites' mill race; thence along said mill race to William and Abner Stites' mill pond; thence along the middle of said pond or ponds to the mouth of the brook that runs south and near to Wellington Campbell's paper mill; thence up said brook to the new road near said Wellington Campbell's mill dam; thence up said new road to the Morris turnpike; thence up said turnpike to the Passaic river at a point in the west division line of the township of Springfield; thence along said line to the northerly division line of the township of New Providence; thence along the north and west division line of the township of New Providence to the division line of the township of Plainfield; thence along the westerly and southerly division line of the township of Plainfield to the division line between the counties of Essex and Middlesex; thence easterly along the division line between said counties to the place of beginning on the sound; including and intending to include

within the said metes and bounds all that part of the county of Essex now contained within the city of Elizabeth and the townships of Rahway, Union, Westfield, Plainfield, New Providence, and that portion of the township of Springfield included within the boundary lines hereinbefore described, be and the same is hereby erected into a separate county, to be called the county of Union; and said lines shall hereafter be the division lines between the counties of Essex, Somerset, Morris, Middlesex, and the said county of Union, respectively.

Assembly district.

2. *And be it enacted*, That the said county of Union shall compose a part of the fifth congressional district of the state, and shall have and enjoy all the jurisdiction, powers, rights, privileges, liberties and immunities, which any other county in this state doth or may enjoy; and that the said county of Union shall be divided into two assembly districts, namely: the city of Elizabeth and township of Rahway shall constitute the first assembly district, and the townships of Union, Westfield, Plainfield, New Providence, and that portion of the township of Springfield included within the boundary lines hereinbefore described, shall constitute the second assembly district, each of which said districts shall elect, in the same manner as other counties in this state do, one member to represent said district in the general assembly, and that the said county of Union shall elect, in the same manner as other counties in this state do, one member to represent said county in the senate of this state, and no more, until otherwise regulated by law, and the county of Essex shall hereafter elect in the same manner as other counties do, seven members to represent said county in the general assembly, and one member to represent said county in the senate of this state, and no more, until otherwise regulated by law; and the present member of the senate, judge of the court of common pleas, and surrogate of the county of Essex, shall continue in office until their respective terms of office expire; and the present members of the general assembly, of the county of Essex, shall continue in office till the meeting of the next legislature.

3. *And be it enacted*, That the justices of the peace, sheriff,

Present officers continued

and other officers within the limits of the county of Essex, as the same stood before the passing of this act, shall continue to hold, exercise and enjoy their several and respective offices and appointments, with the powers and privileges thereto belonging, within the said limits, until the second Monday of April next after the passing of this act; and all courts, at the time of the passing of this act, existing and being within the said limits, shall continue to have and exercise, respectively, jurisdiction within the same, until the second Monday of April next, in the same manner as if this act had not been passed; and that on and after the said second Monday of April next, and until their respective terms of office in and for the county of Essex shall expire; all persons in office at the time of the passing of this act, and resident within the bounds of the said county of Union, and every of them, except the clerk, surrogate and prosecutor of the pleas, shall hold, exercise and enjoy their respective offices, with all the power, authority, privileges and emoluments thereto belonging, within the limits of the said county of Union, as officers of said county, as fully and effectually, to all intents and purposes, as if they had been elected or appointed to their said offices, respectively, within the said county of Union; *provided, however*, that all justices of the peace within the said county of Union, shall take and subscribe the oath of office and allegiance, according to law, on or before the second Monday of April next, as officers of the said county of Union; and that the board of chosen freeholders of the county of Essex, as it existed before the passing of this act, shall continue to exist, with all the duties, powers, privileges, authorities and emoluments thereto belonging, until the second Wednesday of May next after the passing of this act; *provided, always*, that the said board shall not have power to raise or order the raising, by assessment or tax, or in any other manner, any sum or sums of money, for any purpose, or to vote or grant any sum of money whatsoever, for any purpose other than to compensate themselves according to law for their services as such chosen freeholders, up to the said second Wed-

Proviso.

Proviso.

nesday of May next, and to pay any existing debt of the said county.

Act not to affect legal proceedings heretofore commenced.

4. *And be it enacted*, That all actions, suits, appeals, prosecutions, and all other legal proceedings commenced, or that may be commenced or depending in the supreme court of this state, or in any court, or before any justice of the peace within the limits of the county of Essex, as the same stood before the passing of this act, before the second Monday of April next, shall be in no wise affected by this act, but the same shall and may be prosecuted in the said county of Essex, and before said courts and justices of the peace, in the same manner as if this act had not been passed, anything herein to the contrary notwithstanding; *provided*, that in all such causes pending in the supreme court, where the defendant in any transitory action does, at the time of the passing of this act, reside within the limits of the said county of Union, either party may, at his or her election, on application to the said court for that purpose, have the venue in said action changed to the said county of Union, and the cause tried therein, as if the venue in said action had originally been laid in said county of Union.

Proviso.

Sheriff, &c., to act in county of Union.

5. *And be it enacted*, That until a sheriff and coroners shall be elected in and for the said county of Union, and shall enter upon the duties of their respective offices, the sheriff and coroners of the said county of Essex shall discharge and perform all the duties, possess all the powers, and be subject to all the liabilities of sheriff and coroners of the said county of Union, and be entitled to the fees allowed by law for all services by them or either of them performed; and the said sheriff and his sureties shall be liable for any default or misconduct in the discharge and performance of said duties, in the same manner as if such default or misconduct had occurred in the county of Essex; and that the said sheriff shall, on or before the second Monday of April next, take and subscribe before a judge of the inferior court of common pleas, in and for the said county of Essex, residing within the limits of the said county of Union, the oath or affirmation prescribed in and by the fourth section of "an act concerning sheriffs," which oath

or affirmation the judge before whom the same shall be taken, shall cause to be filed in the office of the clerk of said county of Union.

Jail of Essex county to be used.

6. *And be it enacted*, That the jail of the county of Essex be and it is hereby constituted a jail for the confinement of all prisoners of or from the said county of Union, until the first of July, eighteen hundred and fifty-eight, unless a jail shall sooner be provided in said county of Union; and the sheriff or other officer, having the lawful custody of any prisoner within said county of Union, is hereby authorized to carry and confine such prisoner to and in the jail of the county of Essex, and the keeper of the said jail is hereby required to receive and safely keep every such prisoner so delivered to him, in the same manner and under the same penalties as he is or may be by law required to keep and provide for the prisoners of the county of Essex, until such prisoner shall be demanded by the proper officer or officers of the said county of Union, or by some other due or legal authority; and said keeper shall be entitled to receive from the board of chosen freeholders of the said county of Union, such fees and compensation for the support of the prisoners of said county as are or shall be allowed by the board of chosen freeholders of the county of Essex in like cases.

Inhabitants of Rahway incorporated.

7. *And be it enacted*, That the inhabitants of the township of Rahway, in said county, shall be styled and known by the name of "the inhabitants of the township of Rahway, in the county of Union;" and the inhabitants of the city of

City of Elizabeth.

Elizabeth, in said county, shall be styled and known by the name of "the inhabitants of the city of Elizabeth, in the county of Union;" and the inhabitants of the said township of Union, in said county, shall be styled and known by the

Township of Union.

name of "the inhabitants of the township of Union, in the county of Union;" and the inhabitants of the township of Springfield, in said county, shall be styled and known by the

Township of Springfield.

name of "the inhabitants of the township of Springfield, in the county of Union;" and the inhabitants of the township of

Township of Westfield.

Westfield, in said county, shall be styled and known by the name of "the inhabitants of the township of Westfield, in the county of Union;" and the inhabitants of the township of

New Providence, in said county, shall be styled and known by the name of "the inhabitants of the township of New Providence, in the county of Union;" and the inhabitants of the township of Plainfield, in said county, shall be styled and known by the name of "the inhabitants of the township of Plainfield, in the county of Union;" and that the inhabitants of said city of Elizabeth and the townships of Rahway, Union, Springfield, Westfield, New Providence and Plainfield, respectively, shall be and they are hereby vested with, entitled to, and authorized to exercise and enjoy all the franchises, powers, privileges, immunities and authority, and shall be and are hereby made subject to all the rules, regulations and government which the inhabitants of the other townships of this state may be entitled and subject to; that the part of the said county of Union, and the inhabitants thereof, at present incorporated, styled and known by the name of "the city of Elizabeth," shall be and remain a body corporate and politic in law, by the name of "the city of Elizabeth," in the same manner as though this act had not been passed, save and except that the same shall constitute a part of the said county of Union, and have the same relation to the said county of Union as the same heretofore had to the said county of Essex, in all respects, before the passing of this act; that the chosen freeholders of the said townships of Rahway, Union, Springfield, Westfield, New Providence and Plainfield, and the city of Elizabeth, and their successors, shall be and they hereby are constituted a body politic and corporate in law, and they shall be styled and be known by the name of "the board of chosen freeholders of the county of Union," and shall have, hold, use, exercise and enjoy all the like rights, powers and authority, and be subject to all the provisions of the law for the time being, as the board of chosen freeholders of the other counties of this state are or shall be entitled and subject to; and that the said board of freeholders shall meet at the court house in the city of Elizabeth on the day appointed by law for the next annual meeting of the boards of chosen freeholders in other counties of this state, and afterwards, at such times and places as they may appoint or shall be required by law,

Township of New Providence.

Township of Plainfield.

Chosen freeholders incorporated

until a court house shall be provided for said county of Union.

Town meetings.

8. *And be it enacted*, That the town meetings in said townships of Rahway, Union, Springfield, Westfield, New Providence, Plainfield, and the city of Elizabeth, respectively, shall hereafter be held annually on the second Monday of April; and that the first town meeting hereafter to be held in the said townships, respectively, shall be held on the second Monday in April next, at the place in the respective townships where the next town meetings were to have been held before the passing of this act, and that the town meetings in the said townships respectively, shall thereafter be held at such places as the electors of said townships respectively, shall from time to time appoint, under the existing laws of this state.

Terms of courts.

9. *And be it enacted*, That the inferior court of common pleas, the court of general quarter sessions of the peace, and orphans' court, in and for the county of Union, shall hold three terms each, to wit: one on the last Tuesday of May, one on the fourth Tuesday of September, and on the third Tuesday of December, in each and every year; and that the circuit court, and court of oyer and terminer and general jail delivery, shall be held in and for said county at the times of holding the said court of common pleas; and that until a court-house shall be built or provided for the said county, the said courts shall be held at the court-house in the city of Elizabeth; and all writs and process which may be issued out of said courts after this act goes into operation, and before the fourth Tuesday of March, shall be tested on the day on which the same are issued, respectively, and in the name of one of the judges of the said courts, and shall be made returnable at the place where the said courts shall be held; and it shall be the duty of the present sheriff of the county of Essex to give notice of the time and place of holding said courts, by publishing this section in a newspaper published in the city of Elizabeth, and towns of Rahway and Plainfield, if any there be, for three weeks successively, after the passing of this act, and that the jurors to be summoned and returned to the first term of the courts of said county of

Union, shall and may be selected and drawn according to law, at least ten days before the commencement of said courts.

Sheriff of Essex authorized to execute process in Union.

10. *And be it enacted*, That all judgments already obtained, or that may hereafter be obtained in the courts of the county of Essex, upon any action, suit or proceeding actually commenced or depending before the said fourth Tuesday of March, shall be of the same force and effect within the former limits of said county, as if this act had not been passed; and writs of execution, or other legal process may be issued thereon, directed to the sheriff, or other lawful officers of the county of Essex, who are hereby authorized and directed to execute the same within the limits of the said county of Union, in the same manner they should by law have done in case this act had not been passed; and upon such judgment or judgments, a writ or writs of scire facias may issue, as allowed by law in other cases, directed as aforesaid, and thereupon such further proceedings shall be had as the party prosecuting the same would have been entitled to in other cases, and in the same manner as if this act had not been passed.

Union brigade.

11. *And be it enacted*, That the militia of the said county of Union shall form a separate brigade, to be called the Union Brigade, and shall be attached to the second division of the militia of this state.

Location of public buildings.

12. *And be it enacted*, That the court-house, jail, and all other county buildings for said county of Union, shall be located at the city of Elizabeth; and that the circuit courts, common pleas, quarter sessions of the peace, orphans' court, and court of cyer and terminer, shall be held in and for the county of Union, at the city of Elizabeth, at some place to be provided by the mayor and city council of the city of Elizabeth, satisfactory to the chosen freeholders of said county, for holding said courts, and for the accommodation of the clerk and surrogate of said county.

Freeholders authorized to erect public buildings.

13. *And be it enacted*, That the board of chosen freeholders of said county of Union shall, upon a call of their director, or upon their own adjournment from time to time, as often as occasion may require, meet together at such place as they may appoint for that purpose, and said board, or a majority

thereof, are hereby authorized, in the corporate name of said board, to contract for and take a deed or deeds for land on which to erect a jail and other public buildings, and to erect said buildings, or to purchase or otherwise procure or provide the same; and also to order money to be raised by tax, to be assessed on the inhabitants of said county, or by loan, for the purpose of defraying the cost of purchasing said land, and of building, purchasing or otherwise procuring and providing said public buildings.

Mode of raising tax.

14. *And be it enacted*, That to raise money by tax for the purposes mentioned in the last section, the assessors and collectors of the several townships in said county of Union, shall, in their respective townships, from time to time, as occasion may require, assess and collect such sums of money as the board of chosen freeholders of said county shall direct, in the manner in which other county taxes are assessed and collected.

Sheriff to remove prisoners to jail when completed.

15. *And be it enacted*, That it shall be lawful for any two or more judges of the inferior court of common pleas, in and for the said county of Union, at the request of the directors of the board of chosen freeholders of said county, when in their opinion the jail erected or provided in and for said county is finished or prepared so as to be safe for the confinement of prisoners, so to certify in writing under their hands to the clerk of the court of common pleas of said county, and the said clerk shall enter the said certificate on the minutes of said court, and deliver a copy thereof to the sheriff of said county, or to the person acting as such sheriff, and thereupon it shall be the duty of the said sheriff, or person acting as such sheriff, to remove all prisoners of said county that may then be confined in the said jail hereinbefore provided for the safe keeping of said prisoners, to the jail of the said county of Union, there to be confined according to law, and such a removal shall not be deemed an escape or in anywise chargeable to the sheriff of the said county of Essex.

Proportion of school fund appropriation to be paid to county.

16. *And be it enacted*, That it shall be the duty of the trustees of the school fund of this state, on or before the first Monday of April next, to apportion to the said county of

Union its just share and proportion of the annual appropriation of the income of the school fund, according to law.

Proceedings in cases where letters testamentary, &c., have been granted in Essex county.

17. *And be it enacted*, That in all cases in which letters testamentary or of administration, or guardianship, or other power or authority, hath or have been or shall be issued or granted to any executor or executors, administrator or administrators, guardian or guardians, trustee or trustees, by the surrogate or orphans' court of the county of Essex, and in which such letters testamentary, or of administration or guardianship, or other power or authority, should or might by law have been issued or granted by the surrogate or orphans' court of the said county of Union, if then existing, it shall and may be lawful for the said executor or executors, administrator or administrators, guardian or guardians, trustee or trustees, or the survivor or survivors of them, to procure from the surrogate of the county of Essex true copies, duly certified under his hand and seal, of all orders, decrees, inventories, account or other proceedings or papers recorded or filed in the office of such surrogate, and relating to or made by such executor or executors, administrator or administrators, guardian or guardians, trustee or trustees, and to file the same with the surrogate of the said county of Union, and thereupon the surrogate and orphans' court of the said county of Union, shall have the same jurisdiction, power and authority over or concerning said executor or executors, administrator or administrators, guardian or guardians, trustee or trustees, or the survivor or survivors of them, and be authorized and empowered to state, audit, settle and allow his, her or their account or accounts, and to enforce and compel the due and faithful fulfilment and performance of his, her or their duties and trusts, and in the same manner in all respects as the surrogate or orphans' court of the county of Essex might or could have had or done if this act had not been passed, and the making and rendering, and the neglect or failure to make and render any inventory, statement or account to the surrogate or orphans' court of the said county of Union, or to observe and perform any order or decree of the said orphans' court, shall have the same force and effect against such executor or executors, adminis-

trator or administrators, guardian or guardians, trustee or trustees, survivor or survivors of them, and his, her or their respective surety or sureties, and all other persons whomsoever, as the like making and rendering or neglect or omission, in reference to the surrogate or orphans' court of the county of Essex, would by law have had; *provided always*, that nothing in this act contained shall be so construed as to authorize or empower the orphans' court of the said county of Union to make any order or decree for the sale of any lands or real estate not situate within the said county.

Proviso.

Proceedings in case of death of executor, &c.

18. *And be it enacted*, That when any executor, administrator or guardian, who was or shall be appointed in the said county of Essex before this act shall go into operation, shall die, cease to act, or for any other cause be disqualified, or whenever any letters of administration, guardianship, or letters testamentary, shall be vacated, then and in such cases the surrogate and orphans' court of the county of Union is hereby authorized to issue new letters of administration, with the will annexed, according to law, as the case may require; *provided*, the testator or intestate, at the time of his or her death, resided within the territory which shall then compose the said county of Union, or the estate of the ward or wards, lies within the same; and that the surrogate and orphans' court of the said county of Union may proceed thereupon as if the letters of administration, letters of guardianship, or letters testamentary, had been originally issued by the surrogate of the said county of Union.

Proviso.

Bonds and oaths of clerk and surrogate.

19. *And be it enacted*, That it shall be lawful for the clerk of the inferior court of common pleas and general quarter sessions of the peace of the county of Union, and the surrogate of the said county, to submit their respective official bonds to any one of the justices of the supreme court, and to take and subscribe the oaths or affirmations required of them, respectively, by law, before said justice of the supreme court, who is hereby authorized to inspect the said bonds, and to administer the said oaths or affirmations; and when the said justice shall have approved the said bonds, respectively, and the sureties therein named, and administered the said oaths or affirmations, the said clerk and surrogate shall be fully

authorized to enter upon and discharge the duties of their respective offices.

Justice to transmit bond and oaths to secretary of state.

20. *And be it enacted*, That the said justice of the supreme court, by whom the said bonds may be approved and the said oaths or affirmations administered, shall transmit the said bonds so executed and approved of, together with the said oaths or affirmations of office, duly taken and subscribed, to the secretary of state of this state, to be recorded in the said secretary's office.

Who may vote at elections.

21. *And be it enacted*, That at all elections to be held in the said county of Union, within one year from the time when this act shall take effect, for the choice of electors of president and vice president of the United States, representatives from this state in the congress of the United States, members of the legislature, sheriff or coroners, every person who shall have resided in the said county from the time this act takes effect, and who would have been entitled to vote within the limits of said county if this act had not been passed, shall be entitled to vote in that township of said county in which he shall then reside, and that the oaths directed to be administered to persons claiming to vote at such election, and whose right to vote shall be challenged, shall be varied in conformity to the provisions of this section.

Appointment and election of clerk and surrogate.

22. *And be it enacted*, That this act shall take effect on and after the second Monday of April next after the passing of this act, except where it is otherwise provided by this act; and the governor of this state, or the person administering the government of this state for the time being, shall be and hereby is authorized to appoint a clerk and surrogate for the said county of Union, whose commissions shall take effect on and after the second Monday of April next, and shall expire when a successor shall be elected, and take and subscribe the oath of office and allegiance according to law; and the first election for a clerk and surrogate for the said county of Union shall take place at the next election held after the passing of this act for the election of members of the general assembly of this state for the said county; and it shall be lawful for the governor of this state, or the person administering the government of this state, for the time

Prosecutor. being, by and with the advice and consent of the senate, to nominate and appoint a prosecutor of the pleas for the said county of Union.

Approved March 19, 1857.

CHAPTER LXXXIII.

AN ACT to alter and establish the boundary line between the town of Hackettstown and the township of Mansfield, in the county of Warren.

Boundary line between town and township. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the boundary line between the said town and township named in the title of this act, shall hereafter be as follows, viz: beginning at a point on the towing path of the Morris Canal, being a corner to lands of William Osmun and Mary Wyckoff, and running thence in a straight line to the westerly end of the bridge which crosses the Musconetcong creek below and near the mills of Joseph K. Rice.

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

Approved March 19, 1857.

CHAPTER LXXXIV.

AN ACT respecting the First Ward Industrial School of the city of Newark.

Preamble. WHEREAS, the Reverend Philip C. Hay, late of the city of Newark, holds the title to a house and lot situated on the north side of James street in the city of Newark, in the vicinity of the Second Presbyterian Church in said city, which lot was purchased and conveyed to him, the said Philip C. Hay, for the purpose of establishing thereon an infant school; AND WHEREAS, the said infant school has been for many years discontinued, and the said Philip C. Hay is willing to appropriate the said house and lot to the uses of the First Ward Industrial School of the said city, otherwise called Primary Industrial School, number one, which is conducted under the management and control of an association of ladies known as the First Ward Industrial School Society; and it appearing reasonable that such appropriation should be made, therefore,

P. C Hay authorized to convey property. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said Philip C. Hay be, and he is hereby authorized to convey the said house and lot to such person or persons or corporation as the said society shall or may direct or appoint, in trust for the uses and purposes of an industrial school, to be conducted under the management and direction of the said society, or upon such other trusts for the uses of an industrial school, as the said society shall or may devise and direct.

Approved March 19, 1857.

CHAPTER LXXXV.

AN ACT relating to the powers of commissioners of deeds and the clerks and surrogates of counties.

Commissioners, clerks, and surrogates to administer oaths

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all commissioners of deeds, and also the clerks and surrogates of the respective counties of this state, may administer oaths or affirmations to all persons wishing to take such oaths or affirmations before them, the same as justices of the peace are now authorized by law to do, and that such commissioners, clerks and surrogates shall receive for all such services the same fees as justices of the peace in this state are now entitled to; *provided however*, that none of the said officers shall have power to administer any official oath which they are not now authorized to do, or to administer any oaths or affidavits which are required to be made or taken on notice.

Proviso.

Oaths valid.

2. *And be it enacted*, That all such oaths, affirmations or depositions so taken before any officer, shall be deemed as valid as those taken before any court in this state.

Penalty for false swearing

3. *And be it enacted*, That if any person shall wilfully and corruptly swear or affirm falsely, in or by any oath, affirmation or affidavit made or taken in pursuance of this act, such person shall be deemed guilty of perjury, and punished accordingly.

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

Approved March 19, 1857.

CHAPTER LXXXVI.

AN ACT to authorize "The Mechanics' and Manufacturers' Bank at Trenton," to increase their capital stock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of directors of "The Mechanics' and Manufacturers' Bank at Trenton," to convene a meeting of the stockholders of said bank, giving the same notice thereof as is required to be given prior to the annual elections, and to submit to said meeting the question of restoring the par value of their capital stock to the sum of fifty dollars per share, as it stood before the passage of the supplement to the charter, passed the sixteenth day of February, A. D. one thousand eight hundred and forty-three; and if the said stockholders, or a majority thereof, shall, at said meeting or at any adjourned meeting, voting according to the rule and in the ratio observed in the elections of directors, determine that the par value of said capital stock shall be restored to the sum of fifty dollars per share, it shall be deemed to be restored accordingly, and the directors of said company may require from the stockholders payment of such sum per share as will be necessary to perfect such restoration, at such time or times as they may see fit, giving the same notice as was required by the charter for the payment of the original installments. Increase of capital stock authorized.

2. *And be it enacted*, That said stockholders, or a majority thereof, may determine at said meeting, or at any adjourned meeting, voting according to the same rule and ratio, to further increase the capital stock of said bank by the creation of five thousand additional shares of fifty dollars each, (and if they so determine the same shall be deemed to be increased accordingly,) and the directors may from time to time dispose of the additional shares so created, at not less than their par value, and such additional shares, when sold, shall be deemed to be a part of the capital stock of said corporation, as fully to all intents and purposes as if they had been created by the original act of incorporation. Further increase authorized.

Assets of corporation liable for payment of bills.

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

Liability of directors.

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

Proviso.

Amount of assets to be divided pro rata.

5. *And be it enacted*, That if the assets of said corporation and the property of said directors shall prove insufficient to redeem the whole of the said bills or notes, then the

amount that shall or may be realized from said assets and said property shall be distributed ratably among the holders of the said bills and notes.

Liability of stockholders.

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

Proviso.

Actions against stockholders or directors.

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

Proviso.

Penalty for refusing to redeem bills.

8. *And be it enacted*, That if at any time after the passing of this act, the president, directors and company shall neglect or refuse, on demand being made at their banking house, during the regular hours of doing business, to redeem in specie or other lawful money, 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; 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 non payment thereof, at and after the rate of ten per centum per annum from the time of such demand, and until the same be paid or otherwise satisfied.

Written assent to be filed.

9. *And be it enacted*, That unless the directors of said corporation shall, within six months hereafter, assent to this act, and file a written assent thereto, under the seal of said corporation, in the office of the secretary of state, this act shall be deemed and considered void.

Approved March 19, 1857.

CHAPTER LXXXVII.

AN ACT to authorize the construction of a draw or swing bridge over the Manasquan river.

Freeholders authorized to build bridge.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the boards of chosen freeholders of the counties of Monmouth and Ocean, to build and maintain, or permit to be built and maintained, a good and sufficient bridge over Manasquan river, with a suitable draw or swing, of not less than thirty feet in width, with a turn-out of sufficient width for carriages to pass, commencing at or near Union Landing, in the county of Monmouth, and terminating at Reedy Point, in the county of Ocean, on lands of William Curtis and Thomas Cook;

Proviso.

provided, that the expenses of erecting and keeping in repair said bridge be borne equally by the counties of Monmouth

and Ocean; the said bridge is not to interfere with the present bridge now across said river at or near Allen Osborn's.

2. *And be it enacted*, That if any person shall open the draw or swing of said bridge, and leave the same open for more than fifteen minutes, when the same is not absolutely necessary for the passage of a vessel or boat through the same, or if any person shall cut, remove, or destroy any piece of timber, draw, swing, post or pile, or shall remove any iron or stone work belonging to said bridge or abutment thereof, or otherwise wilfully damage or cause to be damaged, the said bridge, or any part thereof, he, she, or they so offending, shall for every offence forfeit and pay the sum of twenty dollars, over and above the damage done to the said bridge, or any part thereof, to be recovered in an action of debt, before any court of competent jurisdiction, with costs of suit, by any person who shall sue for the same, one-half of said sum for the use of the prosecutor, and the other half to the collector or collectors of the counties of Monmouth or Ocean, or either of them, for the use of said counties. Penalty for injuring works.

3. *And be it enacted*, That in case it shall become necessary for the protection of the said bridge, and the accommodation of persons and vehicles going over, or of vessels or boats passing through the same, to have the said bridge put in the special care of some suitable person or corporation for that purpose; then and in that case it shall be lawful for the said boards of chosen freeholders, for the time being, to make such contracts and regulations as they shall deem necessary for the better protection and accommodation of the same; *provided*, they be in accordance with the preceding sections of this act. Freeholders may employ person to take charge of bridge. Proviso.

Approved March 19, 1857.

CHAPTER LXXXVIII.

AN ACT to authorize the inhabitants of the township of Frankford, in the county of Sussex, to vote by ballot at their town meetings.

Township 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 Frankford, in the county of Sussex, 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, two overseers of the poor, one pound keeper, a township committee consisting of five persons, a town superintendent of public schools, as many justices of the peace as the inhabitants of said township may be constitutionally entitled to elect, and two constables; and shall also, upon the same ballot, vote for the amount of money to be raised for the support of the poor, for school purposes, for the repair of roads, the amount of dog tax, and all other money necessary for township purposes, and for the places of holding the next annual town meeting, and the election of state and county officers.

Election of overseers of the highway.

2. *And be it enacted*, That the overseers of the highways of the several road districts in the township of Frankford, in the county of Sussex, shall be elected by the legal voters of the several road districts, as they may be arranged from time to time by the township committee; and for the purpose of carrying this provision into effect, it shall be the duty of the township committee to give public notice, as shall be hereafter directed in the third section of this act, which shall be within six days after the next annual town meeting, and of the place, which shall be some convenient place in the district, when and where the legal voters in the township, residing in such district, shall assemble for the purpose of

such election, and at which time and place such legal voters assembled, having been called to order by any legal voter of the district, shall proceed, viva voce, by the 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; the moderator of each district meeting shall, at their first meeting after such election, notify the township committee, in writing, of the election of such overseer; in case of the failure of any district to elect an overseer, or of the person so elected to accept of the appointment, the township committee shall fill such vacancy; the overseers of the highways shall account to and settle with the township committee, as required to do by law.

Notice to be given of first district road meetings.

3. *And be it enacted*, That it shall be the duty of the township committee, as is required by the second section of this act, to give notice of the time and place of holding the first district road meetings under this act, and shall cause notice thereof to be posted up in some conspicuous place in such district, at least five days before the time of holding such meeting.

Notice of subsequent district road meetings.

4. *And be it enacted*, That all subsequent district road meetings, shall be called by the overseers of the respective districts, upon notice posted up in some conspicuous place in such road district, at least ten days from the time of holding such meeting; and all subsequent district road meetings shall be held on the Saturday preceding the annual town meetings; and should the overseer of any district fail to call such meeting, they shall meet at the place where the last district meeting was held; or the individual elected refuse to accept said appointment, or in case of a vacancy arising from any other cause, the township committee shall fill such vacancy.

Officers of election.

5. *And be it enacted*, That the judges of election, viz: George Bowman, James Roe, and Peter Dennis, elected at the last town meeting, shall preside at and conduct the election at the next ensuing annual town meeting, and the clerk of said township, viz., William H. Bell, shall be the clerk,

and in case of non-attendance of any one of the said officers, the officers in attendance shall supply the vacancy.

Mode of conducting election.

6. *And be it enacted*, That the election shall open at ten o'clock in the morning, and close at four o'clock in the afternoon of said 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 on the judge of the 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 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.

Town committee to fill vacancies, &c.

7. *And be it enacted*, That a plurality of votes shall be sufficient to elect any officer, or to fix the place of holding the town meetings, or the state and county election, and to determine an amount of money to be raised or specified; and in case there shall be a neglect or a failure to elect any officer by the town meeting, or to fix the place of holding the next town meeting or state and county elections, or in case of the refusal of any person elected to accept of the appointment, or if a vacancy occurs from any other cause, or in case two or more have an equal number of votes for the same office, 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 these purposes advisable.

Township clerk to be clerk of town committee.

8. *And be it enacted*, That the clerk of the township shall be the clerk of the township 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 said township, and when the township 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.

9. *And be it enacted*, That the reports of the township committee, the overseers of the poor and town superintendent of public schools, shall be filed and preserved by the township committee; in posting up the list of officers elected, as required by law, the clerk shall add thereto the result of the election in other particulars; the first election under this act shall be held at the place appointed at the last town meeting; 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 judges of election and clerk shall receive the same compensation for attending any town meeting, as for attending a state or county election, and the township committee may allow the clerk such compensation for the additional duties required by this act, as they may deem reasonable. Report to be filed.

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

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

Approved March 19, 1857.

CHAPTER LXXXIX.

AN ACT to authorize the mayor and city council of Cape Island to subscribe to railroad stock and to issue bonds therefor.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and city council, in council assembled, be authorized to subscribe for any amount Mayor and council may subscribe for railroad stock.

of stock not exceeding ten thousand dollars, to any railroad having its terminus at or near Cape Island, and to issue city bonds therefor, redeemable in twenty years; *provided*, the legal voters of Cape Island shall, by a "two-third vote," so determine, at an especial town meeting held for the above purpose.

Proviso.

Special election may be called.

2. *And be it enacted*, That it shall and may be lawful for the said mayor and council, whenever they may have determined upon making the subscriptions authorized by this act, to call a special election in said city, giving the same notice thereof as is now required for their annual city election, which said election shall be held at the place of holding the election immediately preceding, and be conducted in the same manner, and the polls be opened and closed at the same hours, and the result certified to said council, as in the city election; and the officers of election for the time being shall hold said special election.

Approved March 19, 1857.

CHAPTER XC.

AN ACT to incorporate the Elizabeth Machine Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Richard T. Haines, John Kean, Keen Pruden, John O. Sterns, Francis B. Chetwood, Michael M. Williams, Silas Davenport, John J. Chetwood, John T. Gilchrist, and the survivors of them, and all such persons as may hereafter be associated with them, their successors and assigns, shall be and they are hereby constituted a body corporate and politic, in fact and in law, by the name and style of "Elizabeth Machine Company," for the purpose

of manufacturing locomotive engines, railroad cars, machinery and iron, in the city of Elizabeth, in this state, and of carrying on the business incident thereto; and by that name, they and their successors shall have succession and continue a body corporate and politic, and be capable of contracting and being contracted with, suing, pleading, defending, answering, being sued, impleaded, defended and answered unto in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and of doing and causing to be done, all acts needful for the proper management of the funds and property of said corporation, and carrying on the business for which the said corporation is created; and they and their successors may acquire, purchase, lease, receive, have, hold, enjoy, and sell or otherwise dispose of such personal and real estate as may be necessary or useful for the said corporation to carry on the manufacturing business authorized by this act; *provided always*, that the funds of the said corporation, or any part thereof, shall not be used in banking operations.

General powers.

Proviso.

2. *And be it enacted*, That the stock, property and concerns of said corporation shall be managed and conducted by nine directors, being stockholders, a majority of whom shall be residents of this state, (one of whom shall be president,) who shall hold their offices for one year, and until others are elected or appointed in their stead; and the said directors shall be chosen on the first Monday in May, in every year, at such time and place as shall be directed by the by-laws of the said corporation, and public notice thereof shall be given not less than ten days previously, in a newspaper published and circulated in the said city of Elizabeth, and each stockholder at such election shall be entitled in person, or by proxy, to one vote on each share of his or her stock of said corporation; and the persons having or receiving at such election the greatest number of votes, and being stockholders, shall be directors; and the directors so chosen, and a majority of them may appoint such officers and agents, and assign such compensation as they shall think proper; and all vacancies occurring by death, resignation or otherwise, among the directors named in this act, or those hereafter to be

Election of directors.

chosen, shall be filled by such person or persons as the remainder of the directors for the time being, or a majority of them shall appoint for that purpose, and that the said Richard T. Haines, John Kean, Keen Pruden, John O. Sterns, Francis B. Chetwood, Michael M. Williams, Silas Davenport, John J. Chetwood, John T. Gilchrist, and the survivors of them, shall be the first directors of the said corporation, and shall hold their offices until the first day of May next, and until others are legally chosen.

First directors

Amount of capital stock.

3. *And be it enacted*, That the capital stock of said corporation shall not exceed the sum of five hundred thousand dollars, which shall be divided into shares of one hundred dollars each, but so soon as twenty-five thousand dollars of the said capital stock shall have been subscribed and paid, it shall be lawful for the said corporation to commence their business, or any part of it, and with that capital to commence and carry it on until they shall deem it expedient to extend the same; and it shall be lawful for the directors of the said corporation, or a majority of them, from time to time to call for and demand from the stockholders, respectively, all such sums of money by them subscribed, at such times and in such amounts as they shall deem proper, under penalty of forfeiting the shares of said stockholders, and all previous payments thereon, if such payments shall not be made within thirty days after the day fixed for that purpose, by public notice previously published for the space of thirty days, in a newswaper published and circulating in the said city of Elizabeth, designating the proportion of such payment per share, and the time and place when and where, and the officer to whom the same shall be required to be made.

Books to remain open until stock is subscribed for

4. *And be it enacted*, That the subscription for said stock shall be open until the sum required shall be subscribed, or for any number of days not exceeding sixty, under the direction of the board of directors, or such of them as shall be designated by the board for that purpose.

Stock transferable.

5. *And be it enacted*, That the stock and property of the said corporation, of whatsoever nature or kind, shall be deemed personal estate, and transferable in such manner as shall be prescribed by the by-laws of said corporation; *pro-*

vided, that no dividend shall be made to and among the stockholders, except from and out of the actual net profits of said corporation, except upon a dissolution of the said corporation. Proviso.

6. *And be it enacted*, That in case it should at any time happen that an election should not be made upon the day designated by this act for that purpose, the said corporation shall not, for that cause, be deemed to be dissolved, but it shall be lawful to hold such election on such other days as shall be prescribed by the by-laws of the said corporation. Corporation not dissolved for failure to elect on day prescribed.

7. *And be it enacted*, That the said corporation shall have power to let or lease any part of the motive power employed or possessed by them in the transaction of their said business, that may from time to time not be needed by them. Corporation may lease power.

8. *And be it enacted*, That a majority of directors for the time being shall form a board for transacting the business of the said corporation, and shall have power to make and enforce such by-laws and regulations as they shall deem expedient for the government, management and disposition of the stock, effects, profits, property and concerns of the said corporation; *provided*, that the same are not contrary to the constitution or laws of the United States, or of this state. Directors to make by-laws. Proviso.

9. *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 that no transfer of stock shall be valid or effectual, until such transfer shall be entered or registered in the book or books to be kept by the directors for that purpose. Transfer of stock.

10. *And be it enacted*, That the said corporation may be dissolved at and by a general meeting of the stockholders, especially summoned for that purpose; *provided*, that at least three-fourths in value of the stockholders shall be present, or represented therein; and upon such dissolution the directors for the time being, and the survivors and survivor of them, shall be trustees for settling all the affairs of the said corporation, disposing of its effects and property, recovering its claims and paying its debts, and dividing the surplus among the stockholders in proportion to their respective in- Corporation may be dissolved. Proviso.

terests in the stock, unless the stockholders at such general meeting shall appoint other persons, not less than three nor more than five in number, for such purpose, in which case the persons so appointed, and the survivors and survivor of them, shall be trustees for the purpose aforesaid.

Limitation.

11. *And be it enacted*, That this act shall, unless the corporation be dissolved as above provided for, continue in force for the term of thirty years from the time of its passage; *provided nevertheless*, that the legislature reserves the right to alter or amend this act whenever the public good may require.

Proviso.

Approved March 19, 1857.

CHAPTER XCI.

AN ACT to incorporate the Shrewsbury Turnpike Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Anthony Reckless, Joseph W. Borden, Joseph Shepherd, James H. Hendrickson, John W. Parker, James H. Peters, Pearson Hendrickson, and such other persons as may subscribe to the capital stock hereby authorized, and their successors or assigns, shall be and they are hereby created a body politic and corporate, in fact and in law, by the name of "The Shrewsbury Turnpike Company."

Commissioners to receive subscriptions.

2. *And be it enacted*, That the said persons named in the first section of this act be appointed the first directors of the said company, and commissioners to receive subscriptions to the capital stock of said company, and they are hereby authorized to receive subscriptions to the said capital stock at such times and places in the county of Monmouth aforesaid, as they or a majority of them may direct, giving at least ten days' notice thereof, in writing, set up at five or more

public places in said county, and signed by the secretary of said company.

Amount of capital stock.

3. *And be it enacted*, That the capital stock of said company shall be five thousand dollars, with the privilege of increasing the same from time to time to any sum not exceeding fifteen thousand dollars, as the directors or a majority of them may direct, and that said capital stock shall be divided into shares of fifty dollars each, which shall be deemed personal property, transferable in such manner as the by-laws of said company may direct, and shall be paid in at such times and in such manner, and upon such notice as the directors of said company, or a majority of the directors, may appoint; and in case of the failure or neglect by any stockholder to pay his or her installments, at the time and place appointed for the payment thereof, or (except in case of the first installment thereof directed to be paid at the time of the subscription) within thirty days thereafter, the stockholder so in default shall incur a forfeiture of his or her share or shares, and of all previous payments thereon, to the use of the company.

Election of directors.

4. *And be it enacted*, That the affairs of said company shall be managed by a board of seven directors, to be chosen by the stockholders of the company annually, at such time and place and in such manner as the by-laws of said company may direct, which said directors shall serve for one year and until others are chosen in their stead, and the said directors shall, from time to time, elect a president out of their own body, and may also employ and elect such other officers and agents as the directors or a majority of them may deem proper.

Annual meeting.

5. *And be it enacted*, That an annual meeting of the stockholders shall be held each year, at such time and place as by the by-laws of the company may be directed, for the election of directors as aforesaid, at which meeting the directors shall every year exhibit a full and complete statement of the affairs of said company during the preceding year.

Company authorized to construct road

6. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road along the public highway leading from the village of Red

New Jersey State Library

Bank to the village of Shrewsburytown, in the township of Shrewsbury, county of Monmouth, in this state, if a majority of the directors shall so determine, from the junction of the said highway with the Long Bridge road, at the village of Red Bank aforesaid, to the junction of the first aforesaid highway with the Rumson road at the village of Shrewsburytown aforesaid, with liberty to extend said turnpike road a distance beyond either of said junctions, in any direction not exceeding three miles from either of said junctions, and said company may, by their officers, agents, or other persons in their employ, with vehicles and all necessary implements and materials, enter from time to time and at all times for stone, gravel, sand or clay, and take the same away, for constructing and keeping said turnpike road in repair, doing no unnecessary damage to said lands so entered upon, and repairing any breach they may make in the enclosures of said lands; *provided*, the said company, as soon as they shall construct said turnpike road, shall pay to the respective owners of the lands over which the said turnpike road may pass, all damages which the said owners will sustain by reason of the construction of said turnpike road, and in case any of the said owners and said company cannot agree upon the amount of said damages, then the damages shall be ascertained, determined and paid, as nearly as may be, in the manner hereinafter provided for ascertaining and determining the damages which any land owner or owners may sustain by the taking off of stone, gravel, clay or sand from his or her land for the constructing or maintaining of said turnpike road.

Proviso.

Description of road.

7. *And be it enacted*, That the said turnpike road from the said junction of the roads at Red Bank to the said junction of the roads at Shrewsburytown village, shall be constructed at least twenty feet in breadth along the said highway, and shall be sufficiently arched and drained to make and keep the same dry, and at least twenty feet thereof shall be sufficiently bedded and faced with stone, plank, gravel or other material, to make a good, firm road, and said company shall make good and sufficient bridges along said road not less than twenty feet wide, and whenever said road, in passing

over low ground, shall be raised so much at the margin or side thereof as to render carriages passing thereon liable to overset, the said company shall cause good and sufficient railings to be erected on the sides, so as to prevent horses and carriages from running off.

Description of extension of road.

8. *And be it enacted*, That the portion of the said turnpike road that shall be extended as aforesaid from either of said junctions of said roads, shall be made at least twenty feet in breadth, and that twenty feet of such extension shall be bedded and faced with stone, plank or gravel or other material, and that in all other respects it shall be constructed in the same manner as the aforesaid main turnpike road.

Proceedings in case company and owners cannot agree.

9. *And be it enacted*, That it shall be lawful for the said company, their agents, superintendents, engineers, and all persons employed by them, with carts, wagons, and other carriages, with beasts of burthen and draft, and all necessary materials, tools and implements, to enter upon all lands, doing as little damage thereto as possible, repairing any breach they may make in the enclosures thereof, and to make all ditches and underdrains across and through said lands, as are necessary for the proper draining of said road; and to take and carry away stone, gravel, clay, or sand, suitable for making or repairing said road; and if the said company, or their agents, and the owner or owners of such required land or materials cannot agree as to the price of the same, it shall be the duty of any justice of the supreme court of this state, or a judge of the court of common pleas of the county of Monmouth, upon application of either party, and after six days' notice in writing to the opposite party of such application, and after hearing the merits of the same, to appoint three disinterested and judicious freeholders, residents of this state, commissioners to assess the price or value of such materials as may be required by said company, and all damages sustained by reason of their removal; which said commissioners, before they enter on the duties of their appointment, shall be duly sworn or affirmed, according to law, faithfully and impartially to execute the duties thereof, and after six days' notice in writing

to both of the parties, or their legal representatives, of the time and place of meeting, shall meet, view the premises, hear the parties and evidence, if desired, and thereupon make such decision or award as to them may appear just and equitable, having regard to the advantage of the turnpike to the land through or near which it may pass, and transmit such award or decision, in writing under their hands and seals, or the hands and seals of a majority of them, to the clerk of said county of Monmouth, to be by him filed as a public record; and any copy thereof, certified by the clerk of said county under his hand and official seal, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess, and enjoy the said land or materials assessed and described therein, after payment of the price, value, or damages so assessed, and of the right of said owner or owners to recover the amount of said assessment, with interest and costs, in an action of debt, in any court of competent jurisdiction, and shall constitute a lien upon the property of the company, in the nature of a mortgage; and the said justice or judge shall tax and allow such costs, fees, and expenses to the justice or judge, commissioners, and other persons performing any of the duties prescribed in this section, as he shall think equitable and right, which shall in all cases be paid by the company.

Rates of toll.

10. *And be it enacted*, That as soon as the said company shall have constructed said turnpike road, or any one mile thereof, according to the directions of this act, and the true intent and meaning thereof, it shall and may be lawful for the said company to erect gates or turnpikes across the same so constructed, and demand and receive toll or pay for traveling each mile so continued, and all fractions of a mile of said turnpike road, not exceeding the following rates per mile, to wit:

For every carriage, vehicle, sleigh or sled drawn by one beast,	one cent.
For every additional beast,	one cent.
For every horse and rider, or led horse or mule,	one cent.
For all sheep, swine, or drove cattle, at the rate of	six cents per dozen.

For every dozen horses, mules, or cattle, in droves,
six cents per dozen, or at that rate.
And it shall be lawful for the toll-gatherers of said turnpike road to stop all persons riding, leading, or driving any horses, cattle, mules, sheep, calves, or hogs, vehicles, or carriages of burthen or pleasure, from passing through any of 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 persons passing to or from public worship on the Sabbath day, or horses or carriages, sleighs or sleds carrying persons to or from a funeral. Proviso.

11. *And be it enacted*, That the said company shall cause mile stones or posts to be erected and maintained, and on each stone or post shall be fairly and legibly marked the distance the said stone or post is from the village of Shrewsburytown, and from the village of Red Bank; and shall cause to be fixed 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.

12. *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 said road, or wilfully tear down or deface any of the printed rates of toll or directions, or shall cut, break down or destroy, or otherwise injure any of the gates, turnpikes or bridges that shall be erected pursuant to this act, or shall forcibly pass the same without having paid the legal toll at such gates or turnpikes, such person shall forfeit and pay to the said company the sum of ten dollars, and shall be liable for all damages for the same, to be recovered by said company by an action of debt, or other proper action, in any court of competent jurisdiction, with costs of suit; and if any person, with his or her carriage, team or horses, turn out of said road to pass a gate or gates, and again enter on said road with intent to avoid the toll, and by virtue of this act such person or persons shall forfeit and pay to said company ten dollars. Penalty for injuring works

Penalty for taking illegal toll.

13. *And be it enacted*, That if any toll gatherer shall unnecessarily delay or hinder any traveler passing through any of the gates or turnpikes, or shall demand more toll than is by this act established, he shall for every such offence, forfeit and pay ten dollars, with costs of suit, to be prosecuted by, and recovered for the sole use of the person so unreasonably delayed and defrauded.

Public highways to be vacated.

14. *And be it enacted*, That this act shall take effect immediately; that the said company shall not be authorized to enter upon any lands, survey, lay out, construct, or make any turnpike, until the public highway or highways, upon which it may be determined to locate the same, shall be vacated according to the provisions of this act.

Vacation void if road is not built in certain time.

15. *And be it enacted*, That the highway or highways upon which it may be determined to construct said turnpike, shall be vacated when three-fourths of the number of landholders along or on the route of said turnpike road shall consent in writing to the construction of said turnpike; and when such consent of said three-fourths of said landholders shall be so obtained, the said highway or highways shall be forthwith deemed to be fully vacated for the purposes of this act; and in the consent of said vacation, the purpose shall be expressed, which vacation, unless said turnpike be built and completed from Red Bank village to Shrewsbury-town village in two years from the time of such consent, shall become null and void.

Approved March 19, 1857.

CHAPTER XCII.

AN ACT to incorporate the Millville Bank at Millville.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Ferdinand F. Sharp, Edward Tatum, James Loper, Stephen A. Garrison, Benjamin F. Lee, Nathaniel Stratton, and Lewis Mulford, and their associates, shall be and they are hereby created a body politic and corporate, by the name of "The Millville Bank," and by that name they shall have and exercise banking powers and the incidental corporate powers enumerated in the first section of the act concerning corporations; *provided*, that the said corporation shall not trade or deal in anything except money, bills of exchange, promissory notes, and gold or silver bullion; and shall in no case hold any real estate, goods, wares, merchandise, or chattels, except such as may be necessary for the convenient transaction of its business, or shall be mortgaged or pledged to it as security for debts, loans, or contracts, or shall be conveyed or sold in full or in part satisfaction of debts previously contracted in the course of dealings, or shall be purchased upon judgment or execution for the purpose of bona fide making or securing a debt or debts due or owing said corporation. Names of corporators. Proviso.

2. *And be it enacted*, That the capital stock of the said corporation shall be fifty thousand dollars, with liberty to increase it to one hundred thousand dollars, and shall be divided into shares of fifty dollars each; that Ferdinand F. Sharp, Edward Tatum, James Loper, Stephen A. Garrison, Benjamin F. Lee, Nathaniel Stratton, and Lewis Mulford, or a majority of them, shall be and they are hereby appointed commissioners to open, at Milville, books of subscriptions for, and receive subscriptions to said capital stock, giving at least twenty days' notice, in one or more of the newspapers printed in the county of Cumberland, of the time and place of receiving said subscriptions; that the said books, after having been opened, shall be kept open for three successive days, unless the amount of said capital stock shall be sooner Amount of capital stock.

subscribed for; that upon the first day of the opening of said books, no persons but citizens of the state of New Jersey shall be allowed to subscribe for said stock, and at the time of subscribing for said stock the respective subscribers shall pay to said commissioners five dollars for each share subscribed for.

Annual election of directors.

3. *And be it enacted*, That the affairs of said corporation shall be managed by a board of thirteen directors, seven of whom shall be a quorum for the transaction of business, except in cases of discount, which may be regulated by the by-laws; that the said directors shall be stockholders, and shall, before entering upon the duties of the said office, severally take and subscribe an oath or affirmation faithfully to execute the trust reposed in them as directors; that the directors shall hold their offices for one year, and until their successors shall be chosen; that the annual election of directors shall be on the second Tuesday of April in every year, at the banking house of said corporation, at such time as the board of directors shall appoint, of which election at least fourteen days' notice shall be given by the directors, by advertisement in one or more of the newspapers printed in the county of Cumberland; that the said election shall be by ballot, those having the greatest number of votes to be deemed elected, and shall be by such of the stockholders as may attend in person or by proxy, they being respectively entitled to one vote for each share of stock held in his, her, or their own name or names, for at least three calendar months next before the election; that for the well ordering of said election, the board of directors shall previously thereto, appoint three stockholders, not being directors, to be judges thereof, who shall conduct the election and determine upon the legality of votes, the eligibility of persons voted for, and who shall be elected, and in all cases of an equality of votes between two or more persons voted for, avoiding an election of a full board, the said judges, or a majority of them, shall thereupon select from those not elected and having the highest number of votes, as many as may be required to make up the full number of thirteen directors; and the directors so elected shall, at the

first meeting thereafter, when a quorum shall be present, elect one of said thirteen to be president, as well of their board, as of said corporation; and whenever a vacancy shall occur in said board of directors by death, resignation or otherwise, such vacancy may be filled for the remainder of the year by the board of directors; and if at any time it shall happen that an election of directors shall not take place at the time above required, the said corporation shall not for that reason be deemed dissolved, but an election thereof shall be had as soon as conveniently may be thereafter, upon like notice as above directed, and at the place and in the mode above specified.

Election of first board o directors.

4. *And be it enacted*, That as soon as conveniently may be after the aforesaid capital stock shall have been subscribed for, the said commissioners, or a majority of them, shall call a meeting of the subscribers to the said capital stock in the town of Millville, to elect the first board of directors, by giving at least twenty days' notice of the time and place of said meeting, by advertisement in one or more of the newspapers printed in the county of Cumberland; and at such meeting the said commissioners, or a majority of them, shall be the judges of said first election, and shall have the same powers as the judges of the annual election of directors; and they shall conduct the said first election, as near as may be, in the manner hereinbefore prescribed of said annual elections, the subscribers attending said meeting, in person or by proxy, being entitled to one vote for each share of stock respectively subscribed by them; and the said first board of directors shall, as soon as conveniently may be after said election, organize by electing a president, in the manner hereinbefore prescribed for an election of a president, and also a cashier; and after the said board shall have been thus organized, it shall be the duty of said commissioners to pay over to the said board all the moneys received by them for subscription to said capital stock, deducting therefrom only the necessary expenses incurred by them, and the receipt of said president and cashier of said moneys, shall be full and absolute acquittance and discharge therefor; and the said first board of directors shall

have power to fill vacancies therein by death, resignation, or otherwise, and shall hold their offices until the second Tuesday of April next after their election, and until their successors shall be chosen.

Payment of installments.

5. *And be it enacted*, That the capital stock shall be deemed personal property, and shall be subjected to such taxes as all other banking institutions of this state are liable to, and the real estate of said corporation may be taxed as other lands in this state are or may be taxed; and that the board of directors for the time being shall have full power to call in the residue of the subscriptions to the said capital stock, by such installments, and at such times as the board may think proper, under the penalty of the holders of said stock forfeiting to the said corporation all previous payments thereon, which forfeiture may be made and declared by order or resolution of said board; *provided*, that at least twenty days' previous notice of the time and place for the payment of said installments shall be given, by advertisement, in one or more of the newspapers printed in the county of Cumberland, and that no installment of more than ten dollars on each share shall be called in at one time, nor shall said installments be required to be paid nearer than within ten days of each other.

Proviso.

Cashier to give bond and take oath.

6. *And be it enacted*, That there shall be a cashier of said bank appointed, or reappointed annually, liable, however, to be removed, and another appointed in his place, at the pleasure of the said board of directors, and upon such appointment, or reappointment, he shall, before entering upon the duties of his office, take an oath or affirmation faithfully to perform the duties of his office, and shall give bond or bonds, with good and sufficient security, to be approved by the board of directors, in the penal sum of at least fifty thousand dollars, conditioned for the faithful performance of his duties as cashier of said bank.

Bills of corporation to be assignable and negotiable.

7. *And be it enacted*, That the said corporation shall not issue bills or notes of less denomination than one dollar; and the bills or notes which may be issued by 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, although not under the seal of said corporation, shall be binding and obligatory on said corporation, and of like force and effect, and shall be assignable and negotiable in like manner as if made by a natural person or persons; and all bills obligatory and of credit under the seal of said corporation, which shall be made for the payment of money to any person or persons, shall be assignable by assignment endorsed thereon, under the hand or hands of such person or persons, and his, her, or their assignee or assignees, successively; and all bills or notes, bills obligatory or of credit, made or issued by said corporation, shall be deemed and taken to be payable and demandable at the banking house of said corporation.

Dividends.

8. *And be it enacted*, That it shall be the duty of the board of directors of the said corporation to make semi-annual dividends of so much of the profits of the business of said corporation as the board shall deem advisable, but no dividend shall be made of any part of the capital stock.

Rates of discount.

9. *And be it enacted*, That the rate of discount at which loans may be made by said corporation shall not exceed the legal rate of interest in this state for the time being; *provided*, that nothing herein contained shall be construed to prohibit the said corporation from dealing in bills of exchange, and the purchase and sale thereof.

Proviso.

Transfers of stock to be registered.

10. *And be it enacted*, That no transfer of the stock of said corporation shall be valid and effectual until any debt or debts which may be due to said company from the person or persons, or any of them, transferring, shall have been fully discharged, nor until such transfer shall have been registered in a book or books to be kept for that purpose by the board of directors.

Charter void if bills are not redeemed.

11. *And be it enacted*, That if at any time the said corporation shall neglect or refuse, on demand being made at their banking house during the regular hours of business, to redeem in lawful money any of the bills or notes issued by said corporation, and which shall then be due and payable, the said corporation shall thereupon, under the pain of forfeiting its charter, wholly discontinue and cease from banking operations until such bills or notes shall be fully paid.

Assets liable for redemption of bills or notes.

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

Liability of directors.

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

Proviso.

Amount of assets to be distributed pro rata.

14. *And be it enacted*, That if the assets of said corporation and the property of said directors shall prove insufficient to

redeem the whole of the said bills and notes, then the amount that shall or may be realized from said assets and property shall be distributed ratably among the holders of the said bills and notes.

Liability of stockholders.

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

Proviso.

Actions against stockholders or directors.

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

Proviso.

Amount of issue.

17. *And be it enacted*, That the bills or notes issued by said corporation shall not at any time exceed double the amount of its capital stock actually paid in; and if the president or cashier thereof shall knowingly or wilfully issue, or cause or suffer to be issued, bills or notes of said corporation exceeding double the amount of its capital stock actually paid in, such president or cashier shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by im-

prisonment not less than one year nor more than five years, in the discretion of the court.

Monthly statements to be made.

18. *And be it enacted*, That it shall be the duty of said corporation, on the first Monday of every month after commencing the business of banking, to publish in one or more of the newspapers published in the county of Cumberland, a statement, under oath or affirmation, of the actual condition of said corporation, conforming as nearly as may be with the annual statements now required by law, and shall, within ten days after making such statement, forward a duplicate thereof to the secretary of state, to be by him filed in his office; and if any president, cashier or director shall knowingly and wilfully falsely swear or affirm to any such statement, he shall be deemed guilty of perjury, and be liable to the pains and penalties thereof.

Affidavit to be made of the payment of capital stock.

19. *And be it enacted*, That it shall not be lawful for the said corporation to issue any bills or notes, or otherwise enter upon the business of banking, until an affidavit or affidavits shall have been made and filed in the office of the secretary of state, stating that twenty-five thousand dollars of the capital stock of said corporation had been subscribed for, and paid in conformable to the provisions of this act.

Limitation.

20. *And be it enacted*, That this act shall go into effect immediately, and continue in force for twenty years; but it shall be lawful for the legislature, at any time hereafter, to alter, modify, or repeal the same, whenever in their opinion the public good shall require it.

Approved March 19, 1857.

CHAPTER XCIII.

AN ACT making an appropriation for the lunatic asylum.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of nine thousand dollars be paid by the treasurer, out of the state treasury, to the managers of the lunatic asylum, to pay the debts already incurred, make necessary improvements, and provide furniture for the west wing. Appropriation to lunatic asylum.

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

Approved March 19, 1857.

CHAPTER XCIV.

AN ACT to provide for the cession of portions of the roads of the Essex and Middlesex Turnpike Company, and of the Newark and Springfield Turnpike Company, to the cities and townships of Essex county.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the Essex and Middlesex Turnpike Company shall cede and transfer to any city or township in the county of Essex, any part of their turnpike road which lies within the said city or township, and shall file one copy of their said act of cession and transfer in the office of the secretary of state of this state, and another copy in the office of the clerk of the said city or township, the said Essex and Middlesex Turnpike Company shall be released and discharged of and from all authority and control over that part of their said road, and from all liability on Essex and Middlesex turnpike road to become public street when copy of transfer is filed.

account of the same; and the same shall thenceforth be, to all intents and purposes, a public street or highway of said city or township, and be subject to the same jurisdiction, authority and control over the same by said city or township, as they have over the other streets and highways of said city or township, without affecting the use of such parts of the said turnpike road southerly of the junction of said turnpike road and the New Jersey railroad, as are now occupied with railroad tracks.

Newark and Springfield turnpike road to become public street when copy of transfer is filed.

2. *And be it enacted*, That whenever the Newark and Springfield Turnpike Company shall cede and transfer to the city of Newark so much of their turnpike road as lies within the corporate limits of the said city, and shall file one copy of their said act of cession and transfer in the office of the secretary of state of this state, and another copy in the office of the city clerk of said city, the said Newark and Springfield Turnpike Company shall be released and discharged of and from all authority and control over that part of their said road, and from all liability on account of the same, and the same shall thenceforth be, to all intents and purposes, a public street or highway of the said city of Newark, and the common council of said city shall have and exercise the same jurisdiction, authority and control over the same as over the other streets and highways of the said city; *provided*, that nothing in this section contained shall be so construed as to prevent the said Newark and Springfield Turnpike Company from charging and collecting the same tolls upon their road as if this act had not been passed, but there shall be maintained no tollgate within the limits of the city of Newark, on said turnpike road.

Proviso.

Public act.

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

Approved March 19, 1857.

CHAPTER XCV.

A SUPPLEMENT to the act entitled "An act to authorize the inhabitants of the village of Hackensack to improve the sidewalks of said village," approved March fourteenth, eighteen hundred and fifty six.

Penalty for not clearing sidewalks.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That each and every land owner, in front of whose lands sidewalks shall have been or may hereafter be made, in pursuance of the act to which this is a supplement, and every occupant of such lands, shall, at all seasons of the year, clear and remove from said sidewalks, all snow, slush, ice, or mud, that may be thereon, and shall also, at all times, clear out and keep open, for the free and easy passage and flow of water, the drains and gutters in front thereof; and if any such land owner or occupant shall neglect or refuse to do so, for the space of six hours after being notified by the village superintendent of streets, the said superintendent shall have the same done, and the expenses thereof may be recovered by him against such land owner or occupant, in the manner directed by the sixth section of the act to which this is a supplement.

Superintendent of streets to clear crossings, &c.

2. *And be it enacted*, That it shall be the duty of said superintendent to clear and remove from the sidewalks made in pursuance of said act, where the same cross other streets, and along the line of the public green, all snow, slush, ice, and mud, that may from time to time collect thereon, and shall also, at all times, clear out and keep open, for the free and easy passage and flow of water, the drains and gutters in front of, over and under the same, and assessments may be made from time to time for defraying the expenses thereof, as is mentioned in the third section of the act to which this is a supplement.

Penalty for placing obstructions on sidewalks.

3. *And be it enacted*, That every person who shall ride or drive a horse, or team, on any sidewalk made in pursuance of the act to which this is a supplement, except for the purpose of crossing the same, when necessary so to do; and

every person who shall place, or cause or permit to be placed, on the same, any obstruction, and shall fail to remove the same for the space of six hours after being notified as before said, shall forfeit and pay for each and every offence, the sum of five dollars, to be sued for and recovered by the said superintendent, and to be expended for the purposes for which assessments are authorized to be made by the act to which this is a supplement, and also this act.

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

Approved March 19, 1857.

CHAPTER XCVI.

A SUPPLEMENT to an act entitled "An act to incorporate the Perth Amboy Railroad Company," passed the ninth day of February, eighteen hundred and fifty-four.

Company authorized to borrow money

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Perth Amboy Railroad Company shall have power to borrow such sum or sums of money from time to time as shall be necessary to build, construct, or repair their road and furnish all necessary engines and machinery for the uses and objects of said company, and to secure the repayment thereof by the execution and negotiation of any bond or bonds and secured by mortgage on the said road, lands, privileges, franchises, and appurtenances of and belonging to the said company, such bond or bonds to draw interest not exceeding seven per cent. per annum; *provided always*, that the amount of money so borrowed shall at no time exceed the amount subscribed and paid by the stockholders of the said company.

Proviso.

2. *And be it enacted*, That as soon as the net proceeds of said road shall amount to six per cent. upon its cost, the said company shall pay to the treasurer of this state one half of one per cent. on the cost of said road, to be paid annually thereafter on the first Monday in January in each year, and no other transit duty or imposition shall be assessed or levied upon the said company. State tax.

3. *And be it enacted*, That the time limited for the commencement of the said road shall be and is hereby extended to the fourth day of July, one thousand eight hundred and fifty-nine, and that so much of the act to which this is a supplement as is inconsistent with the terms of this act be and the same is hereby repealed. Part of former act repealed.

Approved March 19, 1857.

CHAPTER XCVII.

SUPPLEMENT, to an act entitled "An act to incorporate the Bergen County Railroad Company," approved February thirteen, eighteen hundred and fifty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the seventeenth section of the act to which this is a supplement, be and the same is hereby so amended that the time for the commencement of said railroad be extended to the fourth of July, eighteen hundred and sixty, and that the time for the completion of said railroad be extended to the fourth day of July, eighteen hundred and sixty-three. Time of commencement and completion extended.

Approved March 19, 1857.

CHAPTER XCVIII.

A SUPPLEMENT to an act entitled "An act concerning inns and taverns," approved April seventeenth, eighteen hundred and forty-six.

Clerk to pay over license money to collector.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the clerk of the court of common pleas of the county of Hudson, shall pay over all moneys which he shall receive from persons licensed by the court of common pleas to keep inns and taverns, in the respective townships of Bergen, North Bergen and Harrison, to the collector of the township in which such person or persons shall be so licensed, for the use of the township, and that all acts and parts of acts, inconsistent with the provisions of this act, be and the same is hereby repealed.

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

Approved March 19, 1857.

CHAPTER XCIX.

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

Number of freeholders to be elected in Hudson county.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the persons qualified to vote at town meetings, shall have full power and authority, and shall be required at their respective annual meetings in the several townships and cities in the county of Hudson, to

elect for each township and ward in said county, but one chosen freeholder, instead of two as now authorized by law, and that all acts and parts of acts, inconsistent with this act, be and the same are hereby repealed.

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

Approved March 19, 1857.

CHAPTER C.

A SUPPLEMENT to the act entitled "An act for the publication of chancery and law reports," approved April seventeenth, eighteen hundred and forty-six.

Price to be paid for law reports by state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the law reporter to have the cases furnished him for publication, printed without delay, at his own expense, upon good paper, to be approved by the secretary of state, and whenever the cases so printed shall be sufficient to form a volume of suitable size, to deliver to the state treasurer three hundred copies thereof, for which the treasurer shall pay such reporter three dollars per copy; *provided*, each volume shall not contain less than six hundred pages.

Proviso.

Chancery reports.

2. *And be it enacted*, That it shall be the duty of the chancery reporter to have printed in the same manner, and deliver to the state treasurer a like number of the chancery reports, each volume to contain not less than six hundred pages, for which he shall receive three dollars per copy.

Distribution of reports.

3. *And be it enacted*, That the state treasurer shall, on the receipt of said reports, after retaining one copy for himself, cause the residue to be distributed under the direction of

the governor as follows: to the governor of this state two copies, to each member of the legislature one copy, to the state librarian, to be deposited in the state library, twenty copies, to the department of state of the United States, for the congressional library, four copies, to the governor of each state and territory in the United States one copy, to each senator and representative in congress from this state one copy, to the chancellor of this state and each judge of the supreme court and court of errors and appeals one copy, to the secretary of state, clerk of the supreme court, clerk in chancery, and attorney general, for their respective offices, each one copy, to each county clerk and surrogate in this state, for their respective offices one copy, to the New Jersey lunatic asylum and state prison each one copy, to the librarian of the New Jersey historical society, for the use of said society, one copy; to the librarian of each incorporated college, the Burlington library, and the Newark library association, for the use of their respective libraries, each one; the remainder to be reserved, subject to the order of the legislature.

Part of former act repealed.

4. *And be it enacted*, That so much of the act to which this is a supplement, and all other acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed.

Approved March 19, 1857.

CHAPTER CI.

A SUPPLEMENT to an act entitled "An act relative to justices of the peace," approved April seventeenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the elections for justices of the peace for the several townships and wards which vote by ballot at their town meetings of this state shall be opened at the same time and place, and conducted in the same manner, and be subject to the same rules as elections for the several township and ward officers are or shall be, and shall, in all other respects be subject to the same regulations as is provided for in the fifth section of the act to which this is a supplement. Mode of conducting election.

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

Approved March 19, 1857.

CHAPTER CII.

A FURTHER SUPPLEMENT to an act entitled "An act to incorporate the Westville and Glassboro' Turnpike Company," approved March twenty-fourth, eighteen hundred and fifty-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Westville and Glassboro' Turnpike Company are hereby authorized and empowered to construct a branch turnpike road, commencing at an angle formed by the intersection of the Egg Harbor and Buck roads, and running thence in a southerly direction along the Company authorized to construct branch road.

public highway known as the Buck road, to its termination in the Barnsboro' and Blackwoodtown road at Asher Kirkbride's tan-yard; with the same rights and privileges, and subject to the same restrictions as are provided in the act to incorporate said company.

Toll may be collected.

2. *And be it enacted*, That as soon as said branch road shall be completed, it shall and may be lawful for said company to erect gates or turnpikes across the same, and to demand and receive toll for traveling thereon, at such rates per mile and fractions of a mile over half a mile, as are authorized by the act to which this is a supplement.

Act void if turnpike is not built within certain time.

3. *And be it enacted*, That should the said turnpike be not built within three years after the public highways upon which it is proposed to be located shall have been vacated according to law, then this act shall be void.

Approved March 19, 1857.

CHAPTER CIII.

A FURTHER SUPPLEMENT to the act entitled "An act to simplify the pleadings and practice of the courts of law," approved March seventeen, eighteen hundred and fifty-five.

Part of former act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the twenty-seventh, thirty-first, thirty-second, thirty-third, and thirty-fourth sections of the act to which this is a supplement, be, and the same are hereby repealed, but that the court or a judge in vacation, shall have power on five days' notice, to strike out any pleas which are manifestly frivolous, irregular, defective, or pleaded with design to entrap or embarrass the adverse party, and that such striking out shall be entered in the record if either party require it before errors assigned.

2. *And be it enacted*, That the plaintiff in any action, may, by leave of the court, or a judge, plead in answer to the plea or subsequent pleading of the defendant, as many several matters as he shall think necessary to sustain his action; *provided*, that the costs of any issue either in fact or law shall follow the finding or judgment upon such issue, and be adjudged to the successful party whatever may be the result of the other issue or issues.

Answer to plea or subsequent pleading.

Proviso.

3. *And be it enacted*, That in any action on a record, or on a contract express or implied, if the defendant or his attorney shall, before plea filed, demand in writing of the plaintiff, or his attorney, a bill of particulars of the demand, or a copy of any note, bond, contract, deed, record or writing on which the declaration is founded, or if in any such action the plaintiff or his attorney, shall before replication filed, demand in writing of the defendant or his attorney, a bill of particulars of the demand, or a copy of any bond, note, contract, deed, record, or writing on which a plea or notice of set off is founded, it shall be the duty of the party, or his attorney, on whom such demand shall be made, to comply therewith within thirty days, or such further time as may be allowed by the court or a judge from such demand, or in default thereof, besides the remedies now allowed, such defaulting parties, shall, if it be the plaintiff or his attorney, be barred in such suit from all claim under such declaration, or, if it be the defendant or his attorney, be barred in such such suit from all claim under such plea or notice; *provided however*, that the court or a judge thereof, in vacation, may, upon good cause shown before or after such default, extend the time for complying with such demand.

Bill of particulars to be furnished if demanded.

Proviso.

4. *And be it enacted*, That the plaintiff or defendant may annex to his declaration or plea, a schedule containing such particulars of demand, and copies of such notes, bonds, contracts, deeds, records, or writings on which the declaration, plea, or notice is founded, and in such case the adverse party shall not be at liberty to make the demand aforesaid; but the party so annexing the same shall be bound thereby, unless in case of surprise, or for other good cause, the court shall give relief, which they are hereby empowered to do.

Plaintiff or defendant may annex schedule to declaration or plea.

Fees for schedules.

5. *And be it enacted*, That the attorney for such schedules, and each copy thereof, shall be entitled to receive eight cents per folio, and the clerk of the court for copying the same in the record, in such cases as are hereinafter provided for, shall receive six cents per folio.

Copy of writings annexed to be part of record.

6. *And be it enacted*, That if any writing, whereof a copy is annexed to the declaration, plea, or notice of set off, or other notice be referred to in the body of the pleading as so annexed, the said copy shall cure any defect by reason of not setting forth the same, or the insufficient setting forth of the same in the body of the declaration plea, notice of set off or other notice; and in all cases where any copy of a writing signed by a party to the same shall be so annexed and referred to, the same shall be recorded with the pleadings and form part of the record.

Statement of amount for which judgment is claimed to be annexed to declaration

7. *And be it enacted*, That where the declaration contains only common counts, or common counts on which a recovery is sought, independent of and in addition to any matter or thing mentioned in any special count, and the plaintiff shall desire to file and serve his declaration, as is mentioned in the thirty-fifth section of the act to which this is a supplement, he shall not take judgment at the end of the thirty days, in said section mentioned, unless he shall have annexed to his declaration, and serve therewith a short statement of the amount for which judgment will be claimed, or shall have, if he choose, annexed and served therewith the schedule mentioned in the fourth section of this act.

Entering judgment on cognovit or relicta.

8. *And be it enacted*, That in actions in the supreme court, wherever a cognovit or relicta is given, it shall be lawful for the party obtaining the same, by order of the justice, at the circuit, and upon such terms as he may impose, two days notice being given of the application therefor, to enter judgment and issue execution forthwith, after the making of such order; *provided*, that the court in bank may stay said execution, in cases where they shall deem the same to be just.

Proviso.

Actions of debt or recognizance of bail

9. *And be it enacted*, That if in any action of debt on recognizance of bail, the process is returnable after the first day of the term, or in vacation, the render of the principal may be made within twenty days after the return day of such

process, and not after, and the bail shall pay the costs of the said action.

Actions of replevin.

10. *And be it enacted*, That in any action of replevin, where the goods or chattels replevied shall not be delivered to the plaintiff, by reason of a claim thereto made by the defendant, of property in himself, it shall not be lawful for the defendant to plead any plea, avowry or cognizance justifying the taking of the same as the property of any person other than himself.

Action not to abate by reason of death of parties.

11. *And be it enacted*, That in any action of replevin, where there is a sole plaintiff, or a sole defendant, if either die, the action shall not abate thereby; but the death of such party being suggested upon the record, and the name or names of the executors or administrators of such deceased party being entered upon the record, the action shall proceed to final judgment at the suit of the plaintiff, or if he or she be dead, at the suit of his or her executors or administrators against the defendant, or if he or she be dead, against his or her executors or administrators.

Parties to have same remedies as original party.

12. *And be it enacted*, That the parties to such action of replevin, and their executors or administrators, shall have the like remedy upon any bond given pursuant to any statute now in force, or to be in force, that the original party would have had if both parties were living at the time of pursuing such remedy, and that any person or officer who is now obliged to assign any bond to either party, in an action of replevin, shall assign the same to the then plaintiff or plaintiffs, in case the original plaintiff would have been entitled to the same, if there had been no death, or to the then defendant or defendants in case the original defendant would have been entitled to the same if there had been no death.

Courts open at all times for return of writs of habeas corpus.

13. *And be it enacted*, That the circuit courts and courts of common pleas, in and for the several counties of this state, shall be open at all times for the presentation, allowance and returns of writs of habeas corpus in civil cases.

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

Approved March 19, 1857.

CHAPTER CIV.

A FURTHER SUPPLEMENT to an act entitled "An act to incorporate the Passaic Mining and Manufacturing Company," approved March eighth, eighteen hundred and forty-eight.

Company may issue shares of preferred stock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Passaic Mining and Manufacturing Company be, and they are hereby authorized and empowered to convert fourteen thousand shares of their unissued capital stock into an equal number of shares of preferred stock, the holders of which preferred shares shall be entitled to receive on the same, out of the first net earnings of the company, before any dividends or profits are paid to the other shareholders, such rates of interest as the board of directors may at the time of issuing the said preferred stock prescribe; *provided*, that the holders of the preferred stock shall be entitled to share equally with the holders of the original stock, any and all net profits that may remain after such rate of interest as shall be so prescribed, shall have been divided; *and provided further*, that whenever the final distribution of the property of the said company shall be made to the shareholders thereof, the holders of said preferred stock shall be first entitled to receive the par value of said preferred stock, and after the holders of the original stock shall have received the par value of their stock, the remaining assets (if any) shall be divided pro rata among all the stockholders.

Proviso.

Proviso.

Original stockholders may subscribe

2. *And be it enacted*, That each holder of the original stock of said company shall, at any time within three months after the opening of the books for subscriptions to said preferred stock, notice of which opening shall be advertised for twenty days in two papers in Jersey City, and one paper in the city of New York, be entitled to subscribe to said preferred stock in proportion to the amount of original stock held by him, and upon such subscription by such holder he shall, for every share of such preferred stock so subscribed, have the privilege of converting two shares of the said

original stock held by him into two shares of preferred stock of like character and privileges with that authorized by this act; *provided*, that so much of the preferred stock as shall not have been subscribed for by the holders of the original stock within three months from the opening of said subscription, may be sold to the subscribers to the preferred stock pro rata, or at public or private sale, as the directors of the company may think proper, and upon the best terms they can obtain for the same. Proviso.

3. *And be it enacted*, That this act shall not take effect until the consent, in writing, of two-thirds in interest of the stockholders of the said company shall have been obtained, and filed in the office of the secretary of state. Act, when to go into effect.

Approved March 19, 1857.

CHAPTER CV.

A FURTHER SUPPLEMENT to an act entitled "An act to incorporate the city of Newark," passed February twenty-ninth, eighteen hundred and thirty-six.

WHEREAS, a sewer in the first and second wards of the city of Newark, commonly known as the "North Sewer," has been constructed under the authority of the common council of the said city, with the approbation of the mayor of said city, at a cost of forty-one thousand one hundred and sixty-nine dollars and thirty-three cents, and an assessment therefor has been made by commissioners appointed for that purpose, all of which has been paid excepting nine thousand four hundred and two dollars and eight cents; AND WHEREAS, on account of certain informality in the formal presentation and approval of the resolutions authorizing the said sewer, by the said mayor, and on account Preamble.

of other defects in said proceedings, the city is embarrassed in collecting the expense of said sewer, therefore,

Assessment to be binding.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said assessment shall, notwithstanding such defective proceedings, be valid and binding; but no interest shall be charged upon the assessments on owners of property, remaining due and unpaid, except such interest as may accrue thereon after the first day of April next.

Notices of assessment to be published.

2. *And be it enacted*, That every resolution of the common council of said city, heretofore passed and recorded in the book of minutes of the proceedings of the common council, and approved by the signature of the mayor to such minutes, shall be deemed and taken to have been formally presented to, approved and signed by him; and whenever, in the act to which this is a supplement, or in any supplement thereto, no provision is made for a legal notice to the owners of property liable to be assessed, and notice shall have been given, or hereafter shall be given by advertisement in at least two daily newspapers of said city, or by notice for at least eight days, served on such owners of property by leaving the same at their place of business, or at their residences, or by serving the same on such owners personally, stating the time and place when and where such owners of property may be heard in relation to such assessment; such notice shall be deemed to be a good and sufficient notice in relation to such assessment.

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

Approved March 19, 1857.

CHAPTER CVI.

A FURTHER SUPPLEMENT to the acts incorporating the Delaware and Raritan Canal Company, and the Camden and Amboy Railroad and Transportation Company.

Preamble. WHEREAS, the demand for increased facilities for travel and transportation on the Delaware and Raritan canal and the Camden and Amboy railroad rendered it expedient to construct as early as possible a double track between Trenton and New Brunswick, and also boats, wharves, and other works; AND WHEREAS it has been impossible, owing to the condition of the money market to obtain the necessary means without making the most usurious sacrifices, the board of directors of said companies have, with the consent of the stockholders, from time to time, used a portion of the net earnings of the companies for the construction of said works; AND WHEREAS, the interests of the state of New Jersey, as well as of the other stockholders, make it desirable that the legitimate earnings of said companies, so diverted as aforesaid, be returned and divided among the stockholders in the stock, instead of the bonds of said companies—

Capital stock of joint companies increased. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the capital stock of the Delaware and Raritan Canal Company be and the same is hereby increased any number of shares not exceeding fifteen thousand; and that the capital stock of the Camden and Amboy Railroad and Transportation Company be, and the same is hereby increased any number of shares not exceeding fifteen thousand; and the additional capital stock hereby created, shall be part of the capital stock of said companies respectively, divided into shares of one hundred dollars each, held, enjoyed, and transferred, in the same manner as the capital stock created by the acts to which this is a supplement, is now held and enjoyed; and the directors of said companies are authorized, from time to time, to issue said stocks as they may deem most expedient

Proviso. for the interests of the stockholders; *provided, always*, that nothing in this act contained, shall be so construed as to extend or enlarge any of the privileges or franchises mentioned in the acts to which this is a supplement, except only so as to increase the capital stock of said companies respectively by the amounts aforesaid.

Certificate of acceptance to be filed

2. *And be it enacted*, That this act shall not go into effect until the board of directors of the Delaware and Raritan Canal Company, and the board of directors of the Camden and Amboy Railroad and Transportation Company, shall each certify their acceptance of the same as a supplement to, and as part of the charters of said companies, respectively, and under the corporate seals of said companies; and shall have filed the same in the office of the secretary of state, a certified copy of which acceptance, the secretary of this state shall cause to be published in connection with this act, among the laws of this state, which publication shall be deemed competent and plenary evidence of such acceptance.

Approved March 19, 1857.

CERTIFICATE OF ACCEPTANCE OF DELAWARE AND RARITAN CANAL COMPANY,

OF THE SUPPLEMENT TO THEIR CHARTER, APPROVED MARCH NINETEENTH, EIGHTEEN HUNDRED AND FIFTY-SEVEN.

WHEREAS, the legislature of the state of New Jersey did, on the nineteenth day of March, eighteen hundred and fifty-seven, pass an act entitled "a further supplement to the acts incorporating the Delaware and Raritan Canal Company and the Camden and Amboy Railroad and Transpor-

tation Company;" AND WHEREAS, by the second section it is enacted "that this act shall not go into effect until the board of directors of the Delaware and Raritan Canal Company and the board of directors of the Camden and Amboy Railroad and Transportation Company shall each certify their acceptance of the same as a supplement to, and as part of the charters of said companies, respectively, and under the corporate seals of said companies, and shall have filed the same in the office of the secretary of state; a certified copy of which acceptance the secretary of state shall cause to be published, in connection with this act, among the laws of this state, which publication shall be deemed competent and plenary evidence of such acceptance;" therefore,

BE IT HEREBY CERTIFIED AND RESOLVED, That the Delaware and Raritan Canal Company do accept this said act as a supplement to, and as a part of the charter of said company.

WITNESS the hand of the President of the said Delaware and Raritan Canal Company, and the corporate seal of said company, this twenty-first day of March, eighteen hundred and fifty-seven.

R. F. STOCKTON, [L. S.]
President.

STATE OF NEW JERSEY:

I, THOMAS S. ALLISON, Secretary of State of the State of New Jersey, do hereby certify that the foregoing is a true copy of the certificate of acceptance of the Delaware and Raritan Canal Company, of the supplement to their charter, as taken from and compared with the original, filed in my office April second, eighteen hundred and fifty-seven.

In testimony whereof, I have hereunto set my hand and affixed my seal of office, at Trenton, this [L. S.] second day of April, eighteen hundred and fifty-seven.

THOS. S. ALLISON,
Secretary of State.

CERTIFICATE OF ACCEPTANCE OF THE CAMDEN AND AMBOY RAILROAD AND TRANSPORTATION COMPANY,

OF THE SUPPLEMENT TO THEIR CHARTER, APPROVED MARCH NINETEENTH, EIGHTEEN HUNDRED AND FIFTY-SEVEN.

WHEREAS, the legislature of the state of New Jersey did on the nineteenth day of March, eighteen hundred and fifty-seven, pass an act entitled "A further supplement to the acts incorporating the Delaware and Raritan Canal Company, and the Camden and Amboy Railroad and Transportation Company;" AND WHEREAS, by the second section it is enacted "that this act shall not go into effect until the board of directors of the Delaware and Raritan Canal Company, and the board of directors of the Camden and Amboy Railroad and Transportation Company, shall each certify their acceptance of the same, as a supplement to, and as part of the charters of said companies, respectively, and under the corporate seals of said companies, and shall have filed the same in the office of the secretary of state, a certified copy of which acceptance the secretary of this state shall cause to be published in connection with this act, among the laws of this state, which publication shall be deemed competent and plenary evidence of such acceptance;"

THEREFORE BE IT HEREBY CERTIFIED AND RESOLVED, That the Camden and Amboy Railroad and Transportation Company, do accept this said act, as a supplement to and part of the charter of said company.

WITNESS the hand of the President of the said Camden and Amboy Railroad and Transportation Company, and the corporate seal of said company, this twenty-first day of March, eighteen hundred and fifty-seven.

E. A. STEVENS, [L. S.

President of the Camden and Amboy R. R. & Tr. Co.

STATE OF NEW JERSEY:

I, THOMAS S. ALLISON, Secretary of State of the State of New Jersey, do hereby certify that the foregoing is a true

copy of the certificate of acceptance of the Camden and Amboy Railroad Company of the supplement to their charter as taken from and compared with the original, filed in my office April second, eighteen hundred and fifty-seven.

In testimony whereof I have hereunto set my hand
[L. S.] and affixed my seal of office, at Trenton, this second day of April, eighteen hundred and fifty-seven.

THOS. S. ALLISON,
Secretary of State.

CHAPTER CVII.

A FURTHER SUPPLEMENT to an act entitled "An act for the preservation of sheep."

Certificate of appraisement to be verified by oath.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no certificate of appraisement of damage, under the provisions of the fourth section of the supplement to the above entitled act, approved March twenty-fourth, eighteen hundred and fifty-two, shall be received by the township committee of any township in the county of Morris, as provided in said section, unless the same shall have been first verified by the oaths or affirmations of the said appraisers, and of the person or persons claiming to have sustained damage, respectively, taken in writing before some person authorized by law to administer an oath in this state, and which oaths or affirmations shall state that such damages, so appraised and certified by said appraisers, were to the amount mentioned in such certificate, which oaths or affirmations shall be duly filed and preserved by said township committee among the papers of the said township.

2. *And be it enacted*, That the amount of damages so cer-

Amount of damages.

tified and appraised shall in no case exceed the sum of four dollars for each sheep or lamb killed or wounded.

False swearing.

3. *And be it enacted*, That if any person making such oath or affirmation, as is provided in the first section of this act, shall falsely, wilfully, and corruptly affirm or declare therein any matter or thing which, if the same had been sworn or deposed in the usual form, would have amounted to wilful and corrupt perjury, then such person so offending shall be deemed and adjudged to be guilty of wilful and corrupt perjury, and on being convicted thereof shall be punished accordingly.

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

Approved March 19, 1857.

CHAPTER CVIII.

A FURTHER SUPPLEMENT to an act entitled "An act relative to the laws of this state, the proceedings of the legislature, and the distribution thereof, and of the laws of the United States," approved April sixteenth, eighteen hundred and forty-six.

Distribution of laws, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the persons and institutions now entitled by law to receive copies of the laws and journals of proceedings of the legislature, the treasurer shall also transmit a copy of each to every newspaper establishment in this state.

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

Approved March 19, 1857.

CHAPTER CIX.

A FURTHER SUPPLEMENT to an act entitled "An act to authorize the business of banking," approved February twenty-seventh, eighteen hundred and fifty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of the state shall endorse upon every bond, mortgage and certificate of stock when received, and deposited with him as security for bank bills countersigned by him, the words "not to be transferred except the same shall be signed by the treasurer, secretary of state, and any justice of the supreme court." Endorsement by treasurer.

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

Approved March 19, 1857.

CHAPTER CX.

AN ACT relative to the Lambertville Gas Light Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John Runk, Samuel Lilly, Ingham Coryell, Thomas B. Carr, Alex. H. Holcomb, Samuel H. Titus and Liscomb R. Titus, and their associates, shareholders in the Lambertville Gas Light Company, an association formed at Lambertville, in the county of Hunterdon, and organized under the provisions of an act of the legislature, entitled "an act to authorize the establishment, and to prescribe the duties of companies for manufacturing and other purposes," approved March second, eighteen hundred and forty-nine, and their successors and assigns be and they Names of corporators.

are hereby constituted a corporation and body politic, by the name and style of "The Lambertville Gas Light Company," and by that 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 situated at Lambertville and its vicinity, and to enter into and execute contracts, agreements or covenants, in relation to the objects of this corporation, and of enforcing the same, and be capable of purchasing, taking and holding any estate, real or personal, necessary to give effect to the specified purpose of this corporation, for the accommodation of their business and concerns, or which it may be necessary for the said corporation to acquire or hold for the purpose of securing debts, which have become due to them in the regular business of the said corporation; *provided*, that the said real estate shall not exceed what may be necessary for the purposes mentioned; and no private lands shall be in any way injured or defaced, without permission first obtained in writing from the owners thereof.

General powers.

Proviso

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said corporation shall be thirty thousand dollars, to be divided into shares of twenty dollars each, with the privilege of increasing the same to fifty thousand dollars, at any time during the continuance of this act, and that the owners of stock, in the said association, organized as aforesaid, shall be the stockholders in the corporation created by this act, and shall hold the same number of shares therein, that they may hold in the said association at the time of the passing of this act.

Property of original association merged in present corporation.

3. *And be it enacted*, That the association organized as aforesaid, shall, on the passage of this act, and the acceptance of the same by the directors of the said association, and the filing in the office of the secretary of state a certificate of such acceptance, signed by the president and secretary, under the seal of the said association, be deemed and taken to be merged in the corporation created by this act; and from that time all the property, real and personal, of said association, shall vest in and be deemed and taken to belong to the cor-

poration created by this act, their successors and assigns, and with the same remedies at law and in equity in respect thereto as if the origin, association and subscription to the stock had been made under this act; *provided*, that the new corporation shall be liable to all the debts and obligations of the said association. Proviso.

4. *And be it enacted*, That the said corporation shall be empowered to lay down their gas pipes and to repair those already down, and to erect gas posts, burners and reflectors, in the streets, alleys, lanes, avenues and public grounds of Lambertville and its vicinity, and the dwellings, stores, and other places situated therein; *provided*, that the public travel shall at no time be affected or impeded by the laying of the said pipes, or the erection of said posts, and the streets, side and cross-walks, public grounds, lanes and avenues, shall not be injured, but all be left in as good and perfect condition as before the laying of the said pipes, or the erection of the said posts. Company authorized to lay down pipes, &c. Proviso.

5. *And be it enacted*, That all the affairs, property and concerns of the said corporation shall be managed and conducted by seven directors, all of whom shall be stockholders, and at least five of whom shall be citizens of this state, and who shall be annually elected in the manner hereinafter prescribed; *provided*, that John Runk, Samuel Lilly, Liscomb R. Titus, Ingham Coryell, Thomas B. Carr, Alexander H. Holcomb, and Samuel H. Titus, the present directors of the said association, organized as aforesaid, shall be the first directors of the corporation created by this act, and shall hold their respective offices until their successors are duly elected. First directors Proviso.

6. *And be it enacted*, That the first election of directors of the corporation created by this act, shall be held on the third Monday of April, eighteen hundred and fifty-seven, at Lambertville, at such time of the day as the board of directors shall appoint, of which election at least ten days' previous notice shall be given by the directors in a newspaper published in the county of Hunterdon; and the said directors shall choose, by a plurality of votes, a president from among themselves, and the said president and directors shall hold their offices from the third Monday in April in every year, Election of directors.

for one year, or until the election of their successors, and shall be elected on the third Monday in April, in each year, at such time and place as the directors shall appoint, and public notice shall be given of the time and place of holding such election for ten days, in a newspaper published in Hunterdon county, and any vacancy in the said board of directors may be supplied by appointment to be made by the board of directors, until the next election; and all elections shall be by ballot of the stockholders, or their proxies, allowing one vote for each share, which they shall have held in his, her, or their name or names, at least fourteen days before the time of voting.

Corporation not dissolved for failure to elect on day prescribed.

7. *And be it enacted*, That if at any time an election is not held on the day herein appointed, the corporation shall not be dissolved for that cause, but an election shall be held in such manner as is directed by the by-laws at any time within one year.

Quorum.

8. *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.

Stock transferable.

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

Penalty for injuring works.

10. *And be it enacted*, That if any person or persons shall wilfully do, or cause to be done, any act or acts whatsoever, thereby to injure any conduit pipes, cocks, machine, or structure whatsoever, or anything appertaining to the works of the said corporation, or whereby the same may be stopped, obstructed or injured, the person or persons so offending shall be considered guilty of a misdemeanor, and being thereof convicted shall be punished by fine not exceeding three hundred dollars, or imprisonment at hard labor not exceeding two years, or both; *provided*, such criminal prosecution shall not in anywise impair the right of action for damages by a civil suit, hereby authorized to be brought for any such injury as aforesaid, by and in the name of the said

Proviso.

corporation, in any court of this state having cognizance of the same.

Books of account to be kept.

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

Restrictions and liabilities.

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

Approved March 20, 1857.

CHAPTER CXI.

AN ACT to incorporate the Belvidere and Bridgeville Railroad Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George Titman, Isaac Leida, William R. Sharp, Daniel Hull, Lowrance Lommason, Jesse Titman and Daniel Axford, and such other persons as may be hereafter associated with them, shall be and are hereby ordained, constituted and declared to be a body politic and corporate, in fact and in name, by the name of "The Belvidere and Bridgeville Railroad Company," and shall be capable of purchasing, holding, and conveying any lands, tenements, goods and chattels whatsoever, necessary and expedient for the objects of this incorporation.

Amount of capital stock

2. *And be it enacted*, That the amount of the capital stock of the said company shall be seventy-five thousand dollars, with liberty to increase the same to one 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.

Commissioners to receive subscriptions.

3. *And be it enacted*, That the above named persons may open books to receive subscriptions to the capital stock of the said corporation, at such time or times, and place or places, as they, or a majority of them, may think proper; and as soon as the same shall be subscribed, to give notice for a meeting of the stockholders to choose seven directors, a majority of whom shall be residents of the state; and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the above named persons, or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books to the said directors; and the time and place of holding the first meeting of the directors shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at such meeting, and at the annual 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 happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power as the by-laws of the said corporation shall provide.

Election of directors.

Corporation not dissolved for failure to elect on day prescribed.

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

and the directors for the time being shall continue to hold their office until new ones shall have been chosen in their places.

Payment of installments.

5. *And be it enacted*, That four directors of said corporation shall be competent to transact all business of the said corporation, and shall have power to call in the capital stock of said company, by such installments, not exceeding twenty dollars on each share at one time, and at such times as they may direct; and in case of the non-payment of said installments, or any one of them, upon due notice being given, to forfeit the share or shares upon which such default shall arise.

Company authorized to construct road

6. *And be it enacted*, That the president and directors of the said company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct a rail road from some suitable point or place at or near Belvidere, in the county of Warren, to intersect or connect with the road of the Belvidere Delaware Railroad Company, by the most feasible route, to intersect or connect with the road of the Warren Railroad Company, at or near the depot at Bridgeville, in the said county of Warren, and with the privilege to intersect or connect with any railroad or railroads hereafter constructed to or from either of these places, or between the same, not exceeding one hundred feet in width, except in such places where, from the depth of the excavation, or the height of the embankment, it is necessary to take more land for the slope and protection of the side banks of the said railroad, in which case so much land as may necessary for the purpose, and no more, shall be taken, with as many sets of tracks and rails as they may deem necessary; and it shall and may be lawful for the said president and directors, their agents, engineers, superintendents, or others in their employ, to enter at all times upon all lands and waters for the purpose of exploring, surveying, levelling, or laying out the route of such railroad, or lateral and branch roads, and of locating the same, and to do and erect all necessary works, buildings, and appendages thereof, doing no unnecessary injury to private or other property; and when the route of

such road or lateral and branch roads 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 or roads, subject to such compensation as is hereinafter provided; *provided, always*, that the payment, or the tender of the payment, of all damages for the occupancy of lands through which the said railroad or railroads may be laid out, be made before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road or roads, unless the consent of the owner or owners of such lands be first had and obtained.

Proviso

Proceedings in case company and owners cannot agree.

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

he shall appoint, under his hand and seal, three disinterested, impartial, and judicious freeholders, not resident in the county in which the lands or materials in controversy lie, or the owners reside, commissioners to examine and appraise the said lands or materials, and to assess the damages upon such notice to be given to the persons interested as shall be directed by the justice making such appointment, to be expressed therein, not less than 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 authorised to administer an oath, faithfully and impartially to examine the matter in question, and to make a true report according to the best of their skill and understanding,) to meet at the time and place appointed, and proceed to view and examine the said land or materials, and to make a just and equitable estimate or appraisement of the value of the same, and assessment of damages, as shall be paid by the 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 lands or materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county in which the lands or materials are 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 lands or materials, or of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action of debt in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall from time to time constitute a lien upon the property of the company in the nature of a mortgage; and the said justice of the supreme court shall, on application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses to the justice of the supreme court, commissioners,

clerks and other persons performing any of the duties prescribed in this section, as they or he shall think equitable and right, which shall be paid by the said company.

Parties dissatisfied may appeal.

8. *And be it enacted*, That in case the said company, or the owner or owners of the said lands or materials, shall be dissatisfied with the report of the commissioners named in the preceding section, and shall apply to the justices of the supreme court, at the next term after the filing of the said report, the court shall the power, upon good cause shown, to set the same aside, and thereupon to direct a proper issue for the trial of the said controversy to be formed between the said parties, and to order a jury to be struck, and a view of the premises or materials to be had, and the said issue to be tried at the next circuit court to be holden in the said county, upon the like notice, and in the same manner as other issues in the same court are tried; and it shall be the duty of the said jury to assess the value of the said lands or materials and damages sustained; and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the 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, or either deducted out of the said sum found by the said jury, or execution awarded therefor, as the court shall direct; but such application shall not prevent the company from taking the said lands, upon filing the aforesaid report, the value and damages being first paid, or upon a refusal to receive the same upon a tender thereof, or the owner or owners thereof being under any legal disability, the same being first paid into the court of chancery.

Bridges to be constructed and kept in repair.

9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over or under said railroad, where any public or other road, now or hereafter to be laid out, shall cross the same, and so to alter and grade the said public or other road, that the passage of carriages, horses, and cattle

passing and repassing, 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 carriage and transportation

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, all machines, engines, wagons, carriages, cars, or vehicles for the transportation of persons, or any species of property on their railroad, as they may think reasonable, expedient or right; *provided*, they shall not charge more than at the rate of six cents per ton per mile for the transportation of property on the said road, which is usually weighed by the ton, nor more than half the said rate per ton for carrying fertilizing materials, or five cents per mile for carrying each passenger on said railway, when carried less than the whole distance between Belvidere and Bridgeville, and when carried the whole distance a sum in the whole not to exceed fifteen cents.

Proviso.

Dividends.

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

Penalty for injuring works

12. *And be it enacted*, That if any person shall 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.

Company may may hold real estate.

13. *And be it enacted*, That the said company may have and hold real estate at the termini of their railroad, and at any intermediate places or depots upon the line of the same, not exceeding five acres at each place, and may erect and build thereon such houses, warehouses, machine shops and

other buildings and improvements as they may deem expedient for the safety of property and the construction and repairing of cars, carriages, steam engines, and for other necessary uses.

Annual statement to be made.

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 seven per centum upon the amount of its cost; and as soon as the net proceeds of said railroad shall amount to seven per centum upon its cost, the said corporation shall pay to the treasury of this state a tax of one-half of one per centum on the cost of said road, to be paid annually thereafter on the first Monday of January of each year; *provided*, that no other tax or other impost shall be levied or assessed upon the said company.

Proviso.

Company may borrow money.

15. *And be it enacted*, That the said corporation shall have power to borrow such sum or sums of money, from time to time, as shall be necessary to build, construct, or repair said road, and furnish the said corporation with all the necessary engines and machinery for the uses and objects of the said company, and to secure 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 seven per centum per annum; *provided*, that it shall not be lawful for the said company to plead any statute or statutes of this state against usury, in any suit in law or equity instituted to enforce the payment of any bond or mortgage executed under this section.

Proviso.

State may take road on payment of appraisement.

16. *And be it enacted*, That any time after the expiration of thirty years from the completion of the said road, the legislature of this state may cause an appraisement of the

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

Time for completion of road.

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

Other companies may subscribe for stock, &c.

18. *And be it enacted*, That any other railroad company incorporated by the legislature of this state may subscribe for and hold the stock, and may hold the bonds of this company, and shall have full power and authority to guaranty the payment of said bonds; and the president and directors

of the said Belvidere and Bridgeville Railroad Company, by and with the consent of the stockholders representing two-thirds of its capital stock, may lease out for a term of years the said railroad, with its powers, privileges, authorities and franchises, to any other railroad company in this state, and full power and authority are hereby given to any such railroad company to take the same on lease as aforesaid.

Certain officers to pass free.

19. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court, and the judges of the court of errors and the attorney general of this state, whilst traveling for the purpose of discharging the duties of their offices, and the members and officers of both houses of the legislature of this state, during their annual or other sessions, shall pass and repass on the railroad of said company, in their cars, free of charge.

Approved March 20, 1857.

CHAPTER CXII.

AN ACT to incorporate the Burlington Savings Institution.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Ira B. Underhill, Aaron Hutchins, Samuel W. Taylor, Franklin Woolman, Joseph W. Taylor, Frederick F. Bainbridge, Franklin Gauntt, William Bishop, and Amos George, and their successors, shall be and hereby are constituted a body corporate and politic, by the name of "The Burlington Savings Institution," to be located in the city and county of Burlington.

Managers of corporation.

2. *And be it enacted*, That the business of said corporation shall be conducted by nine managers, all of whom shall be residents of this state, and five of whom shall form a quorum, provided, one of them shall be the president or vice

president; the persons named in the first section of this act shall constitute the first board of managers of the corporation; and the board shall hereafter meet annually, upon the first Monday in April, and choose from their number a president and a vice president, which officers so chosen shall continue in office one year and until others are chosen in their places; and when the seat of any member of the board shall become vacant by death, resignation, or otherwise, the other members of the board may fill such vacancy by the votes of a majority of all of the members of the board.

Vacancies, how supplied.

3. *And be it enacted*, That the managers of said corporation shall not, directly or indirectly, receive any pay or emolument for their services.

Managers not to receive compensation.

4. *And be it enacted*, That the subordinate officers and agents of said corporation, shall, respectively, give such security for their fidelity and good conduct as the board of managers may from time to time require; and said board shall fix the salaries of such officers and agents.

Officers to give security.

5. *And be it enacted*, That the board of managers shall have power, from time to time, to make, ordain, and establish such by-laws and regulations as they shall judge proper for the transacting, managing and directing the affairs of the corporation; *provided*, that such by-laws and regulations shall not be repugnant to the constitution of this state or the United States, and shall not, at any time, be altered so as to affect any deposit of money previously made.

Managers to make by-laws.

Proviso.

6. *And be it enacted*, That the said corporation may receive on deposit all sums of money which may be offered therefor, in such amounts and at such times, and upon such terms, as the by-laws shall prescribe, which money shall be invested in any public stock created under and by virtue of any law of the United States or of this state, or of the states of Pennsylvania, New York, Ohio, Kentucky, Massachusetts or Virginia or in the bonds of the cities of Burlington or Newark in this state, or of the cities of New York or Brooklyn in the state of New York, or of Philadelphia in the state of Pennsylvania, authorized by the laws of said states or cities respectively, or in the stock or bonds of any railroad or canal chartered by this state, or in bonds and mortgages on

Money to be invested.

unincumbered real estate in the county of Burlington in this state, or in the cities of New York or Brooklyn in the state of New York, worth at least double the amount loaned, and also whenever they shall have on hand deposits or funds which cannot be advantageously invested, according to the requirements of their charter, it shall be lawful to loan the same temporarily, on approved promissory notes, with stocks, bonds or mortgages, as above mentioned, for security for their payment; *provided*, that all such loans shall not at any one time amount to more than ten thousand dollars; and also *provided*, that such stocks, bonds or mortgages shall not be taken as security for more than eighty per cent. of their value in the market, nor for more than eighty per cent. of their amount on the face of them, and also to make deposits in any of the incorporated banks of the county of Burlington, or of the cities of Philadelphia or New York and receive interest thereon at such rates, not exceeding that allowed by law, as may be agreed upon.

Proviso.

Proviso.

Interest to depositors.

7. *And be it enacted*, That it shall be the duty of the managers to regulate the rate of interest allowed to depositors, so that they shall receive a joint proportion of the profits upon the business of the corporation, after deducting therefrom all necessary expenses and a reasonable contingent or surplus fund; *provided*, that the said rate of interest may, at the discretion of the managers, be so regulated as that the interest allowed any depositor having more than five hundred dollars on deposit, shall be at least one per centum per annum less than the rate allowed to other depositors; and *provided also*, that the said corporation shall not be required to allow interest on any deposit until it amounts to five dollars, nor upon any deposit that has not been made three months before the semi-annual dividend, nor upon any fractional parts of a month or on the fractional parts of a dollar; and that no interest or dividend on account of any surplus or contingent fund shall be allowed for moneys which have been withdrawn from deposit.

Proviso.

Proviso.

Officers or managers not to borrow funds.

8. *And be it enacted*, That no officer or manager of said corporation shall directly or indirectly become the hirer or borrower of any of the funds of the corporation; and also,

that the corporation shall not hold or take the bond, mortgage, or other security for the payment of money which may be drawn or endorsed by, or may exist against, any officer or manager of the corporation.

Payment of deposits to minors.

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

Proviso.

Deposits of married women.

10. *And be it enacted*, That in case the said corporation shall receive any deposit or deposits from any married female, or from any single female who may afterwards marry, it shall be lawful for the said corporation to hold the same, together with the interest or dividends which may accrue thereon, as the sole and separate property of such female as though she was single, not subject to the control, nor liable for the debts of her husband, and to repay the same and the interests and dividends thereon, or any part thereof, upon her check, order, receipt, or demand, without the concurrence of her husband; and such payment shall exonerate and discharge the said corporation from any further liability by reason thereof.

Depositors may appoint agent to receive money in case of death.

11. *And be it enacted*, That a book shall be kept at the office of said corporation, in which any depositor shall be at liberty to appoint any person or persons to whom, in the event of his or her death, the amount of such deposit, together with the interest or dividends thereon, shall be paid, if not otherwise disposed of by a will; and all payments made to such persons, so appointed, shall be a full discharge to said corporation; but should no such appointment be made, then such deposit, with the interest or dividends thereon, shall be paid to the legal representatives of the deceased.

12. *And be it enacted*, That the said corporation may pur-

What property may be held

chase and hold in fee simple or otherwise, any real estate of which the clear annual income shall not exceed one thousand dollars, in addition to such as may be conveyed to the said corporation for the securing or paying loans; and that the said corporation may sell, lease, or otherwise dispose of the said real estate, or any part thereof, at their will and pleasure.

Rate of interest.

13. *And be it enacted*, That it shall be lawful for the said corporation, upon all loans and contracts made by them, to take and receive the value of seven dollars for the forbearance of one hundred dollars for one year, and after that rate for a greater or less sum, or for a longer or shorter time.

Annual report to be made.

14. *And be it enacted*, That it shall be the duty of the said corporation to make an annual report of its affairs and the state of its funds to the legislature of this state, which report shall be verified by the oaths or affirmations of the president or vice-president and the treasurer of said corporation.

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

Approved March 20, 1857.

CHAPTER CXIII.

AN ACT to incorporate the Hightstown and Imlaystown Turnpike Company.

Commissioners to receive subscriptions.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the subscription books of the capital stock of "The Hightstown and Imlaystown Turnpike Company," shall be opened by Samuel Rue, John Dawes, Charles R. Fields, Alfred Perrine, and James C. Norris, or a majority of them, who are hereby appointed to receive

subscriptions to said stock, at such times and places as they, or a majority of them, may direct, giving notice thereof at least twenty days prior to the opening of said books, by publishing the same in at least one of the newspapers published in the county of Mercer.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be fifteen thousand dollars, with liberty to increase the same to thirty thousand dollars, and shall be divided into shares of twenty-five dollars each; and that when two hundred shares shall be subscribed for and taken, the persons holding the same shall be and they are hereby incorporated into a company, by the name and style of "The Hightstown and Imlaystown Turnpike Company," and by that name and style shall have, enjoy and exercise all the rights, powers and privileges appertaining to corporate bodies and necessary to carry the objects of this act into effect.

Payment of installments.

3. *And be it enacted*, That at the time of subscribing for said stock, one dollar shall be paid upon each share subscribed for, to the said commissioners or any of them, which money shall be paid over to the treasurer of the company as soon as one shall be appointed; and the residue of the subscriptions shall be paid in installments, at such times and places, and to such persons as the president and directors of the company shall, from time to time, direct and give public notice thereof in 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 said installments, or any of them, or to sue for the amount thereof to and for the use of said company.

Act void if stock is not subscribed for within certain time.

4. *And be it enacted*, That if the number of shares hereinbefore made necessary for the incorporation of said company, be not subscribed for within three years, from the time of opening the said subscription books, this act and all subscriptions under it, shall be null and void, and the said commissioners, after deducting therefrom the expenses incurred, shall return the residue to the respective subscribers, or their representatives, in proportion to the sums paid by them.

Annual election of directors.

5. *And be it enacted*, That when two hundred shares of said stock be subscribed for, the said commissioners shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of said meeting, as hereinbefore directed, with regard to the opening of the books, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect by ballot nine directors, who shall be citizens of this state, to manage the affairs of the 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, who 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.

Duties and powers of president.

6. *And be it enacted*, That within twenty days after the election aforesaid, the directors shall elect from their number a president of their said company, who shall be a citizen of this state, and a resident of the county of Mercer or Monmouth, who shall hold office for one year, and until another shall be elected, and receive such compensation for his services as a majority of said directors shall direct, and shall be presiding officer at all meetings of said directors, and shall have the casting vote when they shall be equally divided; he shall have charge of the seal of the company, and shall appoint the judge or judges of all elections of stockholders, and in case of his death, absence or inability so to do, the said directors shall appoint some other person, who, for the time being shall possess the same powers and authority, and perform all the duties herein prescribed.

Duties of directors.

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 election, by death, resignation, removal or refusal to act of any president or director, and may appoint a treasurer, who shall be a citizen of this state, and a resident of the county of Mercer or Monmouth, and all

officers, agents, superintendents and other servants that may be required to transact the business of the company, with such compensation as they may determine upon, and may exact from them such security for the due performance of their respective trusts, as they may deem expedient; they shall regulate the tolls, and have the superintendence and direction of all receipts and disbursements, and all other affairs of the company, and may make and enforce such ordinances and by-laws as they may think expedient to regulate the transfers of the stock, and the general government of the company and management of its affairs; *provided*, the same are not repugnant to the constitution and laws of this state or of the United States. Proviso.

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

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 owning one-fourth of the stock of said company, by giving notice of the time and place of holding the same, as hereinbefore directed with regard to the annual meeting, which said notice shall specify the particular object of the meeting; but that no business of the company shall be transacted at such special meeting, unless a majority in value of the stockholders attend and concur therein, who may require the books, accounts, and all other papers and proceedings of the company to be exhibited to them by the president and directors. Special meetings.

10. *And be it enacted*, That if from any cause an election hereinbefore named shall not be had at the time specified in this act, the same may be held at any other time, on notice as aforesaid, and that until such election be had, the officers of the preceding year shall continue to hold their respective offices until others be elected in their stead, and that this charter shall not be defeated nor avoided by reason of irregularity or want of such election. Corporation not dissolved for failure to elect on day prescribed.

11. *And be it enacted*, That it shall and may be lawful for

New Jersey State Library

Company authorized to construct road.

the said company to construct and make a turnpike road from Hightstown, in the county of Mercer, to Imlaystown, in the county of Monmouth, beginning at the borough of Hightstown, thence along the Old York road to Sharon Corner, thence along the public road leading from said Sharon Corner to Fields' Corner, thence along the public road leading from said Fields' Corner, the most approved course, to a point at or near Fisher's Hotel, at Imlaystown, with the privilege to straighten certain points along the Old York road, which said turnpike shall be at least thirty-two feet in width, and shall be sufficiently arched and drained to make and keep the same dry: and at least sixteen feet thereof shall be sufficiently bedded and faced with stone, gravel or other material to make a solid, firm and even road at all seasons of the year; and it shall be so graded that in its progress no part of said road shall rise above an angle of five degrees with the plane of the horizon: and the said company shall construct, keep in repair, maintain and make good and sufficient bridges along the line of said road, not less than twenty feet in width; and whenever the said road shall be raised so much at the margin or side as to render carriages passing thereon liable to overset, the said company shall cause good and sufficient railings to be erected and maintained on the side, so as to prevent horses and carriages from running off; and the said company may, by their officers, agents, or persons in their employ, enter from time to time, and at all times, upon all lands to search for stone, gravel, sand or clay, for constructing or improving said road as aforesaid, doing no unnecessary damage to said land; *provided*, that before the said company shall construct the said turnpike road, and in case the said company and the owners cannot agree upon the amount of said damage, then the damages shall be ascertained and determined as nearly as may be in the manner hereinafter provided for ascertaining and determining the damage which any landowner or owners may sustain by the taking of stone or gravel from his lands for the construction or maintaining of said turnpike road.

Proviso.

Proceedings when company and owners cannot agree.

12. *And be it enacted*, That it shall be lawful for the said company, their officers, superintendents, engineers and work-

men, with carts, wagons and other carriages, and with beasts of burthen and draft, 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 might make in the enclosures thereof, and to make all ditches and underdrains across and through such lands necessary for properly draining said road, and to take and carry away stones, gravel, clay, sand, earth or other materials therefrom, suitable for making or repairing said road; and that when the said company, or its agents, cannot agree with the owner or owners of such required lands or materials for the use or purchase thereof, or when by reason of the legal incapacity or absence of such owner or owners no such agreement can be made, a particular description of the land or materials so required for the use of the said company in the construction of the said road, shall be given in writing, under oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, or to one of the judges of the court of common pleas of the county of Mercer or Monmouth, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown or out of the state to make publication thereof as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of commissioners hereinafter named: at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders commissioners to examine and appraise the said lands and materials, and to assess the damages, upon such notice to the persons interested as shall be directed by the justice or judge making such appointment, to be expressed therein not less than twenty days; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath or affirmation,

faithfully and impartially to examine the matter in question and make a true report according to the best of their skill and understanding, to meet at the time and place appointed, and to view and examine the said lands and materials, and make a just and equitable appraisement of the value of the same and assessment of damages to be paid by the said company for such lands or materials and damages aforesaid, and to make a report thereof, under the hands and seals of the said commissioners, or any two of them, and file the same within ten days thereafter, together with the aforesaid description of the lands or materials and the appointments and oaths or affirmations aforesaid, in the clerk's office of the county of Mercer or Monmouth, to remain on record therein, and shall be recorded by the said clerk; which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said lands or materials after the payment of the value and damages so assessed, and of the right of the said owner or owners to recover the amount of said valuation, with interests and costs, in an action in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall continue a lien upon the property of the company, in the nature of a mortgage; and the said justice or judge shall tax and allow such costs, fees and expenses to the justice or judge, commissioners, clerks and other persons performing any of the duties prescribed in this section, as he shall think equitable and right, which shall in all cases be paid by the company.

Rates of toll.

13. *And be it enacted*, That as soon as the said company shall have constructed the said road in workmanlike manner, according to the several directions in the eleventh section, and the true intent and meaning of this act, it shall and may be lawful for the said company to erect gates or turnpikes across the said road, and to demand and receive toll for traveling each mile, and all fractions over half a mile of said road, not exceeding the following rates to wit:

For every carriage, sleigh or sled drawn by one beast, one cent.
For every additional beast, one cent.
For every horse and rider, or led horse or mule, five mills.
For every dozen of calves, sheep or hogs, five mills.
For every dozen of horses, mules or cattle, two cents.

And it shall and may be lawful for the toll-gatherer to stop persons riding, leading, or driving any horses, cattle, mules, calves, sheep, or hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpikes until they shall have paid the toll as above specified; *provided*, that nothing in this act shall be so construed as to entitle the said company to demand or receive toll of or from any person passing to or from public worship on the Sabbath day, or horses, carriages, sleighs or sleds carrying persons to or from a funeral, or any person passing to or from his common business on his farm, or any militiaman passing to or from any training on a muster day appointed by law, or any other military officer or soldier passing or repassing when called to do duty by the laws of this state or of the United States. Proviso.

Mile stones or posts to be erected.

14. *And be it enacted*, That before the said company shall receive toll for traveling said roads, they shall cause mile stones or posts to be erected and maintained, one for each and every mile in use on said roads, and on each stone or post shall be fairly and legibly marked the distance the said stone or post is from Hightstown; 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 painted in large letters, "Keep to the right, as the law directs."

Penalty for injuring works.

15. *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 roads, or wilfully tear down or deface any of the printed rates of toll or directions, or shall cut, break 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 persons shall forfeit and

pay the sum of twenty dollars, besides being subject to an action of damages for the same, to be recovered by the said company by 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 said road to pass a gate or gates on private grounds adjacent thereto, and again enter on said road, with intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gate, to be recovered by the said company, for the use thereof, in an action of debt, with costs of suit.

Penalty for taking illegal toll.

16. *And be it enacted*, That if any toll-gatherer shall unnecessarily delay or hinder any traveler passing at any of the gates or turnpikes, or shall demand and 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 obstructing passage.

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

Road to be divided into two divisions.

18. *And be it enacted*, That the said road shall be divided into two divisions: that part from Hightstown to Sharon Corner to be called the first division, and that part from Sharon Corner to Imlaystown to be called the second division, and by such shall be known in all proceedings against the company; and any defect in one division shall not affect the right to collect toll on the other.

19. *And be it enacted*, That if the said company shall not keep the said road and bridges in repair, and complaint thereof shall be made to any judge of the court of common pleas of the counties of Mercer or Monmouth, he shall immediately appoint, by writing, three disinterested freeholders of said counties, who shall view the said road, and report in writing, under their hands and seals, or under the hands and seals of two of them, whether the said road so complained of be in such a state as the law requires it to be kept; and if the report be unfavorable to the said road, the said judge shall immediately, under his hand and seal, order the keeper of the gates or turnpikes to keep open the same until otherwise ordered; and if the keeper shall, notwithstanding the order of the said judge, refuse to open the said gate or turnpike, and exact toll of travelers, he shall, for each offence, forfeit and pay twenty dollars, to be sued for by any person who will prosecute for the same, in an action of debt, with costs of suit; and the judge shall be allowed for his services fifty cents, and the persons appointed one dollar each, to be paid by the company; and it shall be the duty of the persons so appointed, or a majority of them, on application from said company, again to view the said road or bridge, and report, as aforesaid, their opinion to said judge, who shall, if authorized by the report of said persons, or any two of them, by license under his hand and seal, directed to the toll-gatherer, permit the gates or turnpikes to be shut, and the toll to be collected as before; and the said fees shall be allowed and paid as before directed; but if on first view, as before mentioned, the report of the persons appointed, or a majority of them, shall be in favor of the company, the same fees shall be allowed as before prescribed, and paid by the person or persons making the complaint.

Proceedings in case road and bridges are not kept in repair.

20. *And be it enacted*, That whenever the said company shall have completed any three consecutive miles of said road according to the directions and true intent and meaning of this act, it shall be lawful for the said company to erect a toll-gate across said road, and demand and receive toll for traveling thereon, agreeably to the foregoing rates.

When company may erect toll-gate.

21. *And be it enacted*, That the said corporation may use

Public roads may be used.

the main public roads on the routes above named, by and with the consent of three-fourths of all the landholders along on the routes of said roads; and if the owners of such lands shall refuse their consent, then and in that case such roads shall be first vacated according to law.

Act void if road is not built in certain time.

22. *And be it enacted*, That if the said road be not completed within three years from the passage of this act, that then and in that case this act shall be void; and the said corporation shall possess the several powers, and be subject to the restrictions and liabilities, contained in the act entitled "an act concerning corporations."

Approved March 20, 1857.

CHAPTER CXIV.

AN ACT to incorporate the West Windsor Mutual Fire Insurance Association.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George W. Applegate, William Walton, Isaac Rossell, Eli Dye, James H. Everett, James D. Robins, Charles B. Moore, Amos H. Tindall, Enoch South, William Perrine, Daniel Hawk, and others, their associates, successors, and assigns, shall be and are hereby ordained, constituted and declared to be a body politic and corporate, in fact and in name, by the name of the West Windsor Mutual Fire Insurance Association, to be located in the township of West Windsor, county of Mercer, and no property shall be insured by said association out of the township, excepting where the township lines divides the out-buildings from the dwelling-house of persons owning said dwelling in the township, in such cases it may be lawful for the association to insure the out-buildings lying in the

adjoining township or townships, and by that name they and their successors shall and may have succession during the continuance of this act, and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all manner of actions, suits, complaints, matters and causes whatever, and that they and their successors may have a common seal, and may alter and change the same at pleasure, and also that they and their successors, by the name of the West Windsor Mutual Fire Insurance Association, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said association. General powers.

2. *And be it enacted*, That all persons who shall insure in, or with said association, shall be deemed and taken for members of said corporation; and that the property and concerns of the said corporation shall be conducted and managed by eleven directors, all of whom shall be citizens of this township, and shall not hold a like office or agency in any other company, to be chosen by ballot, by and from among the members, to hold their office for one year and until others are chosen, and that an election for directors shall be held on the second Tuesday in February, in every year, at the office of the association or such other place as a majority of the directors may previously designate, public notice of which shall be given by the secretary in five or more public places within the township of West Windsor, at least two weeks previous to the time of holding said election; and if any of the said directors shall die, or refuse to serve, or neglect to act in their said office, for the space of three months successively, then, and in every such case, the remaining directors shall have the power to fill such vacancy or vacancies until the time of the next annual election; and in case it should happen that an election of directors should not be held on the day when pursuant to this agreement it ought to have been held, the said corporation shall not for that cause be dissolved, but it shall and may be lawful on any other day to hold an election for directors; *provided*, that the first election for directors shall be held on the third Monday after the passage of this act, and the directors then Persons insuring to be members of corporation. Election of directors. Proviso.

elected shall continue in office until the second Tuesday in February thereafter, of which election last mentioned, previous public notice shall be given in five or more public places in the township of West Windsor, at least two weeks.

What property may be insured.

3. *And be it enacted*, That it shall and may be lawful for the said association to insure their respective dwelling-houses, stores, shops, and other buildings, together with household furniture, merchandise and all other personal property, against loss or damage by fire.

Members may make by-laws.

4. *And be it enacted*, That the annual meeting of the said association, or at any general meeting of the same (which general meeting shall and may be called by the directors, if required to do so, by ten members, upon such notice as is hereinbefore directed for the annual meeting), it shall be lawful for the members present, or a majority of them, to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper for the management and disposition of the property, estate and effects of the said association, for the regulation of the mode of effecting insurance in the said association, and of valuation of property insured or to be insured thereby, and to fix rates of insurance and fees of officers, and for all such other matter as appertain to the business of the said association and shall have power to appoint a secretary, surveyor or surveyors, appraiser or appraisers, and such additional officers for carrying on the business of said association as to them shall seem proper, to which officers the said directors shall be eligible; *provided*, that a majority of the members present at such annual or general meeting may by resolution vest any or all of the powers given in this section in the board of directors; *and provided*, that such by-laws, rules and regulations shall not be repugnant to the constitution or laws of the United States or of this state.

Proviso.

Proviso.

Officers of corporation.

5. *And be it enacted*, That at the first meeting of the directors held after their election in each year, the directors shall choose from amongst themselves one person for president, who shall continue in office until the next annual meeting and until another is appointed in his place; they shall also elect a treasurer, and require him to give bonds to the

association for the faithful performance of his duty for such sum as to them shall appear sufficient and satisfactory.

Assessment to be made in case of deficiency.

6. *And be it enacted*, That all policies of insurance which shall be made by the said association, in pursuance of this agreement, shall be made on such terms and conditions and for such periods of time, and confined to such places as shall be from time to time ordered and presented by the by-laws, rules and regulations of said association; and if at any time it shall happen that there shall be just claims on the association for losses sustained, or other liabilities to a greater amount than they have funds to discharge, in such cases the directors for the time being, shall, with all convenient expedition proceed to assess such deficiency in a ratable proportion on the members of the association or their representatives, according to the amount of each member's insurance; which rates or assessment shall be approved by a majority of the whole number of directors, and notice in writing shall be given to each member, or his representative, of the assessment and amount by him or them to be paid, and each and every member or his representative so notified shall pay the same to the treasurer for the time being, within sixty days after such notification, and in default thereof shall forfeit double said rates and all their rights and claims to any policy that they may have obtained, and be no longer members of the association, but shall be liable to a recovery of the amount of such rates or assessments, by action of debt with costs of suit, before any court of competent jurisdiction.

Money not to be drawn from treasury except for damages by fire, &c.

7. *And be it enacted*, That no money shall be drawn from the treasury of the association except for the purpose of paying damages in case of any loss by fire and incidental expenses.

Assignment of policies to be recorded.

8. *And be it enacted*, That if any person insured by the said association shall convey or assign the property insured, it shall be lawful for such person to assign to the purchaser the policy of insurance, but the association shall not be bound by such policy after such assignment until the said assignment shall have been recorded in the books of the association and certified on such policy by the secretary.

9. *And be it enacted*, That any person or persons insured

Actions may be maintained against corporation if payment is withheld.

by said association may maintain an action at law against the same for losses and damages due to him, her, or them, from said association, if payment is withheld more than ninety days after the amount of such losses have been ascertained and said association notified thereof; and no member of the association not being in his own individual capacity a party of such suit shall be incompetent as a witness; *provided*, the directors do not agree to rebuild or replace the property lost or damaged, in which case a reasonable time shall be allowed them.

Proviso.

Act may be altered or repealed.

10. *And be it enacted*, That chartered privileges hereby granted do not include banking privileges, and if the privileges hereby granted shall at any time prove injurious to the public welfare, it shall be lawful for the legislature to amend, modify or repeal the same; *provided*, that no contract made by said association before such repeal shall be affected thereby, and that the said association shall have a reasonable time to bring their accounts to a final settlement.

Proviso.

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

Approved March 20, 1857.

CHAPTER CXV.

AN ACT to incorporate "The Raritan Marine Insurance Company."

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Elias Ross, David Fitz Randolph, Thomas O'Neill, Isaac Fisher, Edward Elkin, Lawrence Fisher, Joel G. Sweet, Henry Dilatush, John B. Conover, Moses F. Webb, Jacob Shurts, Elias Runyon, Goyn D. McCoy, Simon VanWickle, William G. De Hart, and Mahlon

Runyon and others, their associates, successors and assigns, shall be and they are hereby ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of "The Raritan Marine Insurance Company:" the office thereof to be located in the city of New Brunswick, and by that name they and their successors shall and may have succession during the continuance of this act, 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 they and their successors may have a common seal, and may change and alter the same at pleasure; and also that they and their successors, by the name of "The Raritan Marine Insurance Company," shall be in law capable of purchasing, possessing and enjoying, to them and their successors, lands, tenements and hereditaments, goods, chattels and effects, of what nature and kind soever, necessary for the purposes of this corporation, and the same may grant, demise, alien and dispose of at pleasure, for the benefit of said corporation.

Amount of capital stock.

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

What property may be insured.

3. *And be it enacted*, That it shall and may be lawful for the said company to effect marine and inland insurance upon vessels, freights, goods, wares and merchandise, against loss or damage by water and fire, and to make all and every insurance connected with risks of transportation and marine and inland navigation; and to cause themselves to be reinsured when deemed expedient, against any risks upon which they have made or may make insurance.

Election of directors.

4. *And be it enacted*, That the property and concerns of said company shall be managed and conducted by thirteen directors, two-thirds of whom shall be residents of the city of New Brunswick, to be chosen by ballot, by and from among the stockholders, each share being entitled to one vote, to hold their office for one year, and until others are

chosen and qualified, and the election for directors shall be held on the third Monday in January in every year, between the hours of two and four o'clock in the afternoon, at the office of the company, or at such place as a majority of the directors for the time being shall appoint, of which elections the secretary shall give public notice in one of the newspapers printed in the city of New Brunswick, at least two weeks immediately preceding such election; and if any of the said directors shall die or refuse to serve, or neglect to act in said office for the space of six months successively, then and in every such case the remaining directors shall have power to fill such vacancy or vacancies, until the time of the next annual election; and in case it shall happen that an election of directors should not be held on the day when pursuant to this act it ought to have been held, the said corporation for that cause shall not be dissolved; but it shall and may be lawful on any other day to hold an election for directors, and until an election for directors shall be held according to the provisions of this section, the following persons shall be directors: Elias Ross, David Fitz Randolph, Thomas O'Neill, Isaac Fisher, L. D. Jarrard, John B. Conover, Moses F. Webb, Jacob Shurts, Mahlon Runyon, Goyn D. McCoy, Edward Elkin, Simon Van Wickle and Joel G. Sweet.

First directors

President to be appointed

5. *And be it enacted*, That the directors hereinbefore mentioned shall, as soon as convenient after the passage of this act, and the directors annually chosen agreeable to the provisions of this act, shall as soon as convenient after their election, proceed to choose out of their body one person to be a president, who shall be an inhabitant of the city of New Brunswick, and shall preside until the next annual election thereafter, and in case of the death, resignation or inability to serve, of the president, such vacancy may be filled for the remainder of the term, by such person as the board of directors may appoint, and in case of the absence of the president, the board of directors shall have power to appoint a president pro tem., who shall exercise all such powers and duties as the by-laws of said company may provide; *provided*, that the president of the said company shall hold his office at

Proviso

the pleasure of the board of directors, and be subject to removal by them.

Directors to make by-laws.

6. *And be it enacted*, That the board of directors for the time being, or a majority of them, shall have power to make or prescribe such by-laws, rules and regulations as to them shall appear useful and proper, touching the management and disposition of the stocks, property, estate and effects of the said corporation, and touching all such other matters as appertain to the business, ends and purposes, which the corporation by this act is entitled to, and also shall have power to appoint a secretary, surveyor or surveyors, and such additional officers, clerks, and servants, for carrying on the business of the said corporation, in the city of New Brunswick, and not elsewhere, with such allowances as to them shall seem meet; *provided*, that such by-laws, rules and regulations be not repugnant to the constitution and laws of the United States and of this state.

Proviso.

Books of subscription to be opened.

7. *And be it enacted*, That it shall be the duty of said directors, within twenty days after the passage of this act, to cause books of subscription to be opened for fifty thousand dollars of the capital stock of said company, and to keep the same open until said amount be subscribed, preference being given to applicants for insurance; and the directors shall require approved notes, bearing interest payable semi-annually, to be given for the amount of said subscription, and they are hereby empowered, whenever in their opinion the interest of the company render it necessary, to require additional security on said notes, under pain of forfeiture of the interests of the stockholders by whom said notes may be given, in the stock or assets of the company.

When company may commence business.

8. *And be it enacted*, That when approved notes to the amount of fifty thousand dollars, and applications for insurance for a like amount has been received, it shall be lawful for said company to commence business.

Assessments to be made in case of losses.

9. *And be it enacted*, That in case of any loss by the said company, it shall be the duty of the directors to cause the same to be assessed upon the stockholders, in proportion to the amount of stock held by them respectively, and they shall have power to sue for and recover the same; and said assess-

ment, when paid, shall be credited as payment of interest upon the notes given by the stockholders, or said company may pay the whole or any part of the losses from premiums received, if deemed expedient by the directors.

Dividends.

10. *And be it enacted*, That on the third Monday in January, in the year one thousand eight hundred and fifty-eight, a dividend of the assets of said company shall be declared, and certificates shall be issued to the stockholders for the number of shares of stock held by them respectively, and the dividend so declared shall be endorsed as a payment upon said certificates; and upon the third Monday in January in each year thereafter, a dividend of the profits for the preceding year shall be declared and endorsed upon the certificates in like manner, until the dividends so declared shall in the aggregate amount to the sum of fifty thousand dollars, when said company shall issue new certificates to the stockholders, the original certificates being returned and cancelled, and the notes returned to the stockholders; but the capital stock may be increased to any sum not exceeding one hundred thousand dollars, at such times and in such manner as the directors may deem expedient.

Policies, how made.

11. *And be it enacted*, That all policies of insurance which shall be made by the said corporation in pursuance of this act, shall be made upon such terms and conditions, and for such periods of time, and confined to such places as shall be from time to time ordained and prescribed by the by-laws, rules and regulations of the said company.

Transfer of stock.

12. *And be it enacted*, That no transfer of any policy of insurance of the said company shall be valid unless entered in the books of said company, and certified on such policy by the secretary.

Oath of director and secretary.

13. *And be it enacted*, That each director and the secretary shall, before he enters on the duties of his office, take the following oath or affirmation, (as the case may be:) I, ———, do swear (or affirm) that I will faithfully execute the duties of ———, agreeable to the provisions of this act, and the trusts reposed in me, to the best of my skill and understanding.

Limitation.

14. *And be it enacted*, That this act shall continue in force

for the space of twenty years, but it shall and may be lawful for the legislature at any time to alter and repeal the same.

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

Approved March 20, 1857.

CHAPTER CXVI.

AN ACT to incorporate the Shrewsbury and Tinton Falls Turnpike Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Anthony Reckless, Joseph T. Laird, Joseph Shepherd, James H. Hendrickson, John W. Parker, James H. Peters, Pearson Hendrickson, and such other persons as may subscribe to the capital stock hereby authorized, and their successors or assigns, shall be and they are hereby created a body politic and corporate, in fact and in law, by the name of "The Red Bank and Tinton Falls Turnpike Company."

Commissioners to receive subscriptions.

2. *And be it enacted*, That the said persons named in the first section of this act, be appointed the first directors of the said company, and commissioners to receive subscriptions to the capital stock of said company, and they are hereby authorized to receive subscriptions to the said capital stock, at such times and places in the county of Monmouth aforesaid, as they, or a majority of them, may direct, giving at least ten days' notice thereof, in writing, set up at five or more public places in said county, and signed by the secretary of said company.

Amount of capital stock

3. *And be it enacted*, That the capital stock of said company shall be fifteen thousand dollars, with the privilege of increasing the same from time to time, to any sum not exceeding twenty-five thousand dollars, as the directors, or a majority of them, may direct, and that said capital stock

shall be divided into shares of fifty dollars each, which shall be deemed personal property, transferable in such manner as the by-laws of said company may direct, and shall be paid in at such times, and in such manner, and upon such notice as the directors of said company, or a majority of the directors, may appoint; and in case of the failure or neglect by any stockholder to pay his or her installments at the time and place appointed for the payment thereof, or (except in case of the first installment thereof directed to be paid at the time of the subscription) within thirty days thereafter, the stockholder so in default shall incur a forfeiture of his or her share or shares and of all previous payments thereon to the use of the company.

Election of directors.

4. *And be it enacted*, That said company shall be managed by a board of seven directors, to be chosen by the stockholders of the company, annually at such time and place and in such manner as the by-laws of said company may direct, which said directors shall serve for one year and until others are chosen in their stead, and the said directors shall from time to time, elect a president out of their own body, and may also employ and elect such other officers and agents as the directors or a majority of them may deem proper.

Annual statement to be made.

5. *And be it enacted*, That an annual meeting of the stockholders shall be held each year, at such time and place as by the by-laws of the company may be directed, for the election of directors as aforesaid, at which meeting the directors shall every year exhibit a full and complete statement of the affairs of said company during the preceding year.

Company authorized to construct road

6. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road along the public highway leading from the village of Shrewsburytown, in the township of Shrewsbury, to the village of Colt's Neck, in the township of Atlantic, by the way of Tinton Falls, in the county of Monmouth, in this state, and said company may, by their officers, agents, or other persons in their employ, with vehicles and all necessary implements and materials, enter from time to time and at all times, for stone, gravel, sand or clay, and take the same away for constructing and keeping said turn-

pike road in repair, doing no unnecessary damage to said lands so entered upon, and repairing any breach they may make in the enclosures of said lands; *provided*, the said company as soon as they shall construct said turnpike road shall pay to the respective owners of the lands over which the said turnpike road may pass, all damages which the said owners will sustain by reason of the construction of said turnpike road; and in case any of the said owners and said company cannot agree upon the amount of said damages, then the damages shall be ascertained, determined and paid as nearly as may be in the manner hereinafter provided for ascertaining and determining the damages which any land owner or owners may sustain by the taking off of stone, gravel, clay or sand from his or her land for the constructing or maintaining of said turnpike road. Proviso.

7. *And be it enacted*, That the said turnpike road shall be constructed at least twenty feet in breadth along the said highway, and shall be sufficiently arched and drained to make and keep the same dry, and at least twenty feet thereof shall be sufficiently bedded and faced with stone, plank, gravel or other material to make a good firm road, and said company shall make good and sufficient bridges along said road not less than twenty feet wide, and whenever said road in passing over low ground, shall be raised so much at the margin or side thereof as to render carriages passing thereon liable to overset, the said company shall cause good and sufficient railings to be erected on the sides, so as to prevent horses and carriages from running off. Description of main road.

8. *And be it enacted*, That the portion of the said turnpike road that shall be extended as aforesaid, shall be made at least twenty feet in breadth, and that twenty feet of such extension shall be bedded and faced with stone, plank or gravel, or other material, and that in all other respects it shall be constructed in the same manner as the aforesaid main turnpike road. Description of extended road

9. *And be it enacted*, That it shall be lawful for the said company, their agents, superintendents, engineers, and all persons employed by them, with carts, wagons, and other carriages, with beasts of burthen and draft, and all necessary Proceedings in case company and owners cannot agree.

materials, tools and implements, to enter upon all lands, doing as little damage thereto as possible, repairing any breach they may make in the enclosures thereof, and to make all ditches and underdrains across and through said lands, as are necessary for the proper draining of said road; and to take and carry away stone, gravel, clay or sand, suitable for making or repairing said road; and if the said company, or their agents, and the owner or owners of such required land or materials cannot agree as to the price of the same, it shall be the duty of any justice of the supreme court of this state, or a judge of the court of common pleas of the county of Monmouth, upon application of either party, and after six days' notice in writing to the opposite party of such application, and after hearing the merits of the same, to appoint three disinterested and judicious freeholders, residents of this state, commissioners to assess the price or value of such materials as may be required by said company, and all damages sustained by reason of their removal; which said commissioners, before they enter on the duties of their appointment, shall be duly sworn or affirmed, according to law, faithfully and impartially to execute the duties thereof, and after six days' notice in writing to both of the parties, or their legal representatives, of the time and place of meeting, shall meet, view the premises, hear the parties and evidence, if desired, and thereupon make such decision or award as to them may appear just and equitable, having regard to the advantage of the turnpike to the land through or near which it may pass, and transmit such award or decision in writing, under their hands and seals, or the hands and seals of a majority of them, to the clerk of said county of Monmouth, to be by him filed as a public record; and any copy thereof, certified by the clerk of said county, under his hand and official seal, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said land or materials assessed and described therein, after payment of the price, value, or damages so assessed, and of the right of said owner or owners to recover the amount of said assessment, with interest and costs, in an action of debt, in any court of competent juris-

diction, and shall constitute a lien upon the property of the company, in the nature of a mortgage; and the said justice or judge shall tax and allow such costs, fees and expenses to the justice or judge, commissioners, and other persons performing any of the duties prescribed in this section, as he shall think equitable and right, which shall in all cases be paid by the company.

Rates of toll.

10. *And be it enacted*, That as soon as the said company shall have constructed said turnpike road, or any one mile thereof, according to the directions of this act, and the true intent and meaning thereof, it shall and may be lawful for the said company to erect gates or turnpikes across the same so constructed, and demand and receive toll or pay for traveling each mile so continued, and all fractions of a mile of said turnpike road, not exceeding the following rates per mile, to wit:

For every carriage, vehicle, sleigh, or sled, drawn by one beast, one cent.
For every additional beast, one cent.
For every horse and rider, or led horse or mule, one cent.
For all sheep, swine, or drove cattle, at the rate of six cents per dozen.
For every dozen horses, mules, or cattle, in droves, six cents per dozen, or at that rate.

And it shall be lawful for the tollgatherers of said turnpike road to stop all persons riding, leading, or driving any horses, cattle, mules, sheep, calves, or hogs, vehicles, or carriages of burthen or pleasure, from passing through any of 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 persons passing to or from public worship on the Sabbath day, or horses or carriages, sleighs, or sleds, carrying persons to or from a funeral.

Proviso.

Mile stones or posts to be erected.

11. *And be it enacted*, That the said company shall cause mile stones or posts to be erected and maintained, and on each stone or post shall be fairly and legibly marked the distance the said stone or post is from the village of Shrewsburytown, and from the village of Tinton Falls or Colt's

Neck; and shall cause to be fixed 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."

Penalty for injuring works.

12. *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 said road, or wilfully tear down or deface any of the printed rates of toll or directions, or shall cut, break down or destroy, or otherwise injure any of the gates, turnpikes, or bridges that shall be erected pursuant to this act, or shall forcibly pass the same without having paid the legal toll at such gates or turnpikes, such person shall forfeit and pay to the said company the sum of ten dollars, and shall be liable for all damages for the same, to be recovered by said company by an action of debt, or other proper action, in any court of competent jurisdiction, with costs of suit; and if any person with his or her carriage, team, or horses, turn out of said road to pass a gate or gates, and again enter on said road with intent to avoid the toll, and by virtue of this act such person or persons shall forfeit and pay to said company ten dollars.

Penalty for taking illegal tolls.

13. *And be it enacted*, That if any tollgatherer shall unnecessarily delay or hinder any traveler passing through any of the gates or turnpikes, or shall demand more toll than is by this act established, he shall, for every such offence, forfeit and pay ten dollars, with costs of suit, to be prosecuted by, and recovered for the sole use of the person so unreasonably delayed and defrauded.

Public highways to be vacated.

14. *And be it enacted*, That this act shall take effect immediately: that the said company shall not be authorized to enter upon any lands, survey, lay out, construct, or make any turnpike, until the public highway or highways upon which it may be determined to locate the same, shall be vacated according to the provisions of this act.

Vacation void if turnpike is not built in certain time.

15. *And be it enacted*, That the highway or highways upon which it may be determined to construct said turnpike, shall be vacated when three-fourths of the number of landholders along or on the route of said turnpike road shall consent in

writing to the construction of said turnpike; and when such consent of said three-fourths of said landholders shall be so obtained, the said highway or highways shall be forthwith deemed to be fully vacated for the purposes of this act; and in the consent of said vacation, the purpose shall be expressed, which vacation, unless said turnpike be built and completed from Shrewsburytown village to Tinton Falls or Colt's Neck village, in two years from the time of such consent, shall become null and void.

Approved March 20, 1857.

CHAPTER CXVII.

AN ACT to incorporate the Passaic Gas Light Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel Smith, Joseph C. Todd, Edgar Hudler, E. Boudinot Colt, and Phillip Rafferty, and all and every person or persons who may become subscribers according to the mode hereinafter prescribed, and their successors, are hereby created a body politic and corporate in fact, by the name of "The Passaic Gas Light Company."

Company authorized to lay down pipes, &c.

2. *And be it enacted*, That the said corporation shall be empowered to lay down their gas pipes, and to erect gas posts, burners and reflectors, in the streets, alleys, lanes, avenues and public grounds of the city of Paterson, and its vicinity, and the dwellings, stores, and other places situated therein; *provided*, that the public travel shall at no time be affected or impeded by the laying of the said pipes, or the erection of the said posts, and the streets, side and cross-walks, public grounds, lanes and avenues, shall not be injured, but all be left in as good and perfect condition as

Proviso.

before the laying of the said pipes, or the erection of the said posts.

Commissioners to receive subscriptions.

3. *And be it enacted*, That Samuel Smith, Joseph C. Todd, and Edgar Hudler 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 twenty-five dollars each; and the said commissioners, or a majority of them, shall open books for that purpose, at such times, and in such place or places, within the state, as they shall designate by a public advertisement, to be previously inserted, for at least three weeks, in two public newspapers printed in Paterson, and shall continue the same open until the said capital stock shall be subscribed, or at their discretion close the same after they have remained open two days, and again open the same, at some other time or times, place or places, giving public notice thereof as aforesaid; the sum of ten per centum on each share so subscribed shall be paid in specie, or in the bills of banks which redeem their bills with specie, by each subscriber, at the time of subscription, to the said commissioners, or a majority of them; and each subscriber shall be entitled to receive a certificate for such stock, from said commissioners; and the amount so received by said commissioners at the time of subscription, shall, by them, or a majority of them, be paid over to the directors of the said company, to be appointed as hereinafter directed; and all the powers of the said commissioners shall cease and determine on the appointment of such board of directors; and the said board, when so appointed, shall have power, and they are hereby authorized, from time to time, under the foregoing regulations, to open the books for the further subscription of stock, until the whole stock subscribed amounts to the sum of one hundred thousand dollars; and are also authorized to call upon the said subscribers for the payment of further installments, in such sum or sums, at such time or times, and under such forfeiture or forfeitures as they may deem expedient, until the whole amount of said shares so subscribed shall have been fully paid.

4. *And be it enacted*, That the management of the concerns

of the said company shall be vested in seven directors, to be selected from the stockholders, a majority of whom shall be residents of the county of Passaic; and the said directors shall choose, by a plurality of votes, a president from among themselves; and as soon as conveniently may be after twenty thousand dollars shall have been subscribed, the before-named commissioners, or a majority of them, shall convene the said stockholders, by public notice to be given as aforesaid, and at such time and place as they shall designate in such notice, to choose the first board of directors, who shall hold their offices until the first Monday in May, eighteen hundred and fifty-eight; and the said directors and president shall hold their offices from the first Monday of May in every year, for one year, and shall be elected on the first Monday of May in each year, at such time and place as a majority of the directors shall appoint, and public notice shall be given of the time and place of holding such election, for ten days, in a newspaper published in Paterson; and any vacancy in the said board of directors may be supplied by appointment to be made by the board of directors, until the next election; and all elections shall be by ballot of the stockholders, or their proxies, allowing one vote for each share which they shall have held in his, her, or their name or names, at least fourteen days before the time of voting. Annual election of directors.

5. *And be it enacted*, That if at any time an election is not held on the day herein appointed, the corporation shall not be dissolved for that cause, but an election shall be held in such manner as is directed by the by-laws at any time within one year. 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. Quorum.

7. *And be it enacted*, That the stock of the corporation shall be transferable according to the by-laws and regulations of the corporation, and shall be considered personal property; and the stock and transfer books shall be opened 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 whatsoever, Penalty for injuring works.

thereby to injure any conduit, pipe, cocks, machine, or structure whatsoever, or anything appertaining to the works of the said corporation, or whereby the same may be stopped, obstructed or injured, the person or persons so offending shall be considered guilty of a misdemeanor, and being thereof convicted shall be punished by fine not exceeding three hundred dollars, or imprisonment at hard labor not exceeding two years, or both; *provided*, such criminal prosecution shall not in anywise impair the right of action for damages by a civil suit, hereby authorized to be brought for any such injury as aforesaid, by and in the name of the said corporation, in any court of this state having cognizance of the same.

Proviso.

Books of account to be kept.

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

Rates for gas

10. *And be it enacted*, That it shall not be lawful for the said corporation to charge any person or persons whatsoever, a sum above three dollars per thousand for each and every thousand feet of gas sold by said company.

Restrictions and liabilities.

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

Approved March 20, 1857.

CHAPTER CXVIII.

AN ACT to incorporate the Bradley Manufacturing Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George Bradley, Wm. Cundell, Samuel Smith, James Kershaw, and Patrick Magennis shall be and they are hereby declared a body corporate and politic, by name of "The Bradley Manufacturing Company," for the purpose of manufacturing woolen, silk and cotton machinery and agricultural instruments.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be twenty-five thousand dollars, divided into shares of one hundred dollars each, and the persons named in the first section of this act are hereby appointed commissioners to receive subscriptions to said capital stock, at such place or places in the city of Paterson, as the majority of them shall appoint, and as soon as thirty shares of said stock shall be subscribed, and ten dollars on each share so subscribed paid to the said commissioners, the said commissioners shall call a meeting of the stockholders for the purpose of organizing said company.

Election of directors.

3. *And be it enacted*, That the business of said corporation shall be managed by not less than three nor more than five directors, all of whom shall be stockholders, and one of whom shall be president, who shall hold their office for one year, and until others are elected in their stead, and every year thereafter at such time and place, and upon such notice as the by-laws may appoint, an election shall be held, at which election every stockholder shall be entitled to one vote, either in person or by proxy, for every share of stock he may own.

Stock transferable.

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

Books of account to be kept.

5. *And be it enacted*, That the regular books of account shall be kept at the office of said company, in the city of

Paterson, to which books every stockholder may have free access at all reasonable times, for the purpose of inspection.

Approved March 20, 1857.

CHAPTER CXIX.

AN ACT to incorporate the Lopatcong Fire Insurance Company, in the county of Warren.

Style of incorporation.

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

Amount of capital stock.

2. *And be it enacted*, That the capital stock of the said company shall not exceed three hundred thousand dollars, and shall be divided into shares of fifty dollars each; and there shall be paid into the treasury of said corporation, by each subscriber to the capital stock, at the time of subscription, an installment of five per cent. on the stock by him subscribed, and the remainder shall be paid at such time as the president and directors may require; and that the said company shall not commence business until thirty thousand dollars shall be paid in.

Election of directors.

3. *And be it enacted*, That the stock, property, and affairs of the said corporation shall be managed and conducted by nine directors, who shall be residents of the state of New Jersey aforesaid, who may respectively hold their offices for one year and until others are chosen in their stead; the annual election for directors shall be held on the second Monday

of February in each year, at the office of the company in Phillipsburg, notice of which shall be given in one or more of the newspapers published in the county aforesaid, 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.

Directors to elect president.

4. *And be it enacted*, That it shall be the duty of the directors, in organizing the company, and annually thereafter, to choose out of their number a president, who shall be a resident of the county aforesaid.

Commissioners to receive subscriptions.

5. *And be it enacted*, That John F. Dumont, John Lauder, John S. Bach, Henry Bowers, and Lawrence Lomerson, 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 more of the newspapers at Belvidere, in said county, 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 vacancy, by resignation or otherwise, among the commissioners above appointed, then the remainder shall select others to supply the vacancy so occasioned.

Proviso.

What property may be insured.

6. *And be it enacted*, That the said company shall have power to make insurance upon goods, wares and merchandise, dwelling-houses, stores, and all kinds of buildings, household furniture, and other property, against loss or damage by fire, and to cause themselves to be reassured when deemed expedient.

Policies, how made.

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 and attested by the secretary, and being so signed,

executed and attested, shall be binding and obligatory upon the said corporation, according to the time, 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.

Company may hold real estate.

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 and 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.

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 installments aforesaid, shall forfeit the same to the said corporation, and all payments made thereon, and all profits that may have arisen thereon.

Dividends.

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 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, 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 protest in one or more of the newspapers published in said county.

State tax.

11. *And be it enacted*, That the said company shall pay into the treasury of this state, for the school fund, 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.

Limitation.

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.

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

Approved March 20, 1857.

CHAPTER CXX.

AN ACT to incorporate "The Washington Continental Guard," of Paterson.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joel M. Johnson, Willis L. Childs, Garret H. Ramsey, Harmon Hockenbury, William Rutan, Columbus Force, Henry L. Reed and John F. Neil, and all of the duly elected and enrolled as members of "The Washington Continental Guard," of the city of Paterson, not exceeding in number one hundred, who now or hereafter shall become associated with "The Washington Continental Guard," be and they are hereby constituted and declared to be a body corporate in fact and in law, by the name of "The Washington Continental Guard."

Amount of capital stock.

2. *And be it enacted*, That the capital stock of the said company shall not exceed the sum of fifteen thousand dollars, and shall be devoted to the erection of an armory, and the procurement of such uniforms and military equipages, and the defraying of such expenses as shall be incident to such company, and for such other purposes as the said company may deem necessary to the more efficient and proper military discipline of the said company.

General powers.

3. *And be it enacted*, That said company shall have power to elect once in each year, or oftener if necessary, a president out of their own body, and such other officers as they shall deem necessary for conducting their affairs according to the constitution and by-laws adopted, or to be adopted by them, and that the said president shall keep in his custody the common seal of said company, and surrender the same to his successor at the expiration of his term of office, and that said company, in its corporate name, may institute suits for the recovery of all fines, dues, debts and arrearages due the said company by the said constitution or by-laws thereof, and may purchase, hold and transfer any real and personal estate which they may deem necessary for the purposes contemplated by this act.

4. *And be it enacted,* That the election for officers of the said company shall be annually on the first Monday of September, and shall be by ballot. Election of officers.

5. *And be it enacted,* That this act shall be deemed a public act. Public act.

Approved March 20, 1857.

CHAPTER CXXI.

AN ACT for the relief of William Weeks, of the county of Cape May.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That the treasurer of this state shall, and is hereby authorized and required to pay to William Weeks, of the county of Cape May, a soldier of the war of eighteen hundred and twelve, between the United States and Great Britain, the sum of fifty dollars per annum, to be paid half yearly, the first payment to be made on the passage of this act; and the receipt of the said William Weeks, or his order, shall be a sufficient voucher to the treasurer for such sum or sums of money as he may pay by virtue of this act in the settlement of his accounts. Treasurer to pay fifty dollars per annum.

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

Approved March 20, 1857.

CHAPTER CXXII.

A SUPPLEMENT to an act entitled "An act to incorporate the Princeton and Kingston Branch Turnpike Company," passed December third, eighteen hundred and seven.

Company authorized to issue preferred stock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Princeton and Kingston Branch Turnpike Company be and they are hereby authorized and empowered to convert six hundred shares of their unissued capital stock into an equal number of shares of preferred stock, the holders of which preferred shares shall be entitled to receive on the same, out of the first net earnings of the company, at the rate of eight per cent. per annum, payable semi-annually, before any dividends of profits are paid to the other shareholders; *provided*, that the holders of the preferred stock shall be entitled to share equally with the holders of the original stock, any and all net profits that may remain after six per cent. shall have been divided upon the present capital of the company.

Proviso.

Holders of original stock entitled to subscribe.

2. *And be it enacted*, That each holder of the original stock of the Princeton and Kingston Branch Turnpike Company shall be entitled to subscribe to the preferred stock in proportion to the amount of original stock held by him or her; *provided*, that so much of the preferred stock as shall not have been subscribed for by the holder of the original stock, may be sold either to the subscribers to the preferred stock, pro rata, or at private or public sale, as the directors of the company may think proper, and upon the best terms they can obtain for the same.

Proviso.

Company may McAdamize road.

3. *And be it enacted*, That it shall and may be lawful for said company to improve their road by McAdamizing, or otherwise, in such manner as they may see fit.

Part of road may be surrendered.

4. *And be it enacted*, That the said company be and they are hereby authorized and empowered to surrender and abandon to the city of Trenton all such part of said road lying within the limits of the said city of Trenton.

5. *And be it enacted*, That this act shall not take effect

until the consent, in writing, of a majority in interest of the stockholders of the said company shall have been obtained and filed in the office of the secretary of state. Act, when to go into effect.

Approved March 20, 1857.

CHAPTER CXXIII.

A SUPPLEMENT to the act entitled "An act to incorporate the Rahway Gas Light Company," approved February eighteenth, eighteen hundred and fifty-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the first section of the act to which this act is a supplement, as names the corporators, be and the same is hereby repealed, and that Josephus Shann, Isaac Osborn, Edward Y. Rogers, Joseph S. Smith, Amos C. Watson, Joseph T. Crowell, Jonathan Woodruff, Jacob R. Shotwell, and Francis Labaw, be and they are hereby substituted as corporators, in the room and stead of the corporators named in said act, to which this act is a supplement. Names of corporators.

2. *And be it enacted*, That the capital stock of the said company shall be twenty thousand dollars, with the privilege of increasing the same to fifty thousand dollars, if at any time deemed necessary for the purposes of the company. Amount of capital stock.

3. *And be it enacted*, That so much of the act to which this act is a supplement as is inconsistent with or repugnant to the provisions of this act, be and the same is hereby repealed. Part of former act repealed.

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

Approved March 20, 1857.

CHAPTER CXXIV.

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

Boundaries of borough.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the territorial limits of the borough of Hightstown shall hereafter be all that part of the township of East Windsor, in the county of Mercer, lying within the boundaries and descriptions following, to wit: beginning at the point where the line between lands of William Poland and lands late of Kenneth Applegate, deceased, strikes the south side of the old Freehold road, heretofore a corner of said borough; thence, westerly, along the south side of said road, to the middle of the Bordentown and South Amboy turnpike; thence, northerly, along the middle of said turnpike, one hundred and twenty-eight feet, more or less, to the corner between lands of Peter E. Wilson and lands late of Anthony Wilson, (now of Benjamin Reed;) thence along the said line of said Wilson and Reed, north, seventy-three degrees and thirty-six minutes west, as the needle now points, to a stone; thence, south, thirty-eight degrees west, to a stone in the Princeton road; thence, south, sixteen and a half degrees west, over the late General Cook's property, to the middle of said turnpike; thence, easterly, to the point where the northerly line of the Milford road strikes the old York road; thence, easterly, along the said northerly line of said Milford road one hundred and fifty yards; thence, direct, to the mouth of Timber river, to the line between R. M. Jobs's land and lands late of said Kenneth Applegate, deceased; thence along the present line of said borough direct to the place of beginning.

Penalty for violation of ordinances.

2. *And be it enacted*, That it shall and may be lawful for the common council, or a majority of them, in council assembled, to enforce the observance of all such laws, ordinances, and regulations as they are authorized to pass by the act to which this is a supplement, by enacting penalties for the vio-

lation thereof, either by imprisonment in the jail of the county of Mercer, not exceeding ten days, or by fine not exceeding fifty dollars, recoverable with costs, in an action of debt, and in the name of the treasurer of said borough, before any justice of the peace or the mayor of said borough, for the use of the corporation of said borough.

Part of former act repealed.

3. *And be it enacted*, That so much of the act to which this is a supplement as conflicts with the provisions herein contained, be and the same is hereby repealed.

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

Approved March 20, 1857.

CHAPTER CXXV.

A SUPPLEMENT to the act to secure to the owners lumber found adrift in the river Delaware, approved March seventeenth, eighteen hundred and fifty-five.

Act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act to which this is a supplement, shall be extended to all rails, posts, and other valuable lumber, boats, scows, skiffs, barges or other craft which may be found adrift, or lodged on the land of any person or persons; *provided*, that the compensation for securing any boats, skiffs, scows, barges or other craft shall be one dollar for each boat, scow, skiff, barge or other craft.

Proviso.

Approved March 20, 1857.

CHAPTER CXXVI.

A FURTHER SUPPLEMENT to an act entitled "An act to incorporate societies for the promotion of learning," approved April sixteenth, eighteen hundred and forty-six.

Election of trustees of Pennington Seminary.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the next session of the New Jersey Annual Conference of the Methodist Episcopal Church, the trustees of the "Pennington Seminary and Female Collegiate Institute of the Methodist Episcopal Church," shall be elected in equal numbers by the members of the Newark and the New Jersey Annual Conferences of the Methodist Episcopal Church, when in conference assembled.

Annual statement to be made.

2. *And be it enacted*, That it shall be the duty of the said trustees to lay before the said conferences, at each and every annual meeting thereof, the state of the institution, the condition of the funds, and the accounts and transactions of the preceding year, previous to the election of trustees.

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

Approved March 20, 1857.

CHAPTER CXXVII.

AN ACT to authorize the committee of the township of Union, in the county of Hunterdon, to sell and convey certain lands in said township.

Preamble.

WHEREAS, Joseph Waterhouse, late of the township of Union, county of Hunterdon, in this state, died seized of real estate in fee simple; and whereas, said Waterhouse left

heirs, which heirs are now chargeable to the aforesaid township of Union, therefore,

Committee anthorized to sell lands.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of the aforesaid township of Union are hereby authorized and empowered to sell the real estate whereof Joseph Waterhouse died seized, situated in the township of Union, county of Hunterdon, in this state, which sale shall be at public vendue, upon six weeks' advertisement in some newspaper of the county of Hunterdon, and by advertisements set up in three of the most public places of said county, for the like space of time; and all conveyances therefor shall be executed by the township committee of said township for the time being, and the circumstances of the application of this act shall be set forth at large in the deed, which deed or conveyance shall vest in the purchaser or purchasers, as good and perfect a title in the premises so conveyed as the heirs of the said Joseph Waterhouse were seized of at the time they became paupers and chargeable.

Disposition of proceeds of sale.

2. *And be it enacted*, That it shall be the duty of the township committee of said township, after paying all legal debts of Joseph Waterhouse, deceased, and deducting the expenses of such, and reimbursing the township for relief already granted, to put the balance at interest, to be kept as a fund for maintaining the heirs of Joseph Waterhouse, deceased, and when said heirs shall cease to be chargeable to said township, said committee to pay over the balance that may remain to the heirs aforesaid, or to their heirs, administrators, or legal representatives.

Approved March 20, 1857.

CHAPTER CXXVIII.

AN ACT to authorize the inhabitants of the townships of Hanover and Pequannack, in the county of Morris, to vote by ballot at their town meetings.

Township 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 townships of Hanover and Pequannack, in the county of Morris, authorized by law to vote at town meetings, are hereby authorized and required to elect by ballot, and not otherwise, at their respective town meetings, the following officers, until otherwise required by law, whose qualifications shall be the same as are now or may hereafter 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 highways as there are road districts, a town committee consisting of five persons, a superintendent of common schools, as many justices of the peace as the townships may be constitutionally entitled to elect, one or more constables, one or more pound keepers; and shall also, upon the same ballot, vote for the amount of money to be raised for the support of the poor, for school purposes, for the repairing of roads, rewards for the destruction of wolves, wild cats and foxes, and for the place of holding the next annual town meeting, and the election of state and county officers.

Officers of election.

2. *And be it enacted*, That the judge of election elected at the last or any future town meeting, shall preside at and conduct the election at the next annual town meetings respectively, and the clerk of the said townships shall be the clerk thereof: and the officers of said election shall be eligible to any office at said election except that of justice of the peace.

Mode of conducting election.

3. *And be it enacted*, That the election shall open at nine o'clock in the morning, and close at five 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 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.

Vacancies.

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

Township clerk to be clerk of town committee.

5. *And be it enacted*, That the clerks of the respective townships shall be the clerks of the respective town committees, and shall keep each books of minutes of the proceedings of said committees, which shall at all times be open to the inspection of the voters of the respective townships, and when the town committee of either of said townships 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 said county.

Annual report to be made.

6. *And be it enacted*, That the overseers of the poor and the township superintendents of public schools shall, at least ten days before the town meeting, prepare and lay before the town committee of such township their annual reports, now

required by law to be made at the town meeting, and the town committees shall prepare their annual reports at least ten days before the town meeting, and cause the same reports in this section mentioned, to be published once in two weekly papers in said connty previous to said township meeting, and by putting up three of said reports in three of the most public places in the said townships.

Report to be filed.

7. *And be it enacted*, That the reports of the town committees, the overseers of the poor, and the township superintendent of public schools, shall be filed and preserved by the town committees; in posting up the list of officers elected as required by law, the clerks 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 annual town meeting, unless otherwise changed; and all special town meetings at the place of holding the last preceding annual town meeting; the same ballot box shall be used at the town meetings, and provided by the clerk, which is used at the state and county elections; the judge of election and clerk shall receive the same compensation for attending any town meeting as for attending a state and county election, and the town committee shall allow the clerk such compensation for additional duties required by this act as they may deem reasonable.

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

Approved March 20, 1857.

CHAPTER CXXIX.

AN ACT to authorize the devisees of Abraham Arndt, deceased, to execute a deed for certain real estate in the county of Warren, to the heirs of Joseph Emery, deceased.

Preamble.

WHEREAS, Abraham Arndt, late of the county of Warren, deceased, in his lifetime agreed by verbal contract to convey to one Joseph Emery a certain lot of land situate in the village of Phillipsburg, in the county of Warren, forty feet in width, bounded on the east by the New Jersey turnpike, on the west by the river Delaware, on the north by land of Peter Winter, and on the south by land of William Stites, for the consideration of two hundred dollars, one-half of which was paid by said Joseph Emery to said Abraham Arndt, and said Joseph Emery entered upon said land under said contract, and occupied and possessed the same until his death; and said Joseph Emery died intestate, leaving a widow and five children, one or more of whom are in their minority, and the widow of said Joseph Emery has since died; AND WHEREAS, since the decease of said Joseph Emery, the railroad track of the Belvidere Delaware Railroad Company has been laid through said land, and the value of the land and damages have been assessed to the owners of said land, amounting to about seventy-five dollars, according to the directions of the act incorporating said company; AND WHEREAS, said Abraham Arndt, after making said contract, died, and by his last will and testament, in writing, since his decease duly proved and recorded in the surrogate's office of the county of Warren aforesaid, devised the whole of his real estate to his only children, Joseph King Arndt and Hart Johnson Arndt, for life, as follows, to wit: one equal undivided half part thereof to said Joseph King Arndt during his life, and at his decease to his issue in fee simple, and in case he should die without issue, then to Mary King, sister of the testator, in fee simple; and the other equal undivided half part thereof to his nephew, Abraham King

Arndt, in trust for the use of said Hart Johnson Arndt during his life, and at his death to his issue in fee simple, and in case he should die without issue, then to the said Mary King in fee simple; and did appoint said Abraham Arndt King sole executor of said last will and testament, and said executor hath since died, and said Abraham Arndt died without executing a deed for said lot of land, and said Joseph Emery, at his death, owned no estate except his interest in said lot of land under the contract aforesaid; AND WHEREAS, said Joseph King Arndt and Hart Johnson Arndt have represented the foregoing facts under oath to this legislature, and stated that they are willing to execute a deed for said lot of land according to said contract—therefore,

Devisees authorized to execute deed

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said Joseph King Arndt and Hart Johnson Arndt be and they hereby are authorized to execute a deed of conveyance of said lot of land to the heirs of said Joseph Emery, upon payment to them of the balance of the purchase money due on said contract, subject, however, to the rights of the Belvidere Delaware Railroad Company as aforesaid.

Payment of purchase money.

2. *And be it enacted*, That the Belvidere Delaware Railroad Company be and they hereby are authorized, on the execution of said deed of conveyance, to pay to the said Joseph King Arndt and Hart Johnson Arndt, the value of the land and damages assessed as aforesaid as part of the purchase money due on the contract aforesaid.

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

Approved March 20, 1857.

CHAPTER CXXX.

AN ACT to authorize the formation of associations to aid those who may wish to establish and carry on useful branches of industry in either of the counties of Mercer, Hunterdon, or Gloucester.

Mode of forming associations.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any number of persons, not less than ten, to form themselves into an association, in either of the counties of Mercer, Hunterdon or Gloucester, for the purpose of aiding those who may wish to establish and carry on useful branches of industry therein, and upon causing a certificate signed by themselves, setting forth that they have formed such an association under the provisions of this act, and the name adopted therefor, to be filed and recorded in the office of the clerk of the county in which the same may be formed, then said persons, and those who may thereafter become associated with them, and their successors, shall thereby become a body corporate and politic in law for the purposes authorized by this act.

Subscriptions for capital stock.

2. *And be it enacted*, That it shall be lawful for every such association to open subscriptions among its members and those who may be willing to become such, and to raise such capital as may be needed for its purpose, upon such terms and conditions, and payable in such installments as the association may determine, and to issue to each subscriber, on payment of his subscription, certificates of stock, of such value as may be agreed on, which certificates shall set forth the number of shares belonging to the holders thereof, and shall entitle the said holders, respectively, to one vote for each share of stock held by them, in all elections, and other questions to be determined by the stockholders.

Association may purchase lands.

3. *And be it enacted*, That every such association may purchase and improve lands within the county in which the same may be located, and erect and construct thereon buildings for manufacturing or other purposes, and may sell or let the same or any part thereof, or they may sell any of their lands,

and furnish funds by way of loan to the purchasers, for the erection of buildings thereon, taking such security therefor as may be agreed on.

Constitution and by-laws.

4. *And be it enacted*, That every such association may adopt such form of constitution and such by-laws, as to them shall seem right and proper, and may alter and amend the same from time to time in the manner therein provided; but nothing in said constitution or by-laws shall be repugnant to the constitution of this state or the United States, or to this act.

Election of officers.

5. *And be it enacted*, That it shall be lawful to hold elections for officers of any such association, at any time between the hours of ten in the morning and ten in the evening, provided the poll at every such election shall be kept open at least one hour.

Amount of capital.

6. *And be it enacted*, That no association under this act shall have a capital of more than three hundred thousand dollars, nor own at any time more than two hundred acres of land, nor continue in existence for a longer term than thirty years, from the date of the certificate of its establishment.

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

Approved March 20, 1857.

CHAPTER CXXXI.

AN ACT for the better protection of the counties of Monmouth and Middlesex from contagious diseases, likely to be engendered by the presence of infected vessels from foreign and other ports, in the waters of Raritan and Sandy Hook Bay.

Preamble.

WHEREAS, at all times, the counties of Monmouth and Middlesex may be exposed to great danger from contagious disease, and the spread thereof, by the entering of infected vessels, from foreign and other ports, bound to New York or elsewhere, within the waters embraced in Sandy Hook Bay, or in waters adjacent thereunto, of Raritan Bay, within the jurisdiction of this state;

Sheriffs to order removal of vessel.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever hereafter it shall be brought to the notice of the sheriffs of the counties of Monmouth or Middlesex, or either of them, that an infected vessel or vessels, from any foreign or other port, bound for the city of New York or elsewhere, on board of which any infection may then be, or may have lately been, or which may have come from any port where any infectious disease prevails that may endanger the public health, that then and in such case it shall be the duty of the sheriffs, or either of them, to whom such notice as aforesaid has been given, as soon as it is practicable so to do, to order the commanding officer or officers of said vessel or vessels to remove the same beyond the waters lying within the jurisdiction of this state; and, upon refusal so to do, it shall be lawful for the said sheriffs, or either of them, to call to their or his assistance the power of their respective counties, to aid in effecting such removal in the most expeditious manner possible.

Erection of hospitals at Sandy Hook a misdemeanor.

2. *And be it enacted*, That any erection or erections hereafter made upon the shores of Sandy Hook, for the purpose of an hospital or hospitals for the accommodation or shelter of any person or persons sick of any contagious diseases brought by such vessel or vessels, as mentioned in the first section of

this act, shall be and is hereby declared a misdemeanor; and any person or persons engaged in the erection, or authorizing the erection of the same, shall be punished by a fine, not exceeding one thousand dollars, or imprisonment for a term not exceeding six months, or both; and said erection or erections shall be considered a public nuisance; and the sheriff of Monmouth is hereby required to abate the said nuisance, as such, calling to his assistance so many persons as he shall require for effecting the same.

Compensation to sheriffs.

3. *And be it enacted*, That the said sheriffs or sheriff, so employed as aforesaid, shall receive, as compensation for such service, when rendered, the sum of five dollars per diem, for every day in which he or they shall be so employed, said compensation to be paid by the treasurer of this state, upon an affidavit or affirmation made by the officer or officers applying for the same, stating that such service has been rendered, and the number of days employed in said service.

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

Approved March 20, 1857.

CHAPTER CXXXII.

AN ACT for the preservation of oysters in Dennis creek, in the county of Cape May.

Penalty for dredging for oysters.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person or persons shall dredge for oysters in Dennis creek, in the county of Cape May, he or they shall be deemed guilty of a misdemeanor, and on conviction thereof shall be adjudged to pay a fine of not less than ten dollars, nor more than one hundred dollars, or be imprisoned in the county jail for not less than ten nor

more than thirty days, at the discretion of the court; and also shall, by the judgment of said court, forfeit his boat or vessel and dredging machine, together with all fixtures connected with said boat or vessel used at the time of said offence.

Penalty for removing oysters.

2. *And be it enacted*, That if any person or persons shall at any time take and remove oysters from the natural beds in Dennis creek aforesaid, for the purpose of conveying or selling them out of the county of Cape May, he or they shall be liable for every offence to pay a penalty of not less than twenty-five dollars, nor more than three hundred, or be imprisoned in the county jail for not less than ten nor more than twenty days, or both, at the discretion of the court, to be recovered by action of debt, within six months after the offence committed.

Penalty for removing oysters by non-residents.

3. *And be it enacted*, That if any person or persons, not residing in the county of Cape May, shall take or remove oysters out of Dennis creek aforesaid, for the purpose of conveying or shipping them out of said county, he or they shall be deemed guilty of a misdemeanor, and on conviction thereof shall pay a fine of not less than ten nor more than one hundred dollars, or be imprisoned for a term of not less than ten or more than thirty days, in the county jail, or both, at the discretion of the court.

Disposition of fines and forfeitures.

4. *And be it enacted*, That one-half of the fines and forfeitures mentioned in this act shall go to the informer or prosecutor, and the other half to the county collector, to be appropriated to the school fund of Cape May.

Approved March 20, 1857.

CHAPTER CXXXIII.

AN ACT relative to the court of pardons.

Part of former act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the third section of the act entitled "an act relative to the court of pardons," as limits the powers of the said court to grant pardons or remit fines and forfeitures in any case, after conviction, be and the same is hereby repealed.

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

Approved March 20, 1857.

CHAPTER CXXXIV.

AN ACT relative to taxes on public roads.

Land not subject to tax.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all land covered by a public road laid out over the same shall be wholly free from taxation.

Overseer not to employ workmen between certain times.

2. *And be it enacted*, That it shall not be lawful for any overseer of any road to require or employ any person to work on any road between the first day of October and the first day of April, except it may be necessary to make the roads passable, which may be obstructed by snow or rain.

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

Approved March 20, 1857.

CHAPTER CXXXV.

AN ACT for the relief of Harvey Dayton.

H. Dayton restored to citizenship.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Harvey Dayton, of Essex county, be and he is hereby restored to all his rights and privileges as a citizen of New Jersey.

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

Approved March 20, 1857.

CHAPTER CXXXVI.

AN ACT to create a new township in the county of Essex, to be called the township of Millburn.

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 Springfield, in the county of Essex, lying north of the north line of the county of Union, shall be, and the same is hereby made a new township, to be called and known by the name of the township of Millburn.

Inhabitants incorporated.

2. *And be it enacted*, That the inhabitants of the said township of Millburn shall be and they 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 Millburn, in the county of Essex," and that the said township shall be vested with and entitled to all the rights, powers, privileges, authority and advantages, and subject to the same regulations, government and liabilities as the inhabitants of the other townships in the said county of Essex, are

or may be entitled or subjected to by the existing laws of this state.

Times of meetings.

3. *And be it enacted*, That the inhabitants of the said township of Millburn hereby created, shall hold their first annual town meeting at the house of David Jones, in said portion of said township of Millburn, on the day appointed by law for holding the annual town meetings in the other townships in the county of Essex, and afterwards, at such place in the said township of Millburn as the inhabitants thereof shall determine, in the manner prescribed by law.

Township committees to allot and divide property.

4. *And be it enacted*, That the town committees of the townships of Springfield and Millburn shall meet on the Monday next after the annual town meeting in the said townships, at the house of James Cooper, in the township of Springfield, in the county of Union, 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 property and money on hand or due, in proportion to the taxable property and ratables as taxed by the assessors within their respective limits at the last assessment; and shall also ascertain and determine which of the paupers, now supported by the township of Springfield, have their residence in that part of the said township now set forth and created as the new township of Millburn; and the inhabitants of the township of Millburn shall be liable to pay their just proportion of the debts, if any there should be, and to support and maintain the paupers so allotted to them; and if any 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 decision of a majority of those present shall be final and conclusive; *provided*, that it shall and may be lawful to adjourn the above meeting to such time and place, within either of said townships, as a majority of those assembled as aforesaid may think proper.

Proviso.

Settlement of paupers.

5. *And be it enacted*, That all paupers who may be chargeable to the said township of Springfield 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.

Present officers to continue.

6. *And be it enacted*, That nothing in this act shall be construed as to interfere with the officers now elected in that part of the said township of Springfield now created into the township of Millburn, nor with the commissions of the justices of the peace, nor commissioners to take the acknowledgment and proofs of deeds, until they expire by their own limitation.

Assembly district.

7. *And be it enacted*, That the said township of Millburn shall be included in and constitute a part of the third assembly district in the county of Essex.

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

Approved March 20, 1857.

CHAPTER CXXXVII.

AN ACT to regulate and establish a uniform rate of charges for legal advertising in the state of New Jersey.

Rates for advertising.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the price for publishing any legal notice, sheriff's sale, or any order, citation, summons, or any other proceeding or advertisement required by law to be published in any newspaper, shall be forty cents per folio (one hundred words) for the first insertion, and twenty cents per folio for each subsequent insertion after the first.

Former acts repealed.

2. *And be it enacted*, That all existing laws, or parts of laws, inconsistent with the provisions of this act, are hereby repealed.

Act to go into effect.

3. *And be it enacted*, That this act shall take effect on the first day of April, one thousand eight hundred and fifty-seven.

Approved March 20, 1857.

CHAPTER CXXXVIII.

AN ACT for the collection of demands against ships, steamboats, and other vessels.

Certain debts to be a lien on vessel.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever a debt shall be contracted by the master, owner, agent, or consignee of any ship or vessel, within this state, for either of the following purposes:

I. On account of any work done, or materials or articles furnished in this state, for or towards the building, repairing, fitting, furnishing, or equipping such ship or vessel.

II. For such provisions and stores furnished within this state for the use of such vessel at the time when the same were furnished.

III. On account of the wharfage and the expenses of keeping such vessel in port, including the expense incurred in employing persons to watch her.

Such debt shall be a lien upon such ship or vessel, her tackle, apparel and furniture, and continue to be a lien on the same for nine months after the debt was contracted, and shall be preferred to all other liens thereon, except mariner's wages.

Lien may be enforced by warrant.

2. *And be it enacted*, That any person having due him the sum of twenty dollars or upwards, upon any debt contracted for any of the purposes hereinbefore specified, may

make application to any officer authorized by law to perform the duties of a commissioner, appointed by the justices of the supreme court to take special bail and to administer oaths or affirmations, or to one of the justices of the supreme court, or to one of the judges of the court of common pleas of the county, for a warrant to enforce the lien of such debt, and to collect the amount thereof.

Application for warrant.

3. *And be it enacted*, That such application shall be in writing, and shall specify:

I. By whom such debt was contracted, and for what ship or vessel.

II. The items composing such debt.

III. It shall be verified by the affidavit of the creditor, or of the person making the application in his behalf, stating that the sum claimed in such account is justly due to the person in whose behalf such application is made, over and above all payments and discounts.

And the facts and circumstances to establish such demand shall also be verified by the affidavits of one or more disinterested witnesses.

Officer to issue warrant.

4. *And be it enacted*, That the officer to whom such application shall be made, shall thereupon issue his warrant to the sheriff or any constable of the county, or, in their absence, to any coroner of the county, commanding him to attach, seize, and safely keep such ship or vessel, her tackle, apparel and furniture, to answer all such liens as shall be established against her, according to law, and to make return of his proceedings under such warrant to the said officer, within ten days after such seizure.

Sheriff, &c., to execute warrant and make return.

5. *And be it enacted*, That the sheriff or other officer to whom any such warrant shall be directed and delivered, shall forthwith execute the same, and shall keep the ship or vessel and other property seized by him, to be disposed of as hereinafter directed; he shall, also, within ten days after such seizure, make a return to the officer who issued the warrant, stating therein particularly his doings in the premises, and shall make out, subscribe, and annex thereto, a just and true inventory of all the property so seized; which inventory shall be signed by him and annexed to his return.

No other warrant to issue against same vessel.

6. *And be it enacted*, That whenever any such warrant shall be issued, no other warrant shall issue against the same ship or steamboat, or other craft or kind of vessel, unless the first warrant be superseded.

Notice to be published.

7. *And be it enacted*, That the officer issuing any such warrant, shall thereupon immediately order the notice hereinafter directed, to be published in one or more of the newspapers printed in the county to which the warrant shall be issued; and if there be none printed in such county, then in a newspaper printed nearest to such county, once a week for three months successively, or oftener, if he shall deem proper.

Description of notice.

8. *And be it enacted*, That such notice shall contain the following matters:

I. It shall state the issuing of such warrant, the name of the vessel seized, the port or place to which she belongs, and the name of her last commander.

II. It shall require all persons who claim to have any demands against said ship or vessel, her tackle, apparel or furniture, under the provisions of this act, to deliver an account of their respective claims to the said officer, within two months from the first publication of such notice, or that their remedy against such vessel will be forfeited.

III. It shall state that such vessel will be sold for the payment of the claims against such vessel, unless the owner, consignee or commander thereof, or some person interested therein, appear and discharge such warrant according to law, within three months from the first publication of such notice.

Any creditor may deliver account to officer.

9. *And be it enacted*, That any person having any lien under the provisions of this act, upon the property so seized, may deliver to the said officer an account in writing of his demand, accompanied by such affidavits and proofs as are hereinbefore prescribed, in relation to the first application by any creditor; and he shall thereupon be deemed an attaching creditor, and be entitled to the same benefits and advantages, and subject to the same responsibilities and obligations as the creditor at whose instance such warrant originally issued.

Liens to cease unless account is not presented within time limited.

10. *And be it enacted*, That all liens under this act upon the property so seized, an account of which shall not be pre-

sented to the said officer within the time limited in the notice, shall cease.

Owners, &c., may apply for order to discharge warrant.

11. *And be it enacted*, That the owner, consignee, agent, or commander of any vessel seized by virtue of any warrant issued pursuant to the provisions of this act, and any person interested in such vessel, may at any time before an order of sale shall be made as hereinafter mentioned, apply in person or by attorney, to the officer who issued such warrant, for an order to discharge the same.

Person applying for order to give bond.

12. *And be it enacted*, That such person shall execute and deliver to the officer to whom such application is made, a bond to the creditors prosecuting such warrant, in a penalty at least double the amount of the debts sworn to by such creditors, with such security as shall be approved by such officer, conditioned that the obligors therein will pay the amount of all such claims and demands as shall have been exhibited, which shall be established to have been subsisting liens upon such vessel, pursuant to the provisions of this act, at the time of exhibiting the same respectively.

Warrant discharged on delivery of bond.

13. *And be it enacted*, That upon such bond being executed and delivered, the said officer shall thereupon grant his order, discharging the warrant that may have been issued by him; and no further proceedings against the vessel so seized, shall be had under the provisions of this act, founded upon any demands included in such bond.

Bond to be held for benefit of all attaching creditors.

14. *And be it enacted*, That every such bond shall be held for the common benefit of all the attaching creditors, and may be prosecuted by any of them jointly, or by any one of them separately, in respect to his separate demand.

Suits upon bond.

15. *And be it enacted*, That in the suit upon such bond, the attaching creditors, respectively, shall state in their declaration their respective demands, alleging the work to have been done, or the materials or articles furnished, or the expenses incurred, at the request of the master, owner, agent, or consignee of such vessel, as the case really was, averring that the claim therefor was a subsisting lien on such vessel at the time of the exhibition thereof, as hereinbefore provided: and shall assign, as a breach of the condition of such bond, the non-payment of the claim of such creditor.

Plea of defendants.

16. *And be it enacted*, That to such declaration, the defendants may plead as in other actions of debt on bond, and may plead to such assignment of breaches; and the same proceedings shall be had on such bond as provided by law on bonds with other conditions than for the payment of money.

Proceedings when debt is over twenty dollars.

17. *And be it enacted*, That if it shall be found by the judgment in such suit, or by the verdict of the jury impanneled to try any issues joined therein, that the sum of twenty dollars or upwards was due to any plaintiff in such suit, upon any claim or demand which, by the provisions of this act, was a subsisting lien upon such vessel, at the time of the exhibition thereof, as herein provided, judgment shall be rendered that such plaintiff have execution for the amount of such claim.

Proceedings when debt is less than twenty dollars

18. *And be it enacted*, That if it shall be so found that nothing, or a less sum than twenty dollars was due to any plaintiff in such suit, as specified in the last section, judgment shall be entered against such plaintiff, that he take nothing by his writ; and the court shall award to the defendants the costs incurred by them in resisting the claim of such plaintiff; and if it shall be found that twenty dollars, or a greater sum, is due to such plaintiff in such suit, the costs of the attachment, together with the sheriff's, constable's, or coroner's fees and expenses in keeping such ship or vessel, shall be taxed in the plaintiff's bills of costs, in such suit on such bond so directed to be given as aforesaid.

Proceedings in case warrant is not discharged.

19. *And be it enacted*, That if the creditors, who shall have exhibited their claims as herein provided, shall not have been satisfied, and if such warrant shall not have been discharged as before provided, within the time for that purpose limited, the officer who issued the same, within one month after the expiration of the time so limited, upon due proof of the publication of the notice herein required, shall issue his order to the sheriff, or other officer, who seized the vessel under such warrant, directing such sheriff or other officer to proceed and sell the vessel so seized, her tackle, apparel and furniture, and shall state in such order the amount necessary to be raised to satisfy such claims and expenses.

20. *And be it enacted*, That if it shall appear to such officer,

that the claims exhibited before him, and the expenses of the proceedings, can be satisfied by a sale of the tackle, apparel and furniture of such vessel, or of some part thereof, without selling such vessel, he shall modify his order accordingly.

In cases where sale of tackle, &c., will satisfy demand.

21. *And be it enacted*, That within twenty days after the service of such order, the sheriff or constable shall proceed and sell the vessel so seized by him, her tackle, apparel and furniture, or such part thereof as shall be sufficient to satisfy the claims exhibited and the expenses incurred, upon the same notice, in the same manner, and in all respects subject to the provisions of law in case of the sale of personal property upon execution.

Time of sale.

22. *And be it enacted*, That the sheriff or other officer shall return to the officer granting such order, his proceedings under the same; and the proceeds of such sale, after deducting his fees and expenses in seizing, preserving, watching and selling such vessel, shall be retained by such sheriff in his hands, to be distributed and paid as hereinafter directed.

Officer to make return of proceedings

23. *And be it enacted*, That at the time of issuing any such order of sale, the officer granting the same shall order a notice to be published in the same newspaper in which the notice of seizure was printed, as hereinbefore directed, once in each week for three weeks, requiring all persons who have exhibited any claims against such vessel, and the owner, agent, consignee, master, and all other persons interested in such vessel, to appear before him at a day therein to be specified, not less than thirty days and not more than forty days from the first publication of such notice, to attend a distribution of the proceeds arising from the sale of such vessel, her tackle, apparel and furniture.

Notice to be given of distribution of proceeds of sale.

24. *And be it enacted*, That on the day appointed in such notice, the officer shall hear the allegations and proof of the parties, and make distribution of the proceeds arising from such sale, after deducting the expenses of the proceedings, among the creditors who shall have exhibited their claims as herein provided, unless the claims of such creditors, or of some of them, be contested by the owner, agent, consignee or master of such vessel, or by some other of such creditors.

Distribution, how made.

25. *And be it enacted*, That in case of such contest, the

New Jersey State Library

Party contesting to file statement.

party making the objection shall file with the officer a written statement thereof, and his desire that the claims so objected to, be referred to referees, to examine and report thereon.

Parties may agree upon referees.

26. *And be it enacted*, That the party making such objection, and the creditors whose claims are contested, may agree upon three indifferent persons, by a writing to that effect, signed by them and filed with such officer.

27. *And be it enacted*, That if such referees be not selected by agreement, then the party making such objection shall nominate two disinterested persons, and the creditor or creditors whose claims are contested, shall also nominate two indifferent persons; or if either of them refuse or neglect,

Officer may select in case parties refuse.

the officer before whom the proceedings are pending, shall name two indifferent persons for the party or parties so refusing or neglecting.

28. *And be it enacted*, That the names of the persons thus nominated shall be written on four distinct pieces of paper, as similar in all respects as may be, which shall be rolled up separately and put into a box, and from thence said officer

Names to be drawn.

shall draw out three of them, and the persons whose names are so drawn shall be the referees to determine the controversy.

29. *And be it enacted*, That the officer before whom they shall be selected, shall certify such selection in writing, and

Officer to certify selection.

deliver a duplicate of the same, or of the written agreement of the parties appointing referees, to each of the parties.

30. *And be it enacted*, That such certificate or agreement shall be filed in the office of the clerk of the circuit court or court of common pleas, or county clerk, if such vessel was seized within the county, as shall be directed by such officer;

Certificate or agreement to be filed.

and a rule shall thereupon be entered by such clerk, in vacation or in term, appointing the persons so selected referees to determine such controversy.

Duties and powers of referees.

31. *And be it enacted*, That such referees shall have the same powers and be subject to the like duties and obligations, and shall receive the same compensation as referees appointed by the superior courts in personal actions depending therein.

32. *And be it enacted*, That the report of the referees shall

be filed in the same office where the rule for their appointment was entered, and shall be conclusive on the parties if not vacated by the court to which it was made. Report of referees to be filed.

33. *And be it enacted*, That either party shall have the same right to except to such report, as in cases of reference during the pendency of a suit, and the court shall proceed thereon in the like manner, and may, in its discretion, appoint new referees and direct a new hearing; judgment for costs shall be rendered against the failing party, and execution shall be awarded thereon, as in other cases. Parties may except to report.

34. *And be it enacted*, That upon the final report of such referees being confirmed, the officer before whom the proceedings were pending shall proceed to make distribution of the proceeds of the sale of such vessel, her tackle, apparel, and furniture, after deducting the expenses of the proceedings before him, among the attaching creditors according to such report. Proceedings after confirmation of report.

35. *And be it enacted*, That when a distribution shall be made by such officer, pursuant to either of the foregoing provisions, he shall make an order on the sheriff or other officer, having such proceeds in his hands, directing him to pay the same to the several attaching creditors entitled thereto, according to such distribution, and the same shall be paid accordingly; and all moneys remaining in the hands of such sheriff or other officer, after such payment, and after deducting his commission, shall be paid to the owner, agent, consignee, or master of such vessel. Sheriff to pay over proceeds.

36. *And be it enacted*, That if the proceeds arising from the sale of any vessel shall not be sufficient, after deducting all legal charges, to satisfy all the liens against such vessel, exhibited as herein provided, the officer ordering such sale shall order a fair and just distribution of such proceeds among the creditors whose claims shall have been ascertained by him, or by the report of referees as herein provided, in a just and equal proportion to the amounts of such claims respectively. Distribution to be made pro rata if proceeds are insufficient.

37. *And be it enacted*, That every officer who shall issue any warrant pursuant to the foregoing provisions, shall cause the applications, affidavits, and proofs presented to him by Proceedings to be filed with county clerk.

the attaching creditors, and copies of all warrants issued, and all orders made by him, with a bill of the fees and expenses allowed by him, to be filed in the office of the clerk of the county within thirty days after the order for distribution made by him; such a report, and a duly certified copy thereof by the clerk, shall be conclusive evidence that the proceedings stated therein were had before such officer, and upon such report being made, the circuit court may correct any errors that shall appear to have been committed in the proceedings, and make such order as shall be just, and may remit the proceedings to the officer who issued the warrant, or the court may proceed to do such acts and things as shall be necessary.

Attachment may be issued for disobedience of order.

38. *And be it enacted*, That every sheriff or other officer to whom a warrant may have been delivered, may be compelled by the officer having jurisdiction over the proceedings thereon to return the inventory required to be taken by him, and to pay over moneys in his hands pursuant to any order for that purpose, by an order of such officer, and by process of attachment for disobedience thereof, on the application of any creditor.

No lien to be enforced against vessels held by process from United States court.

39. *And be it enacted*, That no proceedings under this act to enforce the liens authorized by the provisions thereof, shall be had against any vessel which shall have been seized by virtue of process issuing from any court of the United States having admiralty jurisdiction, while such vessel is actually held under such seizure; nor against any vessel which shall have been sold by order of such court, except for debts contracted after such sale; but nothing in this section contained shall be construed to impair the validity of any liens created by this act, the payment of which shall be decreed in any court of the United States.

Proceedings in cases where vessels have been run afoul of.

40. *And be it enacted*, That whenever any ship or vessel shall have been run down or run afoul of by any other ship or vessel, through the negligence or wilful misconduct of those navigating such other ship or vessel, and shall thereby have sustained damage to the extent of twenty dollars or upwards, the owner of said ship or vessel so sustaining damage shall have a lien upon the ship or vessel causing such

damage in the manner aforesaid, her tackle, apparel and furniture, to the extent of such damage; the master, owner, agent, or consignee of the ship or vessel so receiving damage making an application in writing to the same officer as appointed, setting forth the name of the ship or vessel causing the damage, and the manner in which said damage was done, and the amount of said damage; and said application shall be verified by the owner or master navigating the vessel so damaged, and the facts contained in said affidavit shall also be verified by one or more disinterested witnesses.

Officer to issue warrant.

41. *And be it enacted*, That the officer to whom said application is made, in case he is satisfied that said damage arose from negligence or wilful misconduct on the part of those navigating the vessel causing the damage, may issue his warrant as provided in the fifth section of the act above referred to; and all proceedings under said warrant shall conform to the provisions of the said act.

Warrant to issue within twenty days.

42. *And be it enacted*, That the lien provided for under this act shall cease, unless a warrant shall issue within twenty days after the damage shall be done.

Proceedings to be filed and recorded.

43. *And be it enacted*, That this act shall apply to all vessels or other craft, whether the same shall be enrolled or licensed or otherwise; that the officer issuing such warrant, and acting in all the proceedings aforesaid, shall, after the final end and determination of such proceedings, file all the papers used in and about such proceedings, including the judgment and every other matter connected therewith, with the clerk of the county, who shall record the same in a book to be obtained and kept for that purpose; and such record, certified under his official seal, shall be received as evidence in all courts of law or equity; that the fees, costs and expenses arising in such proceedings shall be the same as allowed in the court of common pleas in this state, and governed and regulated by the fees and costs allowed in such court.

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

Approved March 20, 1857.

CHAPTER CXXXIX.

AN ACT relative to the American Alluminum Fire Brick and Water Pipe Manufacturing Company, in the county of Camden, incorporated under the general laws of the state of New Jersey, for manufacturing purposes.

Style of incorporation changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That "The American Alluminum Fire Brick and Water Pipe Manufacturing Company," be hereafter known and designated by the name and style of "The Haywood Fire Brick and Tile Manufacturing Company," and by that name have and exercise all the powers and privileges conferred by the laws of this state upon manufacturing companies incorporated under the law of this state, passed the fourteenth day of February, A. D. eighteen hundred and forty-six, and the supplements thereto, and be liable to all the duties and obligations imposed by said laws.

Company may have office in Philadelphia.

2. *And be it enacted*, That the said company shall and may be authorized and empowered to occupy an auxiliary office in the city of Philadelphia, for the meetings of the stockholders and directors at their discretion, and appoint agencies in the said city of Philadelphia and elsewhere, for the sale of their manufactured articles, and the purchase of such articles as are necessary and useful in carrying on their business; and the said company shall also have authority to occupy wharves, warehouses and sheds, in the city of Philadelphia and elsewhere, for the sale, landing and storage of their manufactured articles, and such articles as are requisite in the more easy conducting of their business.

Approved March 20, 1857.

CHAPTER CXL.

AN ACT to repeal the act entitled "An act to authorize the embankment of Haines' Neck Marsh Company, in the county of Salem."

Former act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "an act to authorize the embankment of Haines' Neck Marsh Company, in the county of Salem," approved November third, eighteen hundred and twenty-one, be and the same is hereby repealed.

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

Approved March 20, 1857.

CHAPTER CXLI.

AN ACT to incorporate the Atlantic City Gas Light Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William A. Rhodes, Isaac Lloyd, William H. Yeaton, Andrew K. Hay, Samuel Richards, William C. Milligan, and their associates, and all and every person or persons who may become subscribers to and owners of the capital stock hereby created, shall be and they and their successors are hereby created a body politic and corporate in fact and in law by the name of "The Atlantic City Gas Light Company," for the purpose and with the authority to manufacture, make, sell and distribute gas for the lighting of the streets, houses and other buildings in Atlantic city and its vicinity.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be twenty thousand dollars, with liberty to increase the same to one hundred thousand dollars, divided into shares of one hundred dollars each, to be subscribed and paid for as hereinafter directed.

Commissioners to receive subscriptions.

3. *And be it enacted*, That Isaac Lloyd, William H. Yeaton, Andrew K. Hay, William A. Rhodes, and William C. Milligan, shall be and they are hereby appointed commissioners, for the purpose of receiving subscriptions to the said capital stock, who, or any three of them, shall open books for that purpose at such time and in such places in the counties of Camden or Atlantic, as they shall designate, by a notice to be previously published for at least three weeks, once or more in each week, in some newspaper printed and published in the city of Camden, and also in some newspaper printed and published in the city of Philadelphia; said books to continue open by adjournment, or to be re-opened upon similar notice from time to time, as the said commissioners, or any three of them, may direct; that five per centum of the amount of each share shall be paid at the time of subscribing, to the commissioners, for which certificates shall be issued by said commissioners, until at least the sum of ten thousand dollars shall be subscribed; that when the sum of ten thousand dollars shall have been subscribed as aforesaid, the said commissioners, or any three of them, shall call a meeting of the subscribers and stockholders at some place in the counties of Camden or Atlantic, giving at least three weeks' notice of the time and place of said meeting, in the newspapers as aforesaid, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect, by ballot or otherwise, five directors to manage the affairs of said company, to hold office for one year, and until others are chosen in their stead; that the said directors shall, by plurality of votes, choose a president from among their own number, and also a treasurer; that on the appointment by such board of directors of a treasurer as aforesaid, the commissioners shall pay over to such treasurer the moneys so received, their reasonable expenses only being

first deducted, and the powers of said commissioners shall cease and determine.

4. *And be it enacted*, That the affairs of said company shall be managed by a board of five directors, to be elected annually at such times and in such manner as the company, by its constitution or by-laws, or otherwise, from time to time may direct, who shall serve for one year and until others are chosen in their stead, and who shall from time to time choose their president from their own number, and also appoint a treasurer, and such other officers as they may deem expedient; that the said company, so organized, shall have power to manufacture gas at Atlantic city, from rosin, bituminous coal, or other material, as may be deemed expedient, to enter into and execute contracts and agreements in relation to the objects of said corporation; to purchase and hold any estate, real or personal, necessary for the uses of said corporation; to borrow all moneys necessary for said objects at any time, not to exceed one-half of its capital actually paid in, and to secure any money so borrowed by bonds or other evidences of debt, and mortgage upon the property, real and personal, and the property franchises of said company, as may be deemed expedient. Election of directors.

5. *And be it enacted*, That the said company shall be authorized to lay down their gas pipes and to erect gas posts, burners and reflectors in the streets, alleys and other avenues of Atlantic city and vicinity, and to do all things necessary to light said town and the dwellings and other buildings situated therein; *provided*, public travel shall not be impeded thereby, that the streets and sidewalks shall not be injured, but shall be left in as good condition as the same were before the laying of the pipes or the erection of the posts of the said company. Company authorized to lay down pipes

Proviso.

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

7. *And be it enacted*, That the directors may from time to

Payment of installments.

time receive further subscriptions for stock to be subscribed for and paid at such times, in such manner, in such installments, and upon such notice as the directors, by by-laws or otherwise, may direct and appoint; and in case of failure by any stockholder to pay his or her installments at the time and place appointed for the payment thereof, or within thirty days thereafter, the directors, if they see fit, may declare the share or shares of such defaulting stockholders forfeited, with all previous payments thereon, to the use of the said company.

Penalty for injuring works.

8. *And be it enacted*, That if any person or persons shall wilfully do or cause to be done anything to injure the pipes, cocks, lamps, machines, works or structures of the said company, or anything appertaining thereto, whereby the same may be stopped, obstructed or injured, the person or persons so offending shall be guilty of a misdemeanor, and being thereof convicted, punished by fine not exceeding two hundred dollars, or imprisonment at hard labor or otherwise, not exceeding one year, or both; *provided*, such criminal prosecution shall not in anywise impair the right of action for damages by a civil suit by said company against persons guilty of such offence.

Proviso.

Annual statement to be made.

9. *And be it enacted*, That the directors shall make an annual report to the stockholders of the affairs of the company, of the amount of stock actually paid in, of the assets and debts of the company, and that no dividends shall be declared except from the actual profits of the company, and that the books of the company shall be at all times open for the inspection of the stockholders.

Act void if works are not built in certain time.

10. *And be it enacted*, That the said company shall erect and establish their said gas works within five years from the passage of this act, or otherwise this act shall become void, and of no effect, and the rights and privileges hereby granted become forfeited.

Former act repealed.

11. *And be it enacted*, That an act entitled "an act to incorporate the Atlantic City Gas Light Company," approved January thirty-first, eighteen hundred and fifty-four, be and the same is hereby repealed; and that it shall be lawful

for the legislature at any time to alter, amend or repeal this act.

Approved March 20, 1857.

CHAPTER CXLII.

AN ACT to incorporate the Bergen Point and Staten Island Ferry Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James H. Roake, Cornelius V. Clickener, and John M. Curry, and such other persons as may hereafter be associated with them by becoming stockholders as herein provided, and their successors, are hereby created a body corporate and politic, by the name of "The Bergen Point and Staten Island Ferry Company," for the purpose of establishing and maintaining a steamboat ferry from Bergen Point, in the county of Hudson, across the Kill Van Kull to the shore of Staten Island. Names of corporators.

2. *And be it enacted*, That the capital stock of said company shall be the sum of ten thousand dollars, to be divided into shares of one hundred dollars each; and that said James H. Roake, Cornelius V. Clickener, and John M. Curry shall be commissioners to receive subscriptions for said stock, and to distribute the same among subscribers; and that they shall open books for receiving subscriptions to the capital stock of said company at some place in the county of Hudson, having first given notice by advertisement published for twenty days in a public newspaper of said county, of the time and place of receiving such subscription; that the sum of five dollars shall be paid on each share at the time of subscribing, and the residue as called for by the company, and upon notice having been given in manner aforesaid of calling Amount of capital stock.

in any installment, the directors may, for non-payment, forfeit such stock.

Election of directors.

3. *And be it enacted*, That as soon as a majority of said shares are subscribed for, and the first installment paid thereon, said company may commence business; and said commissioners shall thereupon give notice in the manner aforesaid of a meeting of the stockholders to choose directors, and at the time and place so advertised for that purpose, and annually thereafter upon like notice, at such time as the by-laws of said company shall direct, the stockholders shall elect five stockholders to be directors of said company, who shall continue such for one year and until others are chosen in their stead; and if no election is held on the day provided by the by-laws, then it may be held on any day afterwards designated for that purpose by the directors upon like notice as aforesaid; and until directors are chosen, said commissioners shall be the directors of said company.

Duties and powers of directors.

4. *And be it enacted*, That said directors shall manage and control all the business and affairs of said company, shall choose a president out of their own number, and may appoint a secretary and such other officers as their by-laws may direct; and a majority of the directors and the president shall be residents of this state; and said directors shall have power to fill all vacancies that may occur in their number.

Company authorized to establish ferry

5. *And be it enacted*, That said company shall have the right, power and authority to establish and maintain a steamboat ferry from any part of Bergen Point, in the county of Hudson, within four hundred yards of the south termination of the plank road at Bergen Point, to any point or points on the shore of Staten Island on the opposite side of the Kill Van Kull; and it shall be the duty of said company to keep a steamboat running at said ferry from sunrise to sundown, at all seasons of the year, for the accommodation of the public, except when the navigation of the Kill Van Kull shall be impracticable or dangerous.

Rates for ferriage.

6. *And be it enacted*, That said company shall be entitled to have and receive, for transportation over said ferry, the following and no greater rates: for each passenger six cents; for each one horse wagon and driver twenty-five cents; for

each two horse wagon and driver thirty-seven cents; for each man and horse fifteen cents; for horses, mules and neat cattle ten cents each; and for all other carriages and merchandise such rates, in proportion to the above, as the directors shall from time to time ordain.

Former acts repealed.

7. *And be it enacted*, That all acts and parts of acts prohibiting the establishment of a ferry from any part of Bergen Point aforesaid to the shore of Staten Island or any part thereof, and all acts and parts of acts contrary to the provisions of this act, be and the same are hereby repealed.

Limitation.

8. *And be it enacted*, That this act shall continue in force for twenty-five years, and the legislature may, at any time when the public good may require, alter or repeal this act; and that if said company shall not establish and commence running their ferry within one year from the passage of this act, then this act shall be void.

Approved March 20, 1857.

CHAPTER CXLIII.

SUPPLEMENT to the act entitled "An act concerning divorces," approved April fifteenth, eighteen hundred and forty-six.

Divorces may be decreed for desertion.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That divorces from the bond of matrimony may be decreed for wilful, continued and obstinate desertion for the term of three years; but the decree or sentence of divorce in such case shall not render illegitimate the issue of any marriage so dissolved.

Part of former act repealed.

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

Approved March 20, 1857.

CHAPTER CXLIV.

A SUPPLEMENT to an act entitled "An act to incorporate the Burlington and Mount Holly Railroad and Transportation Company," approved February eleventh, eighteen hundred and forty-eight.

Company authorized to construct branch road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Burlington and Mount Holly Railroad and Transportation Company be and they are hereby authorized and empowered to survey, lay out, and construct an extension or branch of their railroad, with the necessary appendages and appurtenances, from some point at or near the present terminus of their said railroad in the town of Mount Holly, in the county of Burlington, to some point in or near the borough of Pemberton, in said county, and extend the same to New Egypt, in Ocean county, of like guage with their said railroad already constructed, and with as many sets of tracks as they shall think proper; and that, to enable the said company to complete and use the said extension or branch of their railroad, they be and they hereby are invested with all the powers, privileges and authority conferred by the original act of incorporation, and subject to all the liabilities, limitations and restrictions imposed by the same.

Capital stock may be increased.

2. *And be it enacted*, That the capital stock of the said company be increased one hundred thousand dollars, which shall be divided into shares of twenty-five dollars each, to be subscribed for in books opened by the directors on twenty days' notice, and an installment of ten per cent. then paid in, and the balance paid in as called for by the directors; *provided*, that no installment shall exceed five dollars on a share, nor the intervals between the installments be less than thirty days, and the notice shall be at least twenty days.

Proviso

When work may be commenced.

3. *And be it enacted*, That the work on the said extension or branch railroad shall not be prosecuted till the whole of the additional stock hereby authorized shall be subscribed, and the first installment paid in.

4. *And be it enacted*, That until the said extension or branch shall be opened for use from Mount Holly to Pemberton, the accounts of the receipts and expenditures for and on the same, shall be kept distinct from all other accounts of said company; the net receipts of the same, if any, shall be divided among the holders of the additional stock herein before authorized, and all other net receipts among the other stockholders; but as soon as the said road shall be opened for use to Pemberton, then the dividends shall be declared out of the net receipts of both parts of the road to all the stockholders, share and share alike. Payment of dividends.

5. *And be it enacted*, That as soon as the full sum of twenty-five dollars shall be paid upon the shares of the new stock herein authorized, the holders thereof shall have a right to vote on the same at elections and meetings of the stockholders of the said company. Holders of new stock authorized to vote.

6. *And be it enacted*, That from and after the next annual election of directors after the road shall be opened for use to Pemberton, the said "The Burlington and Mount Holly Railroad and Transportation Company" shall be called and known by the name of "The Burlington County Railroad Company," and by that name shall have all the powers, rights, and privileges, duties and obligations, that have been and are hereby conferred on or required of the said company by law, or by grants or contracts from, to, or with individuals or corporations. Corporate name changed

7. *And be it enacted*, That it shall and may be lawful for the said the Burlington and Mount Holly Railroad and Transportation Company to change or alter the location of their railroad, or such part thereof as they may deem advisable, and may extend the same to the river Delaware, at some point in or near the city of Burlington; and the said company, after filing in the office of the secretary of this state a survey of such location, as varied from the original location, shall be invested with all the powers and privileges, and subject to all the conditions in taking possession of and using the land on which the said road shall be re-located, for the use and construction thereof, which, by their act of Location may be changed.

incorporation, they might or could exercise or enjoy respecting the land over which the road was originally located.

Act when to go into effect.

8. *And be it enacted*, That this act shall go into effect as soon as the said company shall file their acceptance of the same, under their corporate seal and hands of their president and secretary, in the office of the secretary of state.

Approved March 20, 1857.

CHAPTER CXLV.

SUPPLEMENT to an act entitled "An act to incorporate the Bridgeton Gas Light Company," approved March tenth, eighteen hundred and fifty-three.

Additional commissioners appointed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Dayton B. Whitaker, Uriah D. Woodruff, Josiah D. Harbert and Benjamin Lanning be and they are hereby added to the commissioners appointed in said act, to receive subscriptions to the capital stock.

Commissioners to open books of subscription.

2. *And be it enacted*, That a majority of the said commissioners shall be authorized to open books to receive subscriptions to the capital stock of said corporation; and that the subscribers to said stock may and they are hereby empowered to meet, organize the company, and appoint a board of directors as soon as the subscription to said stock shall amount to ten thousand dollars.

Approved March 20, 1857.

CHAPTER CXLVI.

SUPPLEMENT to an act entitled "An act to incorporate the Cumberland Nail and Iron Company," passed March twenty-fifth, eighteen hundred and fifty-two.

Capital stock increased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Cumberland Nail and Iron Company be and they are hereby authorized and empowered to increase the capital stock of said company to five hundred thousand dollars, anything in the third section of the act to which this is a supplement to the contrary notwithstanding.

Approved March 20, 1857.

CHAPTER CXLVII.

SUPPLEMENT to an act entitled "An act to incorporate the Pleasantville and Atlantic Turnpike Company," passed February third, eighteen hundred and fifty-three.

Road may be faced with plank.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for said Pleasantville and Atlantic Turnpike Company to face such part or parts of said road as said company may think proper, with plank, subject to the same regulations and restrictions as if the same was faced with stone, gravel, or other material, as named in said act.

Time for obtaining subscriptions extended.

2. *And be it enacted*, That the time for obtaining subscriptions to the four hundred shares of capital stock of said Pleasantville and Atlantic Turnpike Company is hereby extended for the term of five years from the expiration of the time named in said act.

Approved March 20, 1857.

CHAPTER CXLVIII.

A SUPPLEMENT to an act entitled "An act to incorporate the Bordentown and Crosswicks Turnpike Company."

Road may be extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Bordentown and Crosswicks Turnpike Company are hereby authorized and empowered to construct and extend their road, from its present terminus, in the village of Crosswicks, along the public road leading to North Crosswicks, to a point near Henry G. Williams' dwelling house, and also to extend and construct their road from its present terminus in the borough of Bordentown, along the main road running from Crosswicks to Bordentown, to the centre of Main street, in said borough, in the county of Burlington, with the same rights and privileges, and under the same restrictions, except as hereinafter mentioned, as are provided in the act to which this is a supplement.

Company may receive toll.

2. *And be it enacted*, That it shall and may be lawful for the said company to erect and maintain along the lines of both the main and branch roads, and upon and within the lines of the original public roads, along or upon which the said main and branch turnpike roads are or shall be constructed, gates and convenient and proper toll houses or buildings, for the toll gatherers along the lines of said turnpike roads; and it shall be lawful for the said company to demand and receive toll, according to the provisions of the act to which this is a supplement, for traveling each mile and all fractions over one-half a mile of the said roads, not exceeding the rates specified in said act.

Certificate of acceptance to be filed.

3. *And be it enacted*, That before this act shall become operative against the said company, it shall be accepted by a majority in value of the stockholders, who shall attend a meeting thereof, to be held at "Franklin Hall," in Crosswicks aforesaid, upon at least twenty days' notice of such meeting, published in one newspaper printed and published in the borough of Bordentown; and at such meeting each

stockholder shall be entitled to one vote for every share of stock that he or she may hold, to be given in person or by proxy; and a certificate of such acceptance, signed by the president of said company, shall be filed in the office of the secretary of this state, within one month after the same shall be accepted.

Part of former act repealed.

4. *And be it enacted*, That the twenty-first section of the original act to which this is a supplement, be and the same is hereby repealed.

Restrictions and liabilities.

5. *And be it enacted*, That the said Bordentown and Crosswicks Turnpike Company shall possess the several powers, and be subject to the restrictions and liabilities contained in the act entitled "an act concerning corporations."

Approved March 20, 1857.

CHAPTER CLXIX.

A SUPPLEMENT to the act entitled "An act to incorporate the Cape May and Atlantic Railroad Company," approved March fourth, eighteen hundred and fifty-three.

Part of former act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the said act to which this is a supplement, as requires the president of said company to be a resident of this state, be and the same is hereby repealed.

Approved March 20, 1857.

CHAPTER CL.

A SUPPLEMENT to the act entitled "An act against usury."

Rate of interest.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for all savings institutions in this state, upon all loans and contracts made by them, to take and receive the value of seven dollars for the forbearance of one hundred dollars for one year, and after that rate for a greater or less sum, or for a longer or shorter time.

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

Approved March 20, 1857.

CHAPTER CLI.

A FURTHER SUPPLEMENT to an act entitled "An act to incorporate the Crosswicks and Trenton Turnpike Company," approved the seventeenth day of March, eighteen hundred and fifty-four.

Company authorized to construct branch road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Crosswicks and Trenton Turnpike Company are hereby authorized and empowered to construct a branch turnpike road, from their present branch turnpike road in the village of Yardville, in the county of Mercer, along or near the public road leading from said village to Bordentown, and to end at or near Crosswicks creek, in said county; also, should they deem it expedient, to construct a branch turnpike road from their present turn-

pike road, along or near the public road leading from White Horse to Bordentown, and to and at or near Crosswicks creek in said county, with the same rights and privileges, and under the same restrictions and penalties, except as hereinafter mentioned, as are provided in the act to which this is a supplement.

Capital stock increased.

2. *And be it enacted*, That for the purpose of enabling the said company to construct said branch turnpike roads, it shall and may be lawful for the said company to increase their capital stock to the sum of fifty thousand dollars, to be divided into shares of fifty dollars each; and that the directors of the said company for the time being, or a majority of them, may open subscription books and receive subscriptions to the said capital stock in like manner, and upon the same terms, as directed in the first and second sections of the act to which this is a supplement.

Company authorized to erect gates.

3. *And be it enacted*, That it shall and may be lawful for the said company to erect and maintain along the line of such branch turnpike roads, and upon and within the limits of the said public road along or near which the said branch turnpike roads shall be constructed, gates, and convenient and proper toll houses for the tollgatherers along such branch turnpike roads, and it shall and may be lawful for the said company to demand and receive toll, according to the provisions of their charter of incorporation, for travelling each mile and all fractions over one half a mile on said branch roads, or over the same, or any part thereof, in connection with the main and other branch roads of said company leading from Yardville to Allentown, or either of them, not exceeding the rates of toll specified in said original act of incorporation; and if any person, with his or her carriage, team, or vehicle, turn out of the said branch road hereby authorized to be constructed, or out of the main or other branch roads of the said company, or shall turn out of any other public road, and pass a gate or gates of said company upon private grounds adjacent to either of said turnpike roads, with intent to avoid the payment of the toll which would be due and payable for travelling over said turnpike roads, such person shall forfeit and pay to the said company five times

as much as the legal toll would have been for passing through the tollgate so avoided, to be recovered by the said company in an action of debt, with costs of suit.

Toll not to be collected if branch road is out of repair.

4. *And be it enacted*, That if at any time the said branch turnpike roads hereby authorized to be constructed shall not be in good traveling condition, according to the requirements of the charter of incorporation of said company, the said company shall have the right to collect tolls on their main roads and other branch roads (the same being in good traveling condition), without collecting toll on said branch road hereby authorized.

Charter not forfeited for constructing main road over public road.

5. *And be it enacted*, That the said company shall not, by reason of their having constructed their main turnpike road over or upon any lands adjacent or contiguous to the old public road known as the White Horse road to Trenton, by and with the consent of the owners of said lands, be subject to any inability or forfeiture of the rights and privileges vested in them by their charter of incorporation.

Penalty for injuring road.

6. *And be it enacted*, That if any person shall place, or cause to be placed, any obstruction in or along said turnpike road, that shall interfere with the travel or drains, or in anywise damage said road or roads, every such person shall be liable to a penalty of five dollars, to be recovered in an action of debt, with costs of suit.

Certificate of acceptance to be filed.

7. *And be it enacted*, That before this act shall become operative against the said company, it shall be accepted by a majority in value of the stockholders who shall attend a meeting thereof, to be held at the inn of Moses R. Quigley, at Yardville aforesaid, upon at least twenty days' notice of such meeting, published in two newspapers printed and published in the county of Mercer, and at such meeting each stockholder attending shall be entitled to one vote for every share of stock that he or she may hold, to be given in person; and a certificate of such acceptance, signed by the president of said company, shall be filed in the office of the secretary of this state, within one month after the same shall be accepted.

Approved March 20, 1857.

CHAPTER CLII.

A SUPPLEMENT to an act to incorporate companies to erect buildings for the use of lyceums, public libraries, scientific, charitable and benevolent associations, approved March seventeenth, eighteen hundred and fifty-four.

Formation of companies authorized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any number of persons exceeding four, to associate together for the purchase of lands, buildings, or for the erection of any building or buildings in this state for the use of lyceums, public libraries, scientific, educational, charitable and benevolent associations, and for that purpose they shall become incorporated with all the rights, powers and privileges, and subject to all the restrictions and liabilities contained in the act entitled "an act concerning corporations," upon complying with the provisions of the act to which this is a supplement.

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

Approved March 20, 1857.

CHAPTER CLIII.

A FURTHER SUPPLEMENT to the act entitled "An act to incorporate the Camden and Atlantic Railroad Company," approved March nineteenth, eighteen hundred and fifty-two.

Branch road authorized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the Camden and Atlantic Railroad Company to survey, locate, and

construct a branch railroad from any point on the line of the said company's road between the city of Camden and Haddonfield, to any point on the river Delaware between Kaighn's Point and the city of Gloucester, according to the provisions of the original act to which this is a supplement; with all the powers and privileges, and subject to all the conditions and limitations in said original act.

Act void if road is not built in certain time.

2. *And be it enacted*, That unless the said company shall construct said branch road within six years from the passage of this act, the powers and privileges hereby granted shall cease and become null and void.

Approved March 20, 1857.

CHAPTER CLIV.

AN ACT to repeal part of the act regulating the fisheries in the Mullica river, passed December second, eighteen hundred and twenty-three.

Persons may erect or fix nets, &c., in river.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act it shall and may be lawful for any person to erect, fasten or fix a fish wear hoop, net, or other device for the purpose of catching fish, in the Mullica river; *providing*, said wear hoop, net, or other device for the purpose of catching fish, shall not be erected within one-eighth of a mile of any fishery on said river, for which the owner pays tax, or to occupy more than fifty feet in said river at any one place.

Proviso.

Part of former act repealed.

2. *And be it enacted*, That so much of the act of December second, eighteen hundred and twenty-three, as conflicts with this act, is hereby repealed.

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

Approved March 20, 1857.

CHAPTER CLV.

AN ACT to incorporate the Hunterdon County Mining Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Asa Jones, Bennet Vansyckel, George A. Allen, Charles Bartles, 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 "Hunterdon County Mining Company." Names of corporators.

2. *And be it enacted*, That the stock, property, concerns and affairs of the said corporation shall be managed and conducted by seven directors, who shall be annually elected on the second Tuesday of February, at such time of day, and place in said county, as the by-laws of said corporation shall direct, and public notice shall be given of the time and place of holding said election not less than twenty days previous thereto, in one of the newspapers printed at Flemington, 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, each share having one vote, and the persons having the greatest number of votes shall be the directors; and the said directors, so soon as may be after their election, shall proceed to elect by ballot one of their number to be their president, and the board shall have power to fill all vacancies which may occur during the year for the remainder thereof; *provided*, that John L. Jones, Hugh Capner, John G. Reading, Asa Jones, Bennet Vansyckel, George A. Allen and Charles Bartles shall be the first board of directors, and shall serve until the next annual election. Annual election of directors. Proviso.

3. *And be it enacted*, That failure to elect on the day prescribed shall not work a dissolution of the corporation, but it shall and may be lawful to hold such election at any future day by giving notice thereof as prescribed in section second of this act. Corporation not dissolved for failure to elect on day prescribed.

4. *And be it enacted*, That the capital stock of the said

Amount of capital stock.

corporation shall consit of the tracts of land, mines, mining privileges, rights and reservations, minerals and ores, engines, smelting furnaces, and all the buildings and improvements thereon, now belonging to the above named corporators, or which 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 thouoand shares of ten dollars each; and it shall be lawful for the directors of said incorporation to assess from time to time, upon each share of the stock of said coporation 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 provided two-thirds in interest of the stockholders shall consent thereto, at a meeting of the stockholders called for the purpose on a notice thereof, given the same as provided for in relation to the election of directors, it shall be lawful for the directors to assess a still further sum of five dollars on each share of the capital stock in the same manner; any stockholder refusing to pay an assessment regularly laid, and of which notice shall have been given as aforesaid, 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 by-laws may ordain, 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 corporation.

Stock transferable.

6. *And be it enacted*, That the stock of the said corporation shall be deemed personal estate, and shall be transferable only on the books of the corporetion, to be kept for the purpose, in such manner as shall be prescribed by the by-laws of the said corporation.

Objects of incorporation.

7. *And be it enacted*, That the business and operations of this corporation shall be confined to the mining for ores and minerals upon the lands now owned by the corporators, or upon which they now have the mining right and privilege, or which the corporation may hereafter acquire, the purchase

and sale of ores and metals, and the smelting, refining and manufacture thereof, with the steam-engine, smelting furnace, and other improvements which the corporators now have, or with such other fixtures, machinery and improvements as the said corporation may hereafter construct or acquire, and the sale of their manufactured article.

8. *And be it enacted*, That this act shall continue in force for the term of twenty years, but shall be subject to alteration or repeal by the legislature whenever the public good shall require. Limitation.

Approved March 20, 1857.

CHAPTER CLVI.

AN ACT to authorize the inhabitants of the township of Green, in the county of Sussex, to vote by ballot at their town meetings.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Green, in the county of Sussex, 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, two overseers of the poor, one pound-keeper, a township committee consisting of five persons, a town superintendent of public schools, as many justices of the peace as the inhabitants of said township 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 Township officers to be elected by ballot.

the support of the poor, for school purposes, for the repair of roads, the amount of dog tax, and all other money necessary for township purposes, and for the places of holding the next annual town meeting, and the election of state and connty officers.

Officers of election.

2. *And be it enacted*, That 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 the clerk thereof.

Mode of conducting election.

3. *And be it enacted*, That the election shall open at eight o'clock in the morning, and close at seven o'clock in the afternoon of said 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 on 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 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.

Town committee to fill vacancies, &c.

4. *And be it enacted*, That a plurality of votes shall be sufficient to elect any officer, or to fix the place of holding the town meetings or the state and county election, and to determine an amount of money to be raised or specified; and in case there shall be a neglect or a failure to elect any officer by the town meeting, or to fix the place of holding the next town meeting or state and county elections, or in case of the refusal of any person elected to accept of the appointment, or if a vacancy occurs from any other cause, or in case two or more have an equal number of votes for the same office, 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 these purposes advisable.

Duties of clerk.

5. *And be it enacted*, That the clerk of the township shall be the clerk of the township 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 said township, and when the township 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.

Reports of township committee and overseers of the poor.

6. *And be it enacted*, That the reports of the township committee, the overseers of the poor and town superintendent of public schools shall be filed and preserved by the township committee; in posting up the list of officers elected, as required by law, the clerk shall add thereto the result of the election in other particulars; the first election under this act shall be held at the place appointed at the last town meeting; 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 judges of election and clerk shall receive the same compensation for attending any town meeting, as for attending a state or county election, and the township committee may allow the clerk such compensation for the additional duties required by this act, as they may deem reasonable.

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

Approved March 20, 1857.

CHAPTER CLVII.

AN ACT to incorporate the Mercer County Mechanical and Agricultural Society.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Benjamin Reed, Isaac Pullen, Alfred Perrine, Benjamin Marlatt, Rescarrick M. Smith, Thomas Appleget, Joseph S. Blauvelt, John C. Ward, James C. Norris, James H. Wikoff, John T. Hutchingson and Richard M. Jobs, of the county of Mercer, and their associates and successors shall be and they are hereby constituted a body politic and corporate, by the name of "The Mercer County Mechanical and Agricultural Society."

Society may make by-laws.

2. *And be it enacted*, That the said society shall from time to time have power to make, ordain, and establish such constitution, by-laws and regulations as they shall judge proper for the designation of the officers of said society, the election of the same, for prescribing their respective functions and the mode of discharging the same, and for the transacting, managing and directing the affairs of the society; *provided*, such constitution, by-laws, and regulations shall not be repugnant to the constitution and laws of this state or the United States.

Proviso.

Corporation may purchase and hold real estate.

3. *And be it enacted*, That the said corporation may purchase, use, hold, possess and enjoy such real estate as shall be necessary to promote the objects of the society; *provided*, that such real estate shall at no time exceed in value the sum of ten thousand dollars; and whenever it shall see fit the said corporation may sell, mortgage, lease and otherwise dispose of the same at pleasure.

Proviso.

Property not to be taxed.

3. *And be it enacted*, That all land or other property which may hereafter be owned by said society, and used for the purpose of promoting the objects of said society, shall not be liable to have any taxes assessed and levied upon it for any purpose whatever; *provided*, that such personal estate shall not exceed in value the sum of five thousand dollars.

Proviso.

Approved March 20, 1857.

CHAPTER CLVIII.

AN ACT explanatory of an act entitled "An act to prevent pedlers and auctioneers of goods, wares and merchandise, not the growth, product, or manufacture of this state, from exercising their business in the township of Phillipsburgh, in the county of Warren, approved March sixteenth, eighteen hundred and fifty-four.

Act not to apply to sale of meat, fish, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the aforesaid act shall not apply to the sale and delivery of meat, fish, vegetables or ice, in the township of Phillipsburg.

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

Approved March 20, 1857.

CHAPTER CLIX.

AN ACT to authorize the Trustees of Bordentown Methodist Episcopal Church to sell and convey house and lot known as a parsonage.

Preamble.

WHEREAS, the Trustees of Bordentown Methodist Episcopal Church in the county of Burlington, have set forth in their petition, that they desire to sell the parsonage, belonging to the Methodist Episcopal Church in Church street, for the purpose of purchasing a more commodious one, for the use of said church, therefore,

Trustees authorized to sell property.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, that Jacob E. Morton, Charles Bodine, jr., David T. Levings, John S. Hankins, Whittal

Stokes, Joseph Norris and John Osmond, trustees of the Bordentown Methodist Episcopal Church aforesaid, or their successors in office, or a majority of them, be and they are hereby authorized to sell and convey said house and lot, known as the parsonage of the Methodist Episcopal Church, by them held as trustees, in trust, for the use of the Methodist Episcopal Church, and apply the proceeds of said sale, to the payment of a more commodious one.

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

Approved March 20, 1857.

CHAPTER CLX.

AN ACT to incorporate the Centenary Fund and Preachers' Aid Society of the Newark Annual Conference of the Methodist Episcopal Church.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Manning Force, John K. Shaw, William Tunison, Isaac W. Wiley, Wesley Robertson, Alexander K. Brice, Martin Herr, Charles Larew and Jacob P. Daily, and their successors, shall be and they are hereby constituted a body politic and corporate, in fact and in law, by the name, style and title of the "Centenary Fund and Preachers' Aid Society of the Newark Annual Conference of the Methodist Episcopal Church," and by that name shall be capable of acquiring and receiving by purchase, gift, devise, bequest, or otherwise, and becoming possessed of, holding and conveying any real or personal estate necessary to the object of this incorporation, not exceeding in its annual income the sum of five thousand dollars.

2. *And be it enacted*, That the business of said corpo-

ration shall be transacted by a board of nine managers, chosen by the members of the said Newark Annual Conference of the Methodist Episcopal Church, when in conference assembled, from among its members, and that the said Manning Force, John K. Shaw, William Tunison, Isaac W. Wiley, Wesley Robertson, Alexander H. Brice, Martin Herr, Charles Larew and Jacob P. Daily, shall, from and after the passage of this act, constitute the said board of managers, and shall continue such, with power to fill any vacancy in the said board, until the annual session of the said conference, at which time the said conference shall proceed to elect by ballot nine managers, three of whom shall hold their office for the term of three years, three for two years, and three for one year, and annually thereafter, three managers shall be elected, to hold their office for three years; any vacancy occurring in the said board of managers shall be filled for the unexpired term thereof, by said board of managers. Board of managers.

3. *And be it enacted*, That the property and funds of the said corporation shall be used for the support of supernumerary and superanuated ministers of the Methodist Episcopal Church, and the widows and children of deceased ministers of that church, and for no other purpose. Objects of incorporation.

4. *And be it enacted*, That the said board of managers shall be entitled to receive from the Centenary Fund and Preachers' Aid Society of the New Jersey Annual Conference of the Methodist Episcopal Church, its proper share of the fund held by the said board, and apply it to the purposes of this incorporation. Managers to receive share of certain fund.

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

Approved March 20, 1857.

CHAPTER CLXI.

AN ACT to incorporate the Medford and Indiantown Turnpike Company.

Commissioners to receive subscriptions.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the subscription books of the capital stock of the Medford and Indiantown Turnpike Company shall be opened by Nathan Wright, Andrews E. Budd, Dudley Ballinger, William Small, William Dyer, Edward T. Thompson, Mahlon Petitt, Robert B. Stokes, and Samuel Thackara, or any five of them, who are hereby appointed commissioners to receive subscriptions to the said capital stock, at such times and places as they, or a majority of them, may direct, giving notice thereof at least twenty days prior to the opening of said books, by publishing the same in at least two of the newspapers published in the county of Burlington in this state.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of the said company shall be eight thousand dollars, with liberty of the said company to increase the same to twelve thousand dollars, and shall be divided into shares of twenty-five dollars each; and that when one hundred and sixty shares shall be subscribed for, the persons holding the same shall be and they are hereby incorporated into a company, by the name of "The Medford and Indiantown Turnpike Company," and by that name shall have, enjoy and exercise all the rights, powers and privileges appertaining to incorporate bodies, and necessary to carry the objects of this act into effect.

Payment of installments.

3. *And be it enacted*, That at the time of subscribing for said stock, two dollars shall be paid upon each share subscribed for to the commissioners, or any of them, which money shall be paid over to the treasurer of the company as soon as one shall be appointed, and that the residue of the subscriptions shall be paid in installments, and at such times and places, and to such persons as the president and directors of the said company shall from time to time direct, and give public notice thereof in manner aforesaid, and upon failure

of the payment thereof, as so directed, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay said installments, or any of them, to and for the use of the said company; *provided*, that if the number of shares subscribed for shall exceed the number of shares authorized by this act, that the said commissioners shall apportion the said stock among such subscribers, in proportion to the amount or number of shares subscribed for as aforesaid; *provided also*, that no subscription for less than six shares of said stock shall be reduced by such apportionment. Proviso. Proviso.

4. *And be it enacted*, That if the number of shares hereinbefore made necessary for the incorporation of the said company, be not subscribed for within five years from the time of opening the said subscription books, this act and all the subscriptions under it shall be null and void; and the said commissioners, after deducting thereout the expenses incurred, shall return the residue of the money paid in by the respective subscribers, or their representatives, in proportion to the sums paid in by them. Act void if shares are not sold in certain time.

5. *And be it enacted*, That when one hundred and sixty shares of the said stock shall be subscribed for, the said commissioners shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of said meeting, as hereinbefore directed with regard to the opening of the said books, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect, by ballot, nine directors, a majority of whom shall be citizens of this state, to manage the affairs of the said company for one year, of which election the said commissioners, or a majority, shall be judges; and that 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; *provided nevertheless*, Annual election of directors. Proviso.

that no stockholder shall have more than twenty votes, although he or she may have a greater number of shares.

Election of president.

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 this said company, who shall be a citizen of this state and a resident of the county of Burlington, who shall hold his office for one year and until another shall be elected, and receive such compensation for his services as a majority of the said directors shall direct, and shall be the presiding officer at all meetings of said directors, and shall have the casting vote when they shall be equally divided; he shall have charge of the seal of the company, and shall appoint the judge or judges of all elections of the said 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 directors.

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, who shall be a citizen of this state and resident in the county of Burlington, and all officers, agents, superintendents and other servants that may be required to transact the business of the company, with such compensation as they may determine upon, and may exact from them such security for the due performance of their respective trusts as they may think expedient; they shall regulate the tolls, and have the superintendence and direction of all receipts and disbursements, and all other affairs of the said company; and they may make and enforce such ordinances and by-laws as they may think proper and 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.

Proviso.

Annual statement to be made.

8. *And be it enacted*, That at the annual meeting of the stockholders, it shall be the duty of the president and di-

rectors 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 may be called.

9. *And be it enacted*, That special meetings of the stockholders may be called by order of the said president and directors, or by the stockholders owning one-fourth of the whole stock of the company, by giving notice of the time and place of holding the same, as hereinbefore directed with regard to the annual meetings, which said notice shall specify the particular object of the meeting; but that no business of the company shall be transacted at such special 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 from any cause any election hereinbefore named shall not be had at the time specified by this act, the same may be made at any other time, on notice as aforesaid; and that until such election be had, the officers of the preceding year shall continue to hold their respective offices until others be elected in their stead; and that this charter shall not be defeated or avoided by reason of the irregularity or want of such election.

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 road three rods and a half wide, from the south end of landing bridge in the village of Medford, in the county of Burlington, to a point in the Stokes road, so called, opposite the old Indiantown school-house, in the township of Shamong, in said county, which said turnpike road shall be constructed and made on and along the main public highway, leading from said bridge by Dudley Ballinger's grist-mill to the point opposite the school-house aforesaid; 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 the said road, doing thereto no unnecessary damage; *provided*, that before the said company shall

Proviso.

construct the said turnpike road aforesaid, along the said highway aforesaid, they shall pay to the respective owners of the lands over which the said highway now passes, all damages which the said owners will sustain by reason of the construction of said turnpike 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 hereinafter provided for, for ascertaining and determining the damage which any land owner or owners shall sustain by the taking of the stone, gravel, or other material, from his or her lands, for the constructing or maintaining of said turnpike road.

Description of road.

12. *And be it enacted*, That the said turnpike road shall be constructed at least thirty-two feet in breadth, along the middle, as 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 seven 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 said road, not less than twenty feet in breadth; and whenever the said road, in passing over low ground, shall be raised so much at the margin or side as to render carriages passing thereon liable to overset, the said company shall cause good and sufficient railings to be erected and maintained on the sides, so as to prevent horses and carriages from running off.

Proceedings in case company and owners cannot agree.

13. *And be it enacted*, That it shall be lawful for the said company, their officers, superintendents, engineers, and workmen, with their carts, wagons, and other carriages, and with beasts of burthen and draft, and all necessary materials, tools, and implements, to enter upon all lands contiguous or near to the route of said road, doing as little damage thereto as possible, repairing any breach they may make in the enclosures thereof; and to make all ditches and underdrains

across and through such lands as may be necessary for properly draining said road, and to take and carry away stone, gravel, clay, sand, earth, or other materials therefrom, suitable for making or repairing said road; and 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, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of the said company in the construction of the said road, shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, or to one of the judges of the court of common pleas of the county of Burlington, who shall cause 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 application thereof, as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of commissioners hereinafter named; at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, commissioners to examine and appraise the said land or materials, and to assess the damages, upon such notice to be given to the persons interested, as shall be directed by the justice or judge making such appointment, to be expressed therein, not less than twenty days; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorised to administer an oath, 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 or materials, and make a just and equitable estimate or appraisement of the

value of the same, and assessment of damages to be paid by the company for such land or materials, and damages aforesaid, and to make a report thereof, under the hands and seals of the said commissioners or any two of them, and file the same within ten days thereafter, together with the aforesaid description of the land or materials and the appointment and oath or affirmations aforesaid, in the clerk's office of the county of Burlington, to remain of record therein, and shall be recorded by the said clerk; which report, or a copy thereof certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess, and enjoy the said land or materials, after payment of the value and damages so assessed, and of the right of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall constitute a lien upon the property of the company in the nature of a mortgage; and the said justice shall tax and allow such costs, fees, and expenses to the justice, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as he shall think equitable and right, which shall in all cases be paid by the company.

Rates of toll.

14. *And be it enacted*, That as soon as the said company shall have constructed three miles of said turnpike road according to the directions of this act, and the true intent and meaning thereof, it shall and may be lawful for the said company to erect a gate or turnpike across the same, and to demand and receive toll for traveling each mile, and all fractions over half a mile of the said turnpike road, not exceeding the following rates, to wit:

For every carriage, sleigh or sled, drawn by one beast,	one cent.
For every additional beast,	one cent.
For every horse and rider, or led horse or mule,	five mills.
For every dozen calves, sheep or hogs,	five mills.
For every dozen horses, mules or cattle,	two 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's 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 a muster day appointed by law, or any other military officer or soldier passing or repassing when called to do duty by the laws of this state or of the United States; *provided always*, that as soon as the said company shall have constructed the whole line of said road, according to the directions of the twelfth section, and the true intent and meaning of this act, it shall and may be lawful for the said company to erect one additional gate or turnpike across said road, and to demand and receive toll for travelling thereon, not exceeding the rates above mentioned, and also subject to the provisions and exceptions aforesaid.

Proviso.

Proviso.

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

Penalty for injuring works.

pikes or bridges that shall be erected pursuant to this act, or shall forciby 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 of damages for the same, to be recovered by 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 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, with the intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gates, to be recovered by the said company for the use thereof, in an action of debt, with costs of suit.

Penalty for taking illegal tolls.

17. *And be it enacted*, That if any toll-gatherer shall unnecessarily delay or hinder any traveler 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 obstructing passage.

18. *And be it enacted*, That all the drivers of carriages, sleighs, or sleds, of any kind and description, whether of burthen or pleasure, or persons on horseback, using said road, shall keep their horses, carriages, sleighs, or sleds on the right hand of the said road in the passing directions, leaving the other side of 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, shall also be subject to an action for damages for every such offence, to be recovered with costs of suit.

Proceedings in case road and bridges are not kept in repair.

19. *And be it enacted*, That if the said company shall not keep the said road and bridges in repair, and complaint thereof shall be made to any justice of the peace of the county of Burlington, who may be disinterested, the said justice shall immediately appoint by writing, under his hand and

seal, three of the township committee of the township wherein the cause of complaint arose; or if it be on the line of any two townships, of either of said townships; 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 unfavorable to the said road, the said justice shall immediately, in writing, under his hand and seal, order the keeper of the said gate or turnpike to keep 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 travelers, he shall for each offence, forfeit and pay twenty dollars, to be sued for by any person who will prosecute for the same, in an action of debt, with costs of suit; and the said justice shall be allowed for his services fifty cents, and the persons appointed one dollar each, to be paid by the company; and it shall be the duty of the persons so appointed, or a majority of them, on application 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, as before mentioned, the report of the persons appointed shall be in favor of the company, the same fees shall be allowed as before prescribed, and paid by the person making the complaint; and in case three of the township committee aforesaid are not disinterested, then the said 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.

Act, when to take effect.

20. *And be it enacted*, That this act shall not take effect until the public highway upon which the said turnpike road is authorized to be located and made is vacated as a public highway, according to law; and the said corporation shall possess the several powers, and be subject to the restrictions and liabilities, contained in the act entitled "an act concerning corporations," approved the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same is applicable.

Approved March 20, 1857.

CHAPTER CLXII.

AN ACT to incorporate the city of Beverly, in the county of Burlington.

Preamble.

WHEREAS, the citizens of the borough of Beverly have petitioned the legislature for the passage of a revised act of incorporation, as conducive to the prosperity of the same, and the preservation of order therein.

Boundaries of city.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Willlingborough lying between the northern line of said township in the river Delaware and the Camden and Amboy railroad, and extending the distance of half a mile eastwardly from the centre of Broad street, in said borough of Beverly, and half a mile westwardly from the centre of said Broad street, shall be and the same is incorporated into a city to be called the city of Beverly.

City officers.

2. *And be it enacted*, That for the better order and governing of the said city of Beverly, there shall be elected

henceforth in said city one mayor, who shall be keeper of the city seal, one clerk, and at the first election for city officers nine common councilmen (three of whom shall hold their office for one year, three for two years, and three for three years, and at the first meeting of the common council after said election, it shall be determined by lot which of the members thereof shall hold their office for one year, which for two, and which for three years) and annually thereafter there shall be elected three persons as members of said common council, who shall hold their office respectively for three years, which mayor, clerk and common councilmen shall be one body politic and corporate, in deed, fact, name and law, by the "name, style and title of "The Mayor, Clerk and Common Council of the city of Beverly."

Meetings of common council.

3. *And be it enacted*, That the mayor and common council of said city shall constitute and be called the common council of said city, and the said common council shall be summoned and held at such times and places in said city as they may appoint; the mayor shall preside at the meetings of the common council and have a casting vote only, and if he be absent one of the common councilmen may be appointed by the members present, chairman pro tempore, and a majority of the whole number of members shall be a quorum to transact business; and it shall be the duty of the mayor when necessary, to call special meetings of said common council, and in case of his neglect or refusal, then it shall be lawful for any four members of said common council, at such time and place as they may designate, to call any special meeting or meetings by written or printed notice, and in all cases of special meetings, notice shall be given to all the members of said board of common council in person, or left at their places of residence.

Election of city officers.

4. *And be it enacted*, That an election by ballot shall be held on the second Monday of April next, at the public (or town) hall in said city, or at such other place as the common council of the borough of Beverly may appoint, of which place the recorder or borough clerk of the said borough of Beverly shall cause public notice to be set up in five of the most public places in said city, and also in a public news-

paper, if one be published therein, at least ten days previous to the day of such election (and a like notice shall, at every subsequent election held under or by virtue of this act, be given by the city clerk) at which election one mayor, one clerk, nine common councilmen, one treasurer, one assessor, one or more constables, and not exceeding three, one marshall, one judge of election, three commissioners of appeal in cases of taxation, one harbor master, and one pound keeper, shall be chosen and elected in said city from among the citizens residing therein, and entitled to vote at such election; and annually thereafter, on the second Monday in April, excepting the common council, who shall be elected as hereinbefore provided, but no person shall be elected or serve as mayor or common councilman of said city, unless he or they shall have resided therein at least one year immediately preceding said election; at which election the judge, treasurer, and assessor, shall be judges or inspectors, and the city council shall, in reference to all subsequent elections, perform all the duties and have all the powers devolved upon the borough council, in reference to the first election to be held under this act.

Mode of conducting elections.

5. *And be it enacted*, That the poll of all elections under this act shall be opened at eight o'clock in the forenoon, and closed at seven o'clock in the evening; and the same qualifications shall be required to entitle a person to vote as are or may be required at the township elections in this state; and the name of each elector voting at such election shall be written in a poll-list by the city clerk; and, after the poll shall be closed, the judges or inspectors shall count the votes given for the several candidates, and certify the result under their hands and seals, and deliver such certificate to the clerk of said city, who shall file and preserve the same in his office; and the persons having the greatest number of votes shall be deemed to be elected to the offices for which they shall be voted for respectively, who shall respectively hold their offices for one year, and until others are elected in their stead and sworn into office, excepting the common council hereinbefore provided for; and the first election which shall be held under this act by the three judges or inspectors

and clerk chosen at the last annual election for officers of the borough of Beverly before named, and any vacancies in said board of election, known beforehand, shall be filled by the common council of the said borough of Beverly, or otherwise they shall be supplied in the same manner as prescribed by law in the townships in this state.

Vacancies, how supplied.

6. *And be it enacted*, That in case of death, resignation, inability, disqualification, neglect or refusal to act, or removal out of the city, of any of the officers thereof, it shall be lawful for the common council to appoint others in their stead or place, until the next regular election, who shall, during the said time perform the like services, be entitled to the same fees, and be subject to the same responsibilities as though elected at the annual election.

Officers to take oath and give bond.

7. *And be it enacted*, That before any of the said 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 Burlington, who are hereby authorized and required to administer the same, or before the mayor of said city; and the treasurer, constable or constables, marshal, and harbor master so elected, shall each give bond to the said city in such sum and with such sureties as the common council may approve, for the faithful performance of the duties of their respective offices, and no member of common council shall be taken as security upon the bond of any officer.

Duties and powers of mayor.

8. *And be it enacted*, That the mayor of said city shall be a justice of the peace ex-officio, and shall have all the powers and authority of a justice of the peace of the state of New Jersey, and the said mayor, or any justice of the peace resident in said city, shall severally hold courts, which shall be courts of record, and take cognizance of all forfeitures and of all fines or imprisonments, or both, laid or to be laid by the ordinances of the common council of said city; *provided however*, that the said mayor shall not, by virtue of his office, be authorized to try any civil action except such as may arise under an ordinance for the recovery of a forfeiture, or for an assessment for taxes, or damages; and it shall be lawful

Proviso.

for said mayor, any resident justice of the peace, on conviction of any offender of any offence against any of the ordinances of said city, punishable by fine, or both, to punish said offenders by fine or imprisonment, or both, as the case may require, together with the costs of conviction, and by his warrant directed to the marshal or a city constable, in case the offender be sentenced to imprisonment, to command that he, she or they be conveyed to the city prison, there to remain until the term of imprisonment shall have expired, and till the cost of conviction be paid, or if said offender shall be adjudged to pay a fine, then there to remain until said fine and costs of conviction be paid, or to issue a warrant directed to the marshal or a city constable, commanding said officer to levy and make such fine and costs of the goods and chattels of such offender or offenders, and for want of sufficient goods and chattels, to take and convey any such offender to the city prison, there to remain until such fine and costs be paid, or if any offender be adjudged to pay a fine and be imprisoned then to command that he or she, as the case may be, be conveyed to the said prison, there to remain for the term of his sentence, and until said fine and costs be paid; *provided*, that any such offender, convicted as aforesaid, may appeal for the remission of any fine or costs, or fine or fines and costs, to the common council of said city, and the said common council may remit the whole or any part thereof upon such terms as they may deem best to prescribe and impose; and it shall be the duty of said mayor to see that all ordinances enacted by the common council of said city are duly published and enforced, and no shows or exhibitions of any kind shall be allowed, except consent in writing be first obtained of the mayor of said city, or a written permit from a majority of the committee having charge of the building or ground where it is proposed to be held.

Proviso.

Duties and powers of common council.

9. *And be it enacted*, That it shall be lawful for a majority of the whole number of members of common council that may be assembled, in council meeting convened, to pass all ordinances for establishing a public ground or grounds, and for reclaiming, improving, regulating and protecting the public grounds and walks, and for regulating, leveling,

grading, paving, flagging, graveling, improving, cleaning and repairing the streets, alleys and sidewalks therein, for ascertaining and establishing (by appointing a city surveyor, or otherwise,) the lines and boundaries of the same, and for preventing and removing all encroachments, incumbrances and nuisances upon the same, and for regulating the planting and protection of shade trees, for compelling the occupiers and owners of lots to grade, curb and pave the sidewalks opposite their lots, and to keep the same and the gutters swept and clean, and clear of snow and ice and other impediments, for regulating all wharves, docks and piers belonging to or about said city, and the rates of wharfage for all wharves in charge of or owned by said city; for abating and removing all nuisances on or in the river Delaware, opposite the said city, or in or on any street, wharf, or lot or other place or places in said city, and for preventing and removing all obstructions in the river Delaware, opposite the same, and for the regulation of the distances any wharf or wharves may be built out into the river Delaware opposite the same, for causing common sewers or drains to be made, and granting permission to construct vaults in any part thereof; for lighting the streets, and for regulating the laying of gas or other pipes in or under the same; for sinking and regulating wells, cisterns, and pumps in said streets; for erecting, maintaining and regulating a public market in said city; for erecting and maintaining a city hall, city prison, and school-house or houses, and such other public buildings as may be necessary or convenient in said city; for preventing persons from riding, driving, or passing over or or upon the sidewalks with horses, wagons, carts or carriages, or animals of any description, and for preventing the immoderate riding or driving through or in any street or alley in said city, for the preventing or suppression of fires, for compelling the cleaning of chimneys, for appointing watchmen and additional police, and prescribing their powers and duties; for regulating the vending of meats and vegetables, for regulating butchers, hawkers, pedlars and petty chapmen; for the more effectual suppression of vice and immorality, for preserving peace and good order, for

restraining vagrants, mendicants and street beggars; for suppressing and restraining disorderly or gaming houses, or public gaming in the said city or on the river Delaware opposite thereto; for preventing and restraining riots, routs, disturbances, or disorderly assemblages, and for the carrying of concealed weapons in any street, alley, house, or any other place in said city and on the river Delaware opposite thereto; for preventing the running at large of cattle, horses, goats, geese, dogs and swine, and for imposing a reasonable tax upon the owners or possessors of dogs; for prescribing and defining the duties of the several officers elected in said city, and such other ordinances for promoting the peace, good order and prosperity of said city as they may deem expedient, not repugnant to the constitution of this state or of the United States; and to enforce the observance of all such ordinances, by prescribing a forfeiture (or penalty) not exceeding fifty dollars, to be recoverable by action of debt, with costs, in any court of record in said city, in the name of "The Treasurer of the City of Beverly," for the use of said city, or they may prescribe punishment therefor by fine, or imprisonment in the city prison, or both, to be imposed by the mayor or any resident justice of the peace, the fine not to exceed fifty dollars and the imprisonment thirty days, and until fine and costs be paid; all said ordinances shall be caused to be published by printed handbills, put up in five of the most public places in said city by the mayor thereof, for at least ten days before said ordinances shall go into effect; and no ordinance shall be enacted or passed by said common council, unless the same shall have been introduced before said common council at a previous meeting.

Common council to grant licenses, &c.

10. *And be it enacted*, That a majority of the whole number of members of common council that may be assembled, exclusive of the mayor, or presiding officer, in council meeting convened, shall have the sole, only, and exclusive right and power of granting licenses under the common seal of said city, to all and every innkeeper and retailer of spirituous liquors residing within said city, subject to the same provisions, and in like manner, as the same may lawfully be done by the courts of common pleas in this state; except, that

they may grant them for such length of time, not exceeding one year, as they may deem best; and they shall have the sole, only and exclusive right and power of licensing such, and so many keepers of oyster houses and cellars, and places for the sale of fermented liquors within said city, upon such terms and conditions, and under such regulations as they may deem most conducive to the good of said city; and the amount assessed and paid upon granting all licenses, shall be paid to the city treasurer for the use of said city.

Common council authorized to raise money by tax.

11. *And be it enacted*, That it shall be lawful for the common council of said city to raise by tax, from year to year, such sum of money as they may deem expedient for defraying the necessary and contingent expenses of said city, to be assessed by the assessor upon the actual value of the property, and collected by the treasurer, to be subject to the order of common council; and it shall be lawful for said common council to borrow money from time to time, for all such purposes as they are authorized for by this act, not exceeding three thousand dollars, and to secure the payment thereof by bond or other instrument, under their common seal, and the signature of the mayor, and to provide by tax for the payment thereof; *provided, however*, that nothing herein contained shall be construed to prevent the borrowing upon the best terms that can be obtained by the common council of said city, of money to meet any loan now existing against the borough of Beverly, which may be when due beyond the means of the treasury to pay, nor in like manner any loan that may be ordered by any vote of the citizens at their annual elections; *and provided also*, that nothing herein contained, or any loan authorized to be raised, or raised by the voters at their annual elections, shall be construed to prevent the common council from contracting in all a loan, or loans, to the amount of three thousand dollars as aforesaid, but at no time shall the loans originally made by common council hereafter, at any one time exceed the said three thousand dollars.

Proviso

Proviso.

Citizens may vote for raising money by loan or tax for certain purposes.

12. *And be it enacted*, That it shall be lawful for the voters of said city, at the annual elections, by ballot, (by specifying the amount desired, and the object or objects to which it is

desired to have it appropriated, and the manner in which it is desired to have it raised, whether by tax or loan, on the same ticket or ballot on which the names of those voted for the offices in said city, are written or printed,) to direct to be raised by loan, or by tax, from year to year, such sum or sums of money, in addition to that hereinbefore directed, or authorized to be raised by the common council of said city, as they may deem expedient, for defraying the expense of lighting the streets of said city, supporting a night watch, or police therein, supplying the said city with water for the extinguishment of fires and other purposes, for the repairing of the streets of said city, for improving the public grounds, for erecting and maintaining a public market-house, town-house, or city hall, city prison, and school-house or houses, and for all other purposes and objects authorized by this act; said loans so directed to be raised shall then be carried out on the best terms they can obtain by the common council of said city, and a certificate or certificates of loan, or a bond or bonds, be issued therefor, as in other cases; and any sum or sums as herein before directed to be raised by tax, shall be assessed by the assessor upon the actual value of property, and collected in the same manner, and at the same time as other taxes, and when several sums of money are voted for, that receiving the highest number of votes, whether by tax or loan, shall be raised.

Compensation of officers.

13. *And be it enacted,* That it shall be lawful for the common council of said city, to pay the treasurer, clerk, assessor, marshal, and other officers and agents of said city, such compensation for their services as the said common council may deem reasonable and proper.

Assessment and collection of taxes.

14. *And be it enacted,* That the assessor of said city shall assess upon the persons and property of the residents, and the property of non-residents within the said city, and the treasurer shall collect all taxes, ordered by the common council of said city, or by the voters thereof at their annual election is directed or required to be assessed or collected within the said city, in the same manner as the assessors and collectors of townships are or may be by law required to assess and collect the state and county tax within their re-

spective townships; and the assessor shall, annually, between the twentieth day of April and the twentieth day of June, make the assessments required of him and return his duplicate to the treasurer, not later than the said twentieth day of June.

Meetings of commissioners of appeal.

15. *And be it enacted*, That the commissioners of appeal in cases of taxation shall convene annually on the fourth Thursday of July, to hear and determine all appeals, and they shall sit from one o'clock, P. M., to six, P. M., and early and longer if they deem necessary.

Treasurer to make out list of names of delinquents.

16. *And be it enacted*, That the treasurer shall, at least one week before the day of appeal, in cases of taxation, demand of all persons taxed the amount of their tax by notice served upon them personally, if he can find them in the limits of the city, or left at their residence, if living in the city, and shall, at the same time, give notice of the time and place of the meeting of the commissioners of appeal in cases of taxation, and no other notices shall be required; and in case of the non-payment of any taxes by the twentieth day of August in each year, (excepting when it shall happen on a Sunday, then on the following day,) the treasurer shall make out a list of the names of the delinquents, with the sums due from them, respectively, annexed, and deliver the same to the mayor, or a resident justice of said city.

Officers to deliver tax warrant to constable.

17. *And be it enacted*, That it shall be the duty of the said mayor or justice of the peace, on receiving a list of the names of such delinquents, to administer an oath or affirmation to the said treasurer, that the moneys in said list had been duly demanded, on due notice given, or left at the usual place of residence of each delinquent, who can be found, or who may then reside in said city, and thereupon to give the said treasurer a receipt for such list, certifying therein the names of the delinquents, and the sums at which they are respectively assessed; and it shall also be the duty of said mayor or justice, within five days after the receipt of the list of the names of the delinquents, and deliver to the constable or constables of said city, a warrant or warrants, requiring him or them to levy the tax so in arrears, in the manner prescribed by the laws of the state of New Jersey, relative to

the collection of state, county, or township taxes; and the said constable or constables shall, in the collection of said taxes, and in the payment thereof, be governed by the laws of this state regulating the same in the several townships.

Mode of conducting election.

18. *And be it enacted*, That the judge of election, and the inspectors and clerk thereof, shall take the like oaths or affirmations, and conduct all elections in the same manner as township election officers 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 like duties, and be subject to the same penalties as the like officers of this state are or may be by law invested with, allowed, or subject to; and in case of the absence, death, incompetency, or refusal to serve of any of the said officers of election provided for by this act, such vacancy or vacancies shall be supplied in the manner prescribed by law for supplying such vacancies in the townships in this state; and the clerk of said city shall procure ballot boxes for the use of said city, in such manner and of such description as are required to be procured by the township clerks of this state, and be subject to the same penalties as township clerks are now subject to for neglecting to procure said boxes, and keep the same in repair.

Duties of city marshal.

19. *And be it enacted*, That it shall be the duty of the marshal of said city to execute all processes issued or delivered to him to be executed by the mayor or a resident justice of said city, in the same manner and to the same extent of jurisdiction as a city constable; and he shall maintain good order, and preserve the peace within the limits of said city, enforce all ordinances, arrest and imprison offenders, keep the city prison and hall, and perform such other duties as the common council may require, or as may be required by the ordinances of said city, and give such security, and in such sum, as the common council may require.

Constables to give bond and take oath.

20. *And be it enacted*, That the constable or constables of said city, hereafter elected by virtue of this act, shall have the same power and authority, and be authorized to perform the same duties, in civil as well as in criminal cases, in all respects, to serve warrants and other processes in the same

manner, and to the same extent of jurisdiction, and be entitled to the same fees and compensation for his or their services as if he or they had been lawfully elected to the office of constable, at an annual election for township officers in this state, under the laws of this state relating to township constables, and had taken the oath or affirmation, and given the security required by law; *provided always*, that before any such constable or constables shall proceed to exercise the powers conferred upon him or them by this act, he or they shall take and subscribe an oath or affirmation for the due execution of his or their office, and enter into such bond, with sureties to be approved by the common council of said city, as he or they would be by law required to take and enter into if he or they had been elected to the office of a township constable, under the laws of this state relating to township constables, before he or they proceeded to the execution of his or their office. Proviso.

21. *And be it enacted*, That the bond to be given as aforesaid by the said constable or constables, shall be recorded and filed by the clerk of said city in his office; and the common council of said city are hereby required and directed, if need be, to prosecute the said bond or bonds, for or in behalf of, and to the use of all and every person or persons whatsoever, who may have sustained loss by the neglect or misconduct of said constable or constables in executing the duties of said office; and suits or actions to be brought or prosecuted on said bond or bonds shall and may be brought and prosecuted in the manner prescribed by the third section of the act entitled "an act respecting constables," approved April sixteenth, eighteen hundred and forty-six. Constable's bonds to be recorded and filed.

22. *And be it enacted*, That it shall be the duty of the constable or constables so elected as aforesaid in said city, to preserve and maintain at all times the peace and quiet of said city, to arrest and imprison offenders against the ordinances of said city or the laws of this state, and to perform such other duties, and under such penalties, as the common council of said city shall from time to time prescribe. Duties of constables.

23. *And be it enacted*, That the clerk of said city shall keep, file, and when necessary, record all official papers Duties of clerk.

belonging to the same; he shall attend all meetings of the common council of said city, and keep accurate minutes of the proceedings thereof; he shall give lawful notice of all such meetings, and of annual and special elections; he shall record in a proper book to be provided for that purpose, all ordinances passed by said common council, and duly certify the same; and shall perform such other duties as the common council of said city may, from time to time, prescribe.

Duties of treasurer.

24. *And be it enacted*, That the treasurer of said city shall (in addition to the duties of a collector, hereinbefore prescribed,) receive and pay out all moneys belonging to said city under the direction and authority of the common council, and shall at least seven days previous to each annual election, make out a full and true account of all the moneys raised, by tax or loan, for the use of said city since the last annual election, and of the application and expenditure of the same, and deliver the said account to the clerk of said city, and in default thereof shall forfeit and pay fifty dollars, to be by him filed in his office; and it shall be the duty of the said clerk to cause a copy of said account to be set up in three of the most public places in said city, at least five days previous to the day of each annual etection, and in default thereof shall forfeit and pay fifty dollars.

No tax to be levied by township for repair of roads

25. *And be it enacted*, That no taxes shall be levied on the persons or property within the limits of the said city by the authorities of the township in which it is or may be located, for the improvement or repairs of the roads outside of the boundaries of the said city.

Inhabitants not incompetent as witnesses.

26. *And be it enacted*, That upon the trial of any issue, or upon the judicial investigation of any fact, to which issue or investigation the mayor, clerk, and common council of said city are a party, or in which they are interested, no person shall be deemed an incompetent witness, or juror, by reason of his or her being an inhabitant or freeholder of said city; and if any person shall be sued or impleaded by reason of anything done by this act, it shall be lawful for such person to plead the general issue, and to give this act, and the matter in evidence at the trial.

27. *And be it enacted*, That in case it shall so happen by

any means that the annual election, hereinbefore provided for, shall not be held at the time designated therefor, as aforesaid, then the mayor and other officers of the said city, of the preceding year, shall continue to exercise their several offices, powers, and authorities until an election shall be duly held; and it shall be the duty of the common council forthwith to appoint another day for a special election for officers of the said city, of which time the city clerk shall give ten days' notice as aforesaid, and which shall be conducted in all respects in the manner prescribed hereinbefore for holding annual elections. Special elections may be called in case annual election is not held.

28. *And be it enacted*, That nothing in this act contained, shall in any way impair the obligations existing against the borough of Beverly, but all such claims shall be paid by the city created by this act; and all of the real estate and other property owned by the said borough, shall revert to the said city of Beverly, and all debts due the said borough shall be deemed to be due to and collectable by the said city of Beverly in the same manner as they would have been to the aforesaid borough if this act had not been passed. Obligations against borough not to be impaired.

29. *And be it enacted*, That this act shall take effect on the second Monday in April next, and when the officers then elected are sworn into office. Act when to go into effect.

Approved March 20, 1857.

CHAPTER CLXIII.

AN ACT to incorporate the Peapack Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Henry Hillard, David N. Vansant, Moses Craig, Cornelius W. Schomp, Cornelius M. Wyc- Names of corporators.

koff, Jacob Kline and John S. Felmly and such other persons as may hereafter be associated with them, shall be and are hereby ordained, constituted and declared to be a body politic and corporate, in fact and in name, by the name of "The Peapack Railroad Company," and shall be capable of purchasing, holding, and conveying any lands, tenements, goods and chattels whatsoever, necessary and expedient for the objects of this incorporation.

Amount of capital stock.

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

Commissioners to receive subscriptions.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of the said corporation, at such time or times, and place or places, as they, or a majority of them, may think proper, giving at least twenty days' notice of the same in two of the newspapers published in this state; and that at the time of subscribing, five per centum shall be paid for each share subscribed for to the commissioners, or some one of them; and as soon as one hundred thousand dollars of the capital stock shall be subscribed, such commissioners shall give like notice for a meeting of the stockholders to choose seven directors, a majority of whom shall be residents of this state; and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote; and the said above named persons, or any three of them, shall be inspectors of the first election of directors of the said incorporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books and money paid in, deducting all expenses previously incurred, to the said directors; and the time and place of holding the first meeting of said directors shall be fixed by the said persons named in the first section of this act, or a majority of them;

and the directors chosen at such meeting, or at the annual elections of said corporation, shall, as soon as may be after every election, choose out of their own number a president, who shall be a resident of this state; and in case of the death, resignation, or removal of the president, or any director, such vacancy or vacancies may be filled, for the remainder of the year wherein they may happen, by the board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such 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 shall happen that an election of directors should not be made during the day when, pursuant to this act, it ought to have been made, the said corporation shall not, for that cause, be deemed to be dissolved, but such election may be held at any other time, in the manner prescribed by law in such cases, and the directors for the time being shall continue to hold their office until new ones shall have been chosen in their places.

Payment of installments.

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

Company authorized to construct road.

6. *And be it enacted*, That the president and directors of the said company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct a railroad from a point on the Central Railroad of New Jersey, at or within five

miles of Boundbrook, running through the county of Somerset, and terminating at or near the village of Peapack, in the township of Bedminster, or Chester, in the county of Morris; *provided always*, that the land taken for said railroad shall not exceed one hundred feet in width, except in such places, where from the depth of the excavation, or the height of the embankment, it is necessary to take more land for the slope and protection of the side banks of said railroad, in which case so much land as will be necessary for the purpose, and no more, shall be taken, with as many sets of tracks and rails as the company may deem necessary; and it shall and may be lawful for the said president and directors, their agents, engineers, superintendents, or others in their employ, to enter at all times upon all lands and waters for the purpose of exploring, surveying, leveling, or laying out the said route of said railroad, and of locating the same, and to make and erect all necessary works, buildings, and appendages thereof, doing no unnecessary injury to private or other property; and when the route of said road shall have been determined upon, and a survey of the same deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy, and excavate any such lands, and to erect embankments, bridges, and all other works necessary to lay rails, and to do all other things which shall be suitable or necessary for the completion or repair of the said road, subject to such compensation as is hereinafter provided; *provided always*, that the payment, or the tender of the payment, of all damages for the occupancy of lands through which the said railroad may be laid out, be made before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road, unless the consent of the owner or owners of such lands be first had and obtained.

Proviso.

Proviso.

Proceedings when company and owners cannot agree.

7. *And be it enacted*, That when the said company, or its agents, cannot agree with the owner or owners of such re-

quired lands or materials, for the use or purchase thereof, or when, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the lands or materials so required for the use of the said company, in the construction of the said road, shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or, if unknown and out of the state to make publication thereof, as he shall direct, for any term not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service, or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, commissioners to examine and appraise the said lands or materials, and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice making such appointment, to be expressed therein, not less than ten days; and it shall be the duty of the said commissioners (having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and to make a true report according to the best of their skill and understanding,) to meet at the time and place appointed, and proceed to view and examine the said land or materials, said commissioners at the same time taking into consideration all the benefits to be derived from, or in consequence of the said railroad, as the case may be, to the said owner or owners, and to make a just and equitable estimate or appraisement of the value of the same, and assessment of damages as shall be paid by the company for such lands or materials and damages aforesaid; which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed

within ten days thereafter, together with the aforesaid description of the lands or materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county in which the lands or materials are 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 lands or materials, or of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action of debt in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall from time to time constitute a lien upon the property of the company in the nature of a mortgage; and the said justice of the supreme court shall, on application of either party, and upon reasonable notice to the others, tax and allow such costs, fees and expenses to the justice of the supreme court, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as they or he shall think equitable and right, which shall be paid by the said company; *provided always*, that should the said company or the owner or owners of any of the land or materials feels himself, herself, or themselves aggrieved by the decisions of the commissioners aforesaid, he, she, or they may appeal to the next circuit court in the county wherein the said land or materials may lie.

Parties dissatisfied may appeal.

Proceedings on appeal.

8. *And be it enacted*, That every appeal from the decision of commissioners appointed under the preceding section shall be made in writing and in form of petition to said court, and filed with the clerk of the said circuit court of the county wherein the lands or materials appraised by the said commissioners shall be; and notice in writing of such appeal shall be given to the opposite party within ten days after the filing thereof, which proceeding shall vest in the circuit court full right and power to hear and adjudge the same, and to direct a proper issue for the trial of 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 lands or materials and damages sustained; and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the said owner or owners, and shall find the same or a less sum than the company shall have offered, or the commissioners shall have awarded, then the said costs to be paid by 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 lands upon filing the aforesaid report; *provided*, that in no case whatever shall said company enter upon or take possession of any lands of any person or persons for the purpose of actually constructing said railroad, or of making any erection or improvements whatever, or otherwise appropriating said lands to the use of said company, until they have paid to the party or parties entitled to receive the same the amount assessed by the commissioners as the value of such lands or damages, in case the report of the commissioners is not appealed from, or if the same is appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the party or parties entitled to receive the amount assessed by the commissioners in case there shall be no appeal found by the jury, and in case of appeal shall refuse, upon tender thereof being made, to receive the same, or shall be out of this state, or under any legal disability, then the payment of the amount assessed or found as aforesaid into the circuit court of the county where the said lands lie shall be deemed a valid and legal payment; and further, that the party or parties entitled to receive the amount assessed by the commissioners, may, upon tender thereof being made, receive

Proviso.

the same without being barred thereby from his, her or their appeal from the report of the commissioners.

Bridges to be built and kept in repair.

9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over or under said railroad, where any public road shall intersect or cross the same, so that the passage of carriages, horses and cattle across the said road shall not be obstructed; and likewise, when the said railroad shall intersect any farm or lands of any individual, to provide and keep in repair suitable wagon-ways over or under said road.

Company may hold real estate.

10. *And be it enacted*, That the said company may purchase, have and hold real estate at the commencement and terminus of their railroad, and at any intermediate depots upon the line of the same, not exceeding three acres at each place, and may erect and build thereon houses, warehouses, stables, machine shops and such other buildings and improvements as they may deem expedient, and take and receive the rents, profits and emoluments thereof; and shall have the privilege and authority to erect, build and maintain over such creeks or streams as the railroad may cross, such piers, bridges and other facilities as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act.

Dividends.

11. *And be it enacted*, That the president and directors of the said company shall declare and make such dividend as they may deem prudent and proper, from time to time, out of the net profits of said railroad.

Rates for carriage and transportation

12. *And be it enacted*, That the president and directors of the said company shall have power to have constructed, or to purchase with the funds of the company, all machines, engines, wagons, carriages, or cars, for transportation of persons, or any species of property on the said railroad, or any railroad connected with it, as they may think fit, reasonable, expedient or right; *provided*, they shall not charge more than at the rate of five cents per mile for carrying each passenger on said railroad, or at the rate of ten cents per ton per mile for the transportation thereon of every species of merchandise, produce, property and freight.

Proviso.

13. *And be it enacted*, That it shall be lawful for the said company, at any time during the continuance of its charter, to make contracts and engagements with any other corporation, or with individuals, for transporting or conveying any kind of goods, produce, merchandise, freight or passengers, and to enforce the fulfilment of such contracts. Company may make contracts with others for transportation

14. *And be it enacted*, That if any person shall wilfully impair, injure, destroy or obstruct the use of the railroad enjoyed under the provisions of this act, or of any of their 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.

15. *And be it enacted*, That it shall be lawful for any incorporated railroad company of this state to subscribe for or purchase any number of shares in said Peapack Railroad Company, and the directors of any incorporated railroad company, so wishing to subscribe for or purchase any number of shares, may, by an increase of capital stock or by loan, provide the necessary means to pay for the same. Other companies may subscribe for stock.

16. *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 seven per centum upon the amount of its cost; and as soon as the net proceeds of said railroad shall amount to seven per centum upon its cost, the said corporation shall pay to the treasury of this state a tax of one-half of one per centum on the cost of said road, to be paid annually thereafter on the first Monday of January of each year; *provided*, that no other tax or other impost shall be levied or assessed upon the said company. Annual statement to be made. Proviso

Act void if works are not built in certain time.

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

Certain officers to pass free.

18. *And be it enacted*, That the governor, the chancellor, the justices of the supreme court, and the judges of the court of errors of this state, whilst traveling for the purpose of discharging the duties of their offices, and the members and officers of both houses of the legislature of this state, during their annual or other sessions, shall pass and repass on the railroad of said company, in their cars, free from charge.

Approved March 20, 1857.

CHAPTER CLXIV.

AN ACT to incorporate the Millville Gas Light Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Ferdinand F. Sharp, John McNeal, Edward Tatem, James Loper, Nathaniel Stratton, Lewis Mulford, Furman L. Mulford, and Elijah B. Richman, and all and every person or persons who may become subscribers according to the mode hereinafter prescribed, and their successors, are hereby created a body politic and corporate in fact, by the name of "The Millville Gas Light Company," and by the said name the said corporation shall have power and authority to manufacture, make and sell gas for the purpose of lighting the streets, buildings, manufactories and other places situated in the town of Millville and its vicinity.

Company authorized to lay down pipes

2. *And be it enacted*, That the said corporation shall be empowered to lay down their gas pipes, and to erect gas posts, burners and reflectors in the streets, alleys, lanes, ave-

nues, and public grounds of the town of Millville and its vicinity, and to do all things necessary to light the said town and the dwellings, stores, and other places situated therein; *provided*, that the public travel shall at no time be affected or impeded by the laying of the said pipes or the erection of the said posts; and the streets, side and cross walks, public grounds, lanes and avenues shall not be injured, but shall be left in as good and perfect condition as before the laying of the said pipes or the erection of the said posts. Proviso.

3. *And be it enacted*, That Ferdinand F. Sharp, John McNeal, Edward Tatem, James Loper, Nathaniel Stratton, Lewis Mulford, Furman L. Mulford, and Elijah B. Richman, or a majority of them, are hereby appointed commissioners for receiving subscriptions for the sum of fifty thousand dollars, to constitute the capital stock of the said corporation, in shares of fifty dollars each; and the said commissioners, or a majority of them, shall open books for that purpose, at such time and in such place or places, within this state, as they shall designate by public advertisement, to be previously inserted, for at least three weeks, in a public newspaper printed in the county of Cumberland, and shall keep the same open until the said capital stock shall be subscribed, or at their discretion, close the same after they shall have remained open two days, and again open the same at some other time or times, place or places, giving public notice thereof as aforesaid; and the sum of ten per cent. on each share so subscribed shall be paid in specie, or in the bills of banks which redeem their bills with specie, by each subscriber at the time of subscription to the said commissioners, or a majority of them; and each subscriber shall be entitled to receive a certificate for such stock from said commissioners; and the amount so received by the said commissioners at the time of subscription, shall by them, or a majority of them, be paid over to the directors of the said company, to be appointed as hereinafter directed; and all the powers of the said commissioners shall cease and determine on the appointment of such board of directors; and the said board, when so appointed, shall have power, and they are hereby authorized, from time to time, under the foregoing regulations, to Commissioners to receive subscriptions.

open the books for the further subscription of stock, until the whole stock subscribed amounts to the sum of fifty thousand dollars, and are also authorized to call upon the said subscribers for the payment of further installments, in such sum or sums, at such time or times, and under such forfeiture or forfeitures as they may deem expedient, until the whole amount of said shares so subscribed shall have been fully paid.

Election of directors.

4. *And be it enacted*, That the management of the concerns of the said company shall be vested in five directors, to be selected from the stockholders, a majority of whom shall be residents of the state of New Jersey; and the said directors shall choose, by a plurality of votes, a president from among themselves; and as soon as conveniently may be, after fifteen thousand dollars shall have been subscribed, the before named commissioners, or a majority of them, shall convene the said stockholders by public notice, to be given as aforesaid, and at such time and place as they shall designate in such notice, to choose the first board of directors, who shall hold their offices until the first Monday in April, eighteen hundred and fifty-eight; and the said directors and president shall hold their offices from the first Monday of April, in every year, for one year, and shall be elected on the first Monday of April, in each year, at such time and place as a majority of the directors shall appoint; and public notice shall be given of the time and place of holding such election, for ten days, in a newspaper published in the county of Cumberland; 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 election; and all elections shall be by ballot of the stockholders, or their proxies, allowing one vote for each share which they shall have held in his, her, or their name or names at least fourteen days before the time of voting.

Corporation not dissolved for failure to elect on day prescribed

5. *And be it enacted*, That if at any time an election shall not be held on the day herein appointed, the corporation shall not for that cause be deemed to be dissolved, but an election shall be held at any time within one year, in such manner as may be directed by the by-laws.

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. Quorum.

7. *And be it enacted*, That the stock of the corporation shall be transferable, according to the by-laws and regulations of the corporation, and shall be considered personal property; and the stock and transfer books shall be opened 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 whatsoever, with intent thereby to injure any conduit, pipe, cock, machine, or structure whatsoever, or anything appertaining to the works of the said corporation, or whereby the same may be stopped, obstructed, or injured, the person or persons so offending shall be considered guilty of a misdemeanor, and being thereof convicted, shall be punished by fine, not exceeding three hundred dollars, or imprisonment at hard labor, not exceeding two years, or both; *provided*, such criminal prosecution shall not in any wise impair the right of action for damages by a civil suit, hereby authorized to be brought, for any such injury as aforesaid, by and in the name of the said corporation, in any court of this state having cognizance of the same. Penalty for injuring works. Proviso.

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. Books of account to be kept.

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

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

Approved March 20, 1857.

CHAPTER CLXV.

AN ACT to incorporate the Orange Fire Department.

Owners of houses within certain limits incorporated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all owners of dwelling houses, or other buildings, or of stores of goods, wares, merchandise, or unmanufactured materials of any description, liable to injury by fire, situate in the township of Orange, in the county of Essex, within the following limits, viz: beginning at the junction of Cherry and Main streets, and thence running along Cherry street to the residence of Albert D. Baldwin, thence to the residence of Andrew Anderson, in Prospect street, thence to the residence of Jesse Williams, in Washington street, thence to the residence of Charles Harrison, in Valley road, thence to the residence of Andrew P. Pillot, thence to the residence of George W. Campbell, thence eastwardly along the carriage way in front of his residence to the Northfield road, thence to the residence of Edward Cournont, in Scotland street, thence to the residence of William H. N. Graves, in Centre street, thence to the residence of John Wiley, in Harrison street, and thence to the place of beginning, be and are hereby created and declared to be a body politic and corporate, under the name and style of "The Orange Fire Department; *provided*, that the board of managers be empowered to admit to all the privileges of corporators, any individual residing in the township of Orange, but not included in the aforesaid limits, upon his signifying in writing his wish to be so included, and giving his assent to the provisions of the charter.

Proviso.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said corporation, vested in real or personal estate, shall not in the aggregate exceed the sum of ten thousand dollars, and shall be solely and exclusive applied to procuring, maintaining and repairing such engines, reservoirs of water, ladders, buckets, fire-hooks, and other implements, for the extinguishment of fires, together with houses for storing and preserving all such fire apparatus, and to defraying such inci-

dental expenses, as shall, in the opinion of the board of managers, hereafter named, be necessary to effect the objects of this incorporation.

Amount of stock paid in, how ascertained.

3. *And be it enacted*, That the amount of capital stock, at any time paid in, shall be determined by the said board of managers, by an inventory of the property on hand, and belonging to the said corporation, at its actual cash value at the time of taking the inventory.

Election of officers.

4. *And be it enacted*, That the members of this corporation shall assemble at Willow Hall, in said township, on the second Monday of May next, at the hour of two o'clock in the afternoon, and at the same hour of the day, on the second Monday in May of each succeeding year, at such place as the board of managers shall determine; and the said members so assembled, shall at the first, and each succeeding annual meeting, elect by ballot, by plurality of votes, and not otherwise, a president, a secretary, a treasurer, and four managers; also, one person as assessor, and four or more wardens, all of whom shall be members of the corporation hereby created, who shall hold their offices for one year, and until their successors shall be elected; the treasurer shall give bonds in such sum as the managers shall require, and the wardens shall attend at all fires, for the purpose of protecting property, and shall be clothed with the powers of constables of the county while on duty; and the said members then and there assembled, shall also determine by plurality of votes, what amount of money shall be raised by assessment, for the use of the corporation, during the ensuing year; *provided*, that the board of managers shall not appropriate any of the funds of the corporation to the payment of the salary of any officer of the corporation, or as a remuneration for services by such officer, unless the by-laws or resolution under which such appropriation is made, be first presented and approved by the members of the corporation at their annual meeting.

Proviso.

Duties of managers.

5. *And be it enacted*, That the active power of the corporation shall be vested in the said board of managers, who shall prescribe rules and regulations for the organization, maintenance and disbanding of fire companies, and shall take

charge of and keep in repair the property of said corporation; they shall also constitute a board of appeals, before and by whom all complaints with reference to assessments made by virtue of this act, shall be heard and determined; and the said board of managers shall have power to fill all vacancies in their own body, or in any office under this corporation, until the next annual meeting, and they shall give notice of each annual meeting, except the first in May next ensuing, also the sum which they deem it expedient to raise in the ensuing year, and of the purposes to which said sum is to be applied, not less than five, or more than fourteen days before said meeting, in the newspaper or newspapers published in said township, and by handbills posted up in five of the most public places within the limits aforesaid; *provided*, it shall not be lawful to raise in the first year for the purposes mentioned in this act, a sum exceeding two thousand dollars, and in any subsequent year a sum exceeding twelve hundred dollars.

Proviso.

Chief engineer.

6. *And be it enacted*, That there shall be a chief engineer, who shall be appointed by the board of managers, and an assistant engineer, who shall be elected by the firemen, whose duties and powers shall be prescribed by the board of managers.

Assessor to make return to managers.

7. *And be it enacted*, That within sixty days after the annual meeting, the assessor shall make and return to the board of managers, a correct list of all buildings and stores of goods, wares, merchandize, and unmanufactured materials aforesaid, within said limits, excepting churches and public school houses, with the value thereof, and the names of both the owners and occupants of the buildings, and owners of the goods, wares, and merchandise, together with an assessment as aforesaid, of its equitable proportion of the sum voted to be raised by the corporation, making just allowances for the various degrees of hazard and liability to injury by fire to which said building and property may be exposed, and also to their distance from the fire apparatus.

Notice to be given of amount of tax assessed.

8. *And be it enacted*, That within twenty days after the return of said list and assessment to the board of managers, the treasurer shall give to every resident member, or leave

the same at his place of residence, whether an individual, or a body politic, or corporate, or in case of non-resident members, to the tenant in possession, a printed or written ticket, containing the amount of tax assessed upon the property owned or occupied by said member or tenant, together with the time and place of meeting of the board of appeals.

Meeting of board of appeals.

9. *And be it enacted*, That within forty days after the return of said assessment, as aforesaid, the board of appeals shall sit at such place in the township of Orange, as they may determine, to hear and determine, as they shall deem equitable and just, the complaints of all persons who may feel aggrieved by the assessments so made as aforesaid.

Notice to be given to delinquents.

10. *And be it enacted*, That after the appeals to the board shall have been determined, the treasurer shall give public notice in the newspaper or newspapers of the township, or by hand bills posted up in five of the most public places within said limits, that if the taxes so assessed are not paid within thirty days from the date thereof, that the names of the delinquents will be returned to a justice of the peace for collection; and in case of non-resident members, the tenants in possession shall, in the same manner as the owners, be liable for, and they are hereby required to pay the taxes so assessed upon the property occupied by them, and they are hereby authorized to deduct said payment from the rent which they may have contracted to pay to the owners of said property; and in case of the non-occupancy of any building, the assessment shall remain as a lien upon it, and the future occupants shall be liable for all arrearages of assessments upon said building.

List of delinquents to be delivered to justice of the peace.

11. *And be it enacted*, That in case of non-payment of taxes within the time specified in said notice, the treasurer shall make out a list of the delinquents, whether individuals or corporations, members of this incorporation, or tenants in possession, with the sums payable by them respectively thereto annexed; and he shall deliver the same to some justice of the peace in the county of Essex, accompanied with his oath or affirmation, that he has given the public notice required by the preceding section.

12. *And be it enacted*, That the justice of the peace, within

Tax warrants be delivered to constable.

(5) five days after the reception of said list of delinquents, shall deliver to some constable or constables of the county, a warrant or warrants, to levy the tax so in arrears, with costs; and the said justice and constable, or constables, shall proceed in like manner, and under like penalties and liabilities to levy the tax so in arrears, as is directed in an act entitled an "act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six, and they shall be entitled to like fees, as for like services under said act; *provided always*, that the taxes so levied and collected, shall be paid to the treasurer of said corporation.

Proviso

Who may vote or hold office.

13. *And be it enacted*, That no person shall be qualified to vote, or hold any office by virtue of this act, except the chief engineer, and subordinate officers of the company or companies which may be organized by virtue of this act.

Penalty for illegal voting.

14. *And be it enacted*, That if any person shall vote at the said annual meeting, who is not qualified as aforesaid, he shall be subject to a fine of five dollars, to be recovered with costs before any justice of the peace of the county, in the name, and for the use of the corporation; *provided*, that any body corporate, or politic, being a member of the corporation, may vote through its presiding officer, whether he be a member of the corporation or not.

Proviso.

Companies may be raised.

15. *And be it enacted*, That the said corporation shall have power to raise and organize from among its members, and from other persons residing within said limits, one or more companies of firemen, not exceeding forty men for each and every fire engine, hose, hook and ladder, or bucket company, that is or may be within its limits; and such firemen shall be exempt from jury duty so long as they shall belong to such company.

Companies may make by-laws.

16. *And be it enacted*, That the said company or companies of firemen shall have power to make such by-laws for their regulation and government, not inconsistent with the constitution and laws of this state, as they may deem proper, and to enforce the same by fines collectable by law in an action of debt, with costs, before any justice of the peace of the county, in the name of the corporation, and for the use of said company or companies respectively; *provided*, that

Proviso

such by-laws shall not be enforced until approved of by the said board of managers.

17. *And be it enacted*, That any person who shall create, or knowingly continue any false alarm of fire, within said limits, shall, on due proof thereof before any justice of the peace of the county, be subject to be punished by fine in any sum not exceeding twenty-five dollars, or by imprisonment in the county jail not exceeding twenty days. Penalty for false alarms of fire.

18. *And be it enacted*, That no person or persons residing within the aforesaid limits, shall be allowed to keep more than two pounds of gunpowder, except in a magazine at least fifty feet distant from any building, under a penalty of five dollars for every violation of this section, collectable with costs before any justice of the peace of the county; and all fines arising under this, and the preceding section, shall go one-half to the informant and one-half to the treasurer of the corporation. Gunpowder not to be kept except in certain quantities.

19. *And be it enacted*, That this act shall not take effect until it shall have been submitted to the legal voters residing within the limits aforesaid, and shall have been approved by a majority of them, at a special election to be held for that purpose, at the said Willow Hall, on the third Monday in April next, between the hours of ten o'clock in the forenoon and four o'clock in the afternoon of that day; that the said election shall be held by the officers who may hold state and county elections, and, as far as practicable, shall be conducted under the same rules; that the electors voting in favor of this act, shall vote with ballots on which shall be written or printed, "an act to incorporate the Orange Fire Department—Aye," and that those voting against the act, shall vote with ballots on which shall be written or printed, "an act to incorporate the Orange Fire Department—No;" that a statement of the result of the said election, signed by the said officers, shall, within five days thereafter, be deposited by them in the office of the clerk of the said township; and that for such services the said officers shall be entitled to receive such fees as are allowed for the same services in state and county elections. Act, when to take effect.

Approved March 20, 1857.

CHAPTER CLXVI.

AN ACT to confirm and legalize a certain conveyance of lands lying in the county of Burlington.

Preamble. WHEREAS, it appears to the legislature that Robert Leeds and wife, by mortgage dated April fourteen, eighteen hundred and forty, conveyed to John Richards certain tracts of land in the county of Burlington, that by a decree of the court of chancery, dated January twenty-first, eighteen hundred and forty-five, in a suit brought in said court by said John Richards, complainant, against said Robert Leeds and wife, and others, defendants, said mortgaged premises were ordered to be sold to satisfy the debt secured by the said mortgage, and the said defendants were debarred and foreclosed of and from all equity of redemption of, in and to said mortgaged premises; that execution issued upon said decree, and the said premises were sold by the then sheriff of Burlington county to James Maxwell and William Maxwell; that the said sheriff died before executing a conveyance of said premises to said purchasers; that nevertheless, the said James Maxwell and William Maxwell entered into possession of said premises with the assent of the said mortgagors and mortgagee, and held possession until the year eighteen hundred and fifty-two, when they conveyed said premises to Charles W. Cavileer, by deed, dated the first day of May, of that year; that the said John Richards, mortgagee above named had previously, by deed dated the third day of January, of the same year, conveyed the said premises, or all his right, title and interest therein to the same Charles W. Cavileer; that said Charles W. Cavileer then entered into, and has ever since been in undisputed possession of said premises; AND WHEREAS, it appears further that doubts have arisen regarding the validity of the said conveyance of said lands by said James Maxwell and William Maxwell to said Charles W. Cavileer, by reason of the want of a conveyance from the said sheriff of Burlin g-

ton county to the said James and William Maxwell; AND WHEREAS, justice and right requiring that such doubts should be removed, and the title of said Charles W. Cavileer perfected, and it being shown to the legislature, by competent evidence, that there is no objection thereto by any person having any kind of right to the said premises, or any part thereof; therefore,

Deed made valid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the deed mentioned in the preamble to this act, as having been made by James Maxwell and William Maxwell to Charles W. Cavileer, which said deed is dated the first day of May, in the year of our Lord, one thousand eight hundred and fifty-two, and recorded in the clerk's office of the county of Burlington, at Mount Holly, in book H, 5 of deeds, page 299, &c., shall be as good, valid and effectual, in law, for transferring, passing, and conveying the estate, right, and title, in fee simple, of, in, and to said premises mentioned therein, as if the said sheriff of Burlington county had executed a proper and sufficient conveyance of said premises to the said purchasers, James and William Maxwell, at his sale of the same, as set forth in the said preamble to this act.

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

Approved March 20, 1857.

CHAPTER CLXVII.

AN ACT for the relief of the Methodist Episcopal Church at Long Branch.

Preamble.

WHEREAS the parsonage of the Methodist Episcopal Church at Long Branch is located at an inconvenient place for the purposes of said church; AND WHEREAS, Samuel Corlies, John Woolley, Moses Hampton, Thomas W. Spinning, Tucker Woolley, George T. Brown and William R. Maps, trustees of the said Methodist Episcopal Church at Long Branch, in the township of Ocean, and county of Monmouth, are desirous of selling the parsonage, land, and other buildings connected therewith, at public vendue or otherwise, for the purpose of enabling them to purchase another lot of land, and erect thereon the necessary buildings for a parsonage; therefore,

Trustees authorized to sell land.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees, or their successors in office, or a majority of them, of the Methodist Episcopal Church at Long Branch, in the township of Ocean, and county of Monmouth, are hereby authorized and empowered to sell by public vendue, or otherwise, all that lot of land, being the site of the parsonage of the "Methodist Episcopal Church at Long Branch," together with the buildings and appurtenances, rights, liberties and hereditaments to the same belonging, and to execute and deliver to the purchaser or purchasers thereof a good and sufficient deed for the same, under the hand and seal of the above named trustees or their successors in office, or a majority of them, and upon the payment of the purchase money by the purchaser or purchasers to the said trustees, and the reception of said deed as acknowledgment of the same, such purchaser or purchasers shall be vested with and entitled to all the said lot of land and premises, buildings and appurtenances thereunto belonging, to them, their heirs and assigns.

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

Approved March 20, 1857.

CHAPTER CLXVIII.

AN ACT for the relief of Jane Logan, of the county of Morris.

Treasurer to pay forty dollars per annum.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state shall, and he is hereby authorized and required to pay to Jane Logan, widow of Captain John Logan, a soldier of the war of eighteen hundred and twelve, between the United States and Great Britain, the sum of forty dollars per annum, to be paid half yearly, the first payment to be made on the passage of this act; and the receipt of the said Jane Logan, or her order, shall be a sufficient voucher to the treasurer for such sum or sums of money as he may pay by virtue of this act, in the settlement of his accounts.

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

Approved March 20, 1857.

CHAPTER CLXIX.

AN ACT for the relief of Rebecca Hodgson, of the county of Morris.

Treasurer to pay forty dollars per annum.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state shall, and he is hereby authorized and required to pay to Rebecca Hodgson, widow of Nathaniel Hodgson, a soldier of the war of eighteen hundred and twelve, between the United States and Great Britain, the sum of forty dollars per annum, to be paid half yearly, the first payment to be made on the passage of this act; and the receipt of the said Rebecca Hodgson, or

her order, shall be a sufficient voucher to the treasurer for such sum or sums of money as he may pay by virtue of this act, in the settlement of his accounts.

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

Approved March 20, 1857.

CHAPTER CLXX.

AN ACT making an appropriation for the support of the Farnum Preparatory School.

Preamble. WHEREAS, Paul Farnum of Beverly, in the county of Burlington, did, on the eleventh day of February, eighteen hundred and fifty-seven, by an instrument in writing, under his hand and seal, agree to give and devise by his last will and testament, duly executed, the three story brick building lately erected by him in the borough of Beverly, with the lot of land on which it stands, together with the sum of twenty thousand dollars, to trustees in trust for the state of New Jersey, for the use of the Farnum Preparatory School, an institution recently organized in the said borough of Beverly, auxiliary to the State Normal School; and did also agree to give, during his life, for the support of said school, the interest of the said sum of twenty thousand dollars, to be paid annually; upon condition, nevertheless, that the state of New Jersey should by an act of the legislature, appropriate the sum of twelve hundred dollars a year, to be expended under the direction of the trustees of the State Normal School, for the support of the said Preparatory School; now, therefore, in order to comply with

the condition of the said agreement, and to secure to the state the benefit of so generous a contribution to the cause of education; therefore,

Annual appropriation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the state treasurer, on the first Monday of October next, and on the first Monday of October in every year thereafter, to pay (on the warrant of the governor,) out of any moneys in the treasury not otherwise appropriated, the sum of twelve hundred dollars, for the support of the "Farnum Preparatory School," of Beverly, in the county of Burlington, to be expended under the direction of the trustees of the State Normal School.

Approved March 20, 1857.

CHAPTER CLXXI.

AN ACT to confirm the deed of manumission of the slave Joseph, executed in the name of Simon Nevius, as the act and deed of David Nevius, late of the township of Branchburg, in the county of Somerset, and state of New Jersey.

Preamble.

WHEREAS, the said Simon Nevius did, on the first day of January, in the year of our Lord one thousand eight hundred and thirty-three, by the direction of his father, the said David Nevius, then being too unwell to do so, take the said slave Joseph, then being the property of the said David, to Somerville, in the township of Bridgewater, in said county, to manumit the said slave, and the said Simon, in pursuance of such direction, took the said slave before the two overseers of the poor, and two justices of the peace, in said Somerville, in the township of Bridgewater, and said county, stating to the said justices and the said over-

seers, the purpose for which he had brought the said slave before them, and that the said slave was the property of the said David Nevius, his father, who was too ill to appear before them in person, and had therefore sent him, the said Simon, and under the advice and direction of the said justices, in view of the facts, as above stated, did, then and there, make and execute and acknowledge a deed of manumission of the said slave Joseph, in his, the said Simon's own name; therefore,

Deed confirmed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said deed of manumission, of the slave Joseph, by the said Simon Nevius, in his own name, made, executed and acknowledged, be confirmed, as the act and deed of the said David Nevius.

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

Approved March 20, 1857.

CHAPTER CLXXII.

AN ACT relative to ground rents on real estate in the counties of Camden and Burlington.

Preamble.

WHEREAS, the system of making sales of real estate on ground rent has been found to inure to the benefit of both the vendor and vendee, in the adjoining state of Pennsylvania, tending to improvements that otherwise might not have been made; AND WHEREAS, it is advisable to place every person in a condition to secure to himself or herself a homestead with as little outlay of capital as possible, and to secure to real estate owners their full value for their property; 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 any owner of real estate in fee simple, in the counties of Camden and Burlington, in the said state, to sell and convey the same by deed or deeds, containing a reservation of ground rent to be paid annually, or semi-annually, as the parties may agree, and all deeds hereafter executed and delivered, containing a covenant for the payment of ground rent, shall be valid; *provided, however*, that nothing herein contained shall be so construed as to make such ground rents perpetual incumbrances upon the real estates, the purchaser or owner of the land out of which any ground rent issues having the right, at any time after the time limited in the deed for the payment of the principal sum, to pay the said principal sum to the holder of the ground rent, who shall thereupon immediately extinguish the same. Reservation of ground rents. Proviso.

2. *And be it enacted*, That it may be lawful, upon the failure or neglect of the purchaser of the said real estate to pay the ground rent upon the same, at such times and in such manner as agreed upon in the covenant in said deed, and to improve the same as agreed upon, within thirty days after the said ground rent shall have become due and payable, the vendor may re-enter upon said land, and re-possess the same as though said property had not been sold or conveyed; *provided*, the holder of said ground rent shall have given the purchaser or tenant sixty days' notice of his intention so to do; *provided*, the said ground rent shall still remain unpaid at the expiration of the said notice. Vendor may re-enter in case of non-payment of rent. Proviso. Proviso.

3. *And be it enacted*, That when the said real estate shall have been improved according to contract in said covenant, and the holder of said real real estate refuses or neglects to pay the said ground rents upon the same when due, the said ground rent may be collected as any sum of like amount, in any court of competent jurisdiction, with interest from the time when due. Collection of rents.

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

Approved March 20, 1857.

CHAPTER CLXXIII.

AN ACT to extend the provisions of the act entitled "An act to prevent horses, cattle, sheep, and swine from running at large in the townships of Hackensack and Harrington, in the county of Bergen," approved February twelfth, eighteen hundred and fifty-two, to certain specified townships and villages in this state.

Provisions of act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "an act to prevent horses, cattle, sheep and swine from running at large in the townships of Hackensack and Harrington, in the county of Bergen," approved February twelfth, eighteen hundred and fifty-two, and all the benefits and provisions of said act, be and the same are hereby extended to the townships of Hamilton, in the county of Mercer, also to the village of Blackwoodtown, in the county of Camden.

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

Approved March 20, 1857.

CHAPTER CLXXIV.

AN ACT to repeal an act entitled "An act regulating elections in the township of Franklin, in the county of Gloucester."

Former act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "an act regulating elections in the township of Franklin, in the county of Gloucester," approved March fourteenth, eighteen hundred and fifty-six, be and the same is hereby repealed.

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

Approved March 20, 1857.

CHAPTER CLXXV.

AN ACT respecting the Independent Essex Brigade, and to better regulate and discipline the same.

Act regulating Hudson Brigade to apply to Independent Essex Brigade.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act of the legislature of this state, approved March ten, eighteen hundred and fifty-two, entitled "an act respecting the Hudson Brigade," and of the act entitled "an act to better regulate and discipline the Hudson Brigade," approved March fifteen, eighteen hundred and fifty-six, shall apply to, govern, and be in force over the said Independent Essex Brigade, in the city of Newark, so far as the general provisions of the said acts can apply to the same, with all the like powers and privileges in said acts given to the said Hudson Brigade.

Part of former act repealed.

2. *And be it enacted*, That so much of the act entitled "an act establishing a militia system," approved April seventeenth, eighteen hundred and forty-six, and of a supplement thereto, approved February twelfth, eighteen hundred and fifty-two, so far as relates or applies to the said Independent Essex Brigade, being inconsistent with this act, be and the same are hereby repealed.

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

Approved March 20, 1857.

CHAPTER CLXXVI.

A SUPPLEMENT to an act entitled "An act to authorize and enable the city of Trenton to purchase a part or the whole of the capital stock of the Trenton Water Works Company," approved March second, eighteen hundred and fifty-five.

City authorized to borrow money

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council of the city of Trenton, whenever it may seem to them expedient so to do, to borrow such sums of money on the credit of the said city, as shall appear to them to be necessary for the purpose of relaying, repairing, and extending the mains and other works of the Trenton Water Works and to loan such moneys to the president and directors of the Trenton Water Works, for the purposes aforesaid; *provided*, that the sums of money so to be borrowed shall not exceed the sum of twenty-five thousand dollars.

Proviso.

Common council may issue bonds.

2. *And be it enacted*, That to secure the payment of the loan authorized by this act, the said common council are hereby authorized to issue the bonds of the city for an amount not exceeding in the whole the sum of twenty-five thousand dollars, which bonds shall bear interest at the rate of six per cent. per annum, payable semi-annually, and shall not be subject or liable to any tax which may hereafter be levied or assessed by order of the common council of said city.

Election to be held.

3. *And be it enacted*, That at the next annual election for officers of the said city of Trenton, the electors of said city shall vote upon the question of making the loan authorized by this act, those in favor thereof depositing ballots with the words "for water loan," written or printed thereon, and those opposed thereto depositing ballots with the words "against water loan," written or printed thereon; and the result of such election shall be certified by the election officers of each ward to the president of common council, to be by him laid before the common council at their

their next meeting; and if it shall appear that a majority of the electors of said city, voting at such election, have voted in favor of such loan, then this act shall take effect immediately, but if otherwise, then this act shall be void.

Approved March 20, 1857.

CHAPTER CLXXVII.

A SUPPLEMENT to the act entitled "An act to authorize the inhabitants of Colt's Neck, in the county of Monmouth, to sell their free church, and invest the proceeds thereof."

Commissioners authorized to sell property.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners named in the act to which this is a supplement, be, and they, or in case of the death of one or more of them, the survivors or survivor, are, and is hereby authorized and empowered to sell and convey the lot in Colt's Neck, upon which the free church formerly stood, which lot was conveyed to the trustees of the said free church by Benjamin Brower and wife, by deed, dated the first day of April, in the year eighteen hundred and twenty-nine, recorded in the Monmouth clerk's office, in Liber S, 2 of deeds, folios 179, &c., and to pay the proceeds of said sale to the Reformed Dutch Church of Colt's Neck, organized December eighth, eighteen hundred and fifty-six.

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

Approved March 20, 1857.

CHAPTER CXXVIII.

A SUPPLEMENT to the act entitled "An act relative to habitual drunkards," approved March third, eighteen hundred and fifty-three.

Lands and real estate of habitual drunkards may be sold.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the jurisdictions and powers conferred upon the chancellor and the court of chancery, as to the lands and real estate of idiots and lunatics, by the act entitled "A supplement to an act entitled an act concerning idiots and lunatics," approved February twenty-six, eighteen hundred and fifty-two, shall be and hereby are conferred upon the chancellor, and the court of chancery, as to the lands and real estate of any person who has been, or shall be found an habitual drunkard, in accordance with the provisions of the act to which this act is a supplement; and, for the sale and conveyance of the lands or real estate of any habitual drunkard, the same proceedings and practice shall be pursued and had as are by law required to be had and pursued, to make sale and conveyance of the lands of an idiot or lunatic.

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

Approved March 20, 1857.

CHAPTER CLXXIX.

A SUPPLEMENT to the act entitled "An act to revise and amend the charter of the city of Newark."

Provisions of section not to apply when mortgagee resides in Essex county.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the seventy-fifth section of the act entitled "An act to revise and amend the charter of the city of Newark," as provides that no deduction shall be made in the valuation or assessment of any lot, by reason of any mortgage, judgment, or other incumbrance thereon, but that the owner or owners of such lot may set off against the interest due upon any mortgage thereon, a proportion of the tax paid on said lot in any year, equal to the proportion that said mortgage bears to the value of the premises covered by said mortgage, shall not be deemed to apply to lands and real estate where the holder of a mortgage on said premises shall be a resident of the county of Essex, so far as relates to said mortgage.

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

Approved March 20, 1857.

CHAPTER CLXXX.

A SUPPLEMENT to the act entitled "An act concerning taxes."

Stocks exempted from tax in certain cases

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all public stocks, and other property, owned by residents of this state, which are subject to taxation in any other state, and for which such taxes shall

actually be paid, shall be exempt from taxation under the laws of this state.

Approved March 20, 1857.

CHAPTER CLXXXI.

A SUPPLEMENT to an act entitled "An act for the government and regulation of the state prison," approved April sixteen, eighteen hundred and forty-six.

Salaries to be paid monthly.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the salaries authorized to be paid to the keeper, deputy keepers and assistants, physician, and clerk of the state prison, shall be paid monthly, in the manner prescribed by law, instead of quarterly, as heretofore.

Part of former act repealed.

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

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

Approved March 20, 1857.

CHAPTER CLXXXII.

A SUPPLEMENT to the act entitled "An act to provide for the instruction of indigent blind persons, inhabitants of this state."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That each beneficiary of the state of New Jersey, in either of the institutions for the instruction of blind persons, shall be entitled to a Vienna writing box; *provided*, the cost of the same shall not exceed the sum of ten dollars, which amount shall be paid out of the state treasury in the same manner prescribed by the law to which this is a supplement. Beneficiary to receive writing box. Proviso.

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

Approved March 20, 1857.

CHAPTER CLXXXIII.

A SUPPLEMENT to an act entitled "An act to provide for ascertaining the boundaries between the county of Ocean and the counties of Burlington and Monmouth," approved March seventeenth, eighteen hundred and fifty-four.

WHEREAS, it appears that the commissioners appointed by the act of the legislature, approved March seventeenth, eighteen hundred and fifty-four, to ascertain, run and mark the boundary line between the counties of Burlington and Ocean, have not run and marked that portion of said line from Crosswick creek, near Shelltown, to the north branch of Rancocas creek, usually called Hartshorne's Preamble.

mill branch, a distance of between eleven and twelve miles, and running through the most populous and thickly settled part of the whole tract, and that the line determined upon in the report of the said commissioners is at variance and greatly differs from the ancient land-marks, old monuments, original chartered limits, long established, well-known and undisputed boundary along this section, between said counties; and that in consequence thereof, divers disputes and controversies have arisen, and are likely to arise with respect to the collection of taxes, and so forth, to the great inconvenience and disadvantage of the inhabitants between those places; therefore,

Description of partition of line between Ocean and Burlington.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the line of partition between the said county of Ocean and the said county of Burlington, between the beginning and ending points hereinafter mentioned, shall be as follows, that is to say: beginnning at a point in the middle of the channel or water-course of Crosswick's creek, opposite a stone placed by the said commissioners on the southerly side of said creek, lettered B on the west side, and O on the east side, which stone is distant three chains and fifty-three links on a course south thirty-one degrees and forty-eight minutes west from a birch tree near the south-east corner of the bridge over said creek, usually called Fowler's bridge, near and northwardly from the village of Shelltown, and from said point to run in a straight or right line over said stone, according to the original metes and bounds and ancient monuments, the general course of the road usually called the old Province line or county line road, laid in eighteen hundred and four, as the said road is now opened from Shelltown to the road from New Egypt to Jacobstown, and to continue the general course of the said Province line road, until it strikes the soldier Joe corner stone on the north side of Hockomic pond, a branch of Crosswick's creek, and from that stone in a direct line southerly to the stone near Hartshorne's mill, placed by said commissioners, next southerly of the stone placed at or near Crosswick creek.

2. *And be it enacted*, That this act shall not take effect

until the collector of the county of Burlington pay to the collector of the county of Ocean, one hundred dollars towards running said line, paying commissioners, and other expenses incurred in carrying into effect the law approved March seventeenth, eighteen hundred and fifty-four, authorizing commissioners to establish the line between the counties of Burlington, Ocean and Monmouth; and when said moneys are paid, this act shall take effect and become a law. Act when to go into effect.

Approved March 20, 1857.

CHAPTER CLXXXIV.

A SUPPLEMENT to an act entitled "An act to incorporate the Good Will Fire Company, of Trenton," approved January thirty-first, eighteen hundred and fifty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the president of said company and such other persons as may be appointed by said company for that purpose, are hereby authorized to receive subscriptions to the capital stock of said company, in shares of twenty-five dollars each; that at the time of subscribing to said stock, the sum of two dollars shall be paid upon each share subscribed for, to the persons authorized to receive such subscription, or any of them, which money shall be paid over to the treasurer of the company without delay; that the residue of said stock shall be paid in such installments, and at such times and places, and to such person or persons as the said company shall from time to time direct, public notice whereof shall be given in two of the daily papers of the city of Trenton, at least ten days before such installment shall be required to be paid; and that upon failure of the payment thereof, as so directed, the said company shall have power to Commissioners to receive subscriptions.

forfeit the shares of each and every person so failing to pay said installment, or any of them, to and for the use of said company.

Approved March 20, 1857.

CHAPTER CLXXXV.

A SUPPLEMENT to an act entitled "An act authorizing the inhabitants of the township of Mendham, in the county of Morris, to vote by ballot at their town meetings," approved March the eleventh, eighteen hundred and fifty-three.

Township officers to be elected by ballot.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the overseers of the highways of the several road districts in the township of Mendham, in the county of Morris, shall be elected by the legal voters of the several road districts, as they may be arranged from time to time by the township committees, and for the purposes of carrying this provision into effect, it shall be the duty of the township committee to give public notice of the time and place of holding the first district road meeting under this act, and shall cause notice thereof to be posted up in some conspicuous place in such district, at least five days before the time of holding any such meeting, which shall be some convenient place in the district, when and where the legal voters in the township, residing in such district, shall assemble for the purpose of such election, and at which time and place such legal voters assembled, having been called to order by any legal voter of the district, shall proceed, viva voce, by the 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; the moderator of each district meeting shall, at their first meeting after such election, notify the township committee, in writing, of the election of such overseer; in case of the failure of any district to elect an overseer, or of the person so elected to accept of the appointment, the township committee shall fill such vacancy.

District road meetings.

2. *And be it enacted*, That all subsequent district road meetings shall be called by the overseers of the respective districts, upon notice posted up in some conspicuous place in such road district, at least ten days from the time of holding such meeting, and all subsequent district road meetings shall be held on the Saturday preceding the annual town meeting; and should the overseer of any district fail to call such meeting, or the individual elected refuse to accept said appointment, or in case of a vacancy arising from any other cause, the township committee shall fill such vacancy.

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

Approved March 20, 1857.

CHAPTER CLXXXVI.

A FURTHER SUPPLEMENT to the act entitled "An act to incorporate telegraph companies," approved March fifth, eighteen hundred and fifty-three.

Preamble.

WHEREAS, an error was in the engrossing of a certain act entitled "a supplement to an act entitled 'an act to incorporate telegraph companies,'" which supplement was approved March thirteenth, eighteen hundred and fifty-six, whereby the word "Hackensack" was substituted for the word "Hackettstown,"

Provisions of supplement extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the provisions of the said supplement shall be and are hereby extended to the company already organized under the said act entitled "an act to incorporate telegraph companies," for the construction of a line of telegraph from Newark, in the county of Essex, to Hackettstown, in the county of Warren.

Approved March 20, 1857.

CHAPTER CLXXXVII.

AN ACT concerning taxes in the county of Bergen.

Act, when to take effect.

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 same shall be in force for the assessing and collecting of taxes in the county of Bergen.

Personal tax, how assessed.

2. *And be it enacted*, That the personal tax mentioned in the act entitled "an act concerning taxes," approved April fourteenth, eighteen hundred and forty-six, shall be assessed upon each inhabitant in said county liable to a personal tax, in the township where he or she resides at the time of assessment; and every person shall be assessed in the township where he resides, when the assessment is made for all lands then owned by him within said township, either occupied by him or wholly unoccupied.

Taxes of incorporated companies, how assessed.

3. *And be it enacted*, That every person shall be assessed in the township where he resides, when the assessment is made for all personal estate owned by him, including also all personal estate in his possession, or under his control, as trustee, guardian, executor, or administrator, and in case

the owner or owners of personal estate shall be non-resident of this county, then and in that case the said personal estate shall be taxed in the township where the same may be situate, that the personal estate of every incorporated company, liable to taxation, shall be assessed in the township where the principal office shall be, or if such company have no principal office or place of transacting its financial concerns, then in the township where the operations of such company are carried on, and when the tolls of any bridge, turnpike, railroad, or canal company, are collected in the several townships, the personal estate of such company shall be assessed in the township in which the treasurer or other officer authorized to discharge the general pecuniary obligations of said company resides, and the real estate of incorporated companies liable to taxation, shall be assessed in the township in which the same shall lie, in the same manner as the real estate of individuals; *provided*, that in all cases where the holder of a note, bond, or mortgage, shall not reside in the same township where the debtor of such note, bond or mortgage resides, the tax on the money secured by the said note, bond or mortgage shall be assessed against and be paid by the debtor of such note, bond, or mortgage, in the township where he resides, and the receipt of the collector shall be a legal payment for so much of the interest of said note, bond or mortgage, and be allowed and deducted therefrom by the holder of such note, bond or mortgage; *provided*, that in such case the said holder of such note, bond, or mortgage, shall not be assessed for such note, bond or mortgage in the township in which he or she resides.

Proviso.

Proviso

4. *And be it enacted*, That the assessor of every township shall, between the days prescribed by law, annually ascertain by diligent inquiry, and according to the best of his ability, the names of all the taxable inhabitants, in their respective townships, and also all the taxable property, real and personal within the same, and set down in his duplicate in four separate columns, and according to the best information in his power:

Arrangement of duplicate.

I. In the first column the names of all the taxable inhabitants in the township, as the case may be.

II. In the second column, the quantity of land to be taxed to each person.

III. In the third column, the full value of such land according to the definition of the term real estate, as given in the third section of the act concerning taxes, approved March third, eighteen hundred and fifty-four.

IV. In the fourth column, the value of all the taxable personal property owned by such person, and that from such valuation of real and personal estate there shall be deducted the whole amount of the debts due and owing by the owner thereof, excepting debts due and owing to creditors not residing in the county.

Part of former act repealed.

5. *And be it enacted*, That so much of the act entitled "an act concerning taxes," approved April fourteenth, eighteen hundred and forty-six, and the supplements thereto, as are inconsistent with the provisions of this act, so far as the same relate to the county of Bergen, be and the same are hereby repealed.

Approved March 20, 1857.

CHAPTER CLXXXVIII.

AN ACT to change the name of the First Presbyterian Church of Plainfield.

Corporate name changed

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of the First Presbyterian Church of Plainfield is hereby changed from "The First Presbyterian Church and Congregation" to "The First Presbyterian Church of Plainfield."

Approved March 20, 1857.

CHAPTER CLXXXIX.

AN ACT to enable married women to warrant the title of real estate conveyed by them.

Married women may warrant title.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That in any deed hereafter made by any married woman of full age, who joins with her husband in executing said deed, of any lands or any estate therein, it shall be lawful for her to enter into any covenant as to the title of the land thereby conveyed, or intended to be conveyed, or against incumbrances thereon, or warranting the same; and such covenants shall have the same force and effect against her and all persons claiming by, through, or under her, as if she were a feme sole and unmarried.

Approved March 20, 1857.

CHAPTER CXC.

AN ACT for the promotion of the agricultural interests of this state.

Appropriation to society.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state is hereby authorized, upon the warrant of the governor for that purpose, to pay to the treasurer of the state agricultural society the sum of one thousand dollars, for the uses and purposes of said society, which said sum of money shall be expended by the officers of said society for the promotion of the agricultural interests of this state.

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

Approved March 20, 1857.

CHAPTER CXCII.

AN ACT ceding to the United States of America jurisdiction over certain land and its appurtenances, situate in the city of Perth Amboy, and for other purposes therein mentioned.

WHEREAS, the said United States have recently appropriated money for the purchase of a site in the city of Perth Amboy, in this state, for the construction of a building therein for the accommodation of a custom-house and post office; AND WHEREAS, it is deemed highly expedient that such buildings should be erected, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the jurisdiction over so much land in the city of Perth Amboy, as the United States may now, or hereafter purchase as a site for a custom-house, post office, or other public building, is hereby ceded to the United States of America; *provided*, said United States shall purchase such piece of land of the owner thereof, and erect and sustain a public building thereon; *and provided further*, that all civil and criminal process issued under the authority of this state, on any officers thereof, may be executed on said lands, and in the buildings that may be erected thereon, in the same way and manner, as if jurisdiction had not been ceded as aforesaid. Jurisdiction over land ceded to United States. Proviso. Proviso.

2. *And be it enacted*, That all the lands over which jurisdiction is hereby ceded, and the buildings and property thereon, or which may be placed thereon by the United States, shall be exempt from all state, county and municipal taxation and assessments, so long as the same shall remain the property of the United States of America. Property exempted from tax.

Approved March 20, 1857.

CHAPTER CXCIII.

AN ACT to authorize the sale of lands limited over to infants, or in contingency, in cases where such sale would be beneficial.

Chancellor may order sale of lands limited over, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where any future or contingent estate in lands now is, or hereafter may be wholly or in part limited over to infants, or persons not in esse, or in such manner that the vesting or duration of such estate may be contingent, and the interest of the owners of the particular and future estates in such lands require, and would be promoted by a sale thereof, it shall be lawful for the chancellor, upon the application of any person owning a vested estate therein, to direct said lands to be sold in fee, and for that purpose to inquire into the situation of such land, and the merits of such application; and if, upon such inquiry, it appears that the situation, and present and prospective value of said lands are such that it would be the interest of any person who might own the same in fee to sell the same, then the chancellor shall direct such sale.

Notice to be given of presenting petition.

2. *And be it enacted*, That the proceedings in such case shall be in the court of chancery, in vacation or term time, and shall be commenced by petition of some person owning a vested estate in said premises, which petition shall describe the lands to be sold, and the limitations of the same, and shall state the persons who may be entitled to vested or prospective estates therein; and twenty days' notice of the presenting such petition shall be given to each of the persons, if they reside within this state; and if any reside without this state, such notice may be given by twenty days' service, or by advertising the same in a newspaper published in the county where the lands lie, or in case none be published in said county, then in a newspaper of this state published nearest to said lands, and also by mailing such notice directed to such person at the post office nearest to his residence, provided his residence be known; and such notices

may be served either personally, or by leaving the same at the dwelling-house of such person, and in case such person be an infant under fourteen years of age, the same shall also be served on his or her father, mother, or guardian, if any reside within this state, and in case of any limitation to persons not in being, such notice shall be served upon the ancestor of such person in manner aforesaid.

Petition to be referred to master.

3. *And be it enacted*, That upon proof of such notice, the chancellor shall refer such petition to a master to inquire into the merits of the application, who shall proceed to hear the applicant, and other parties, touching the same, giving eight days notice of the time and place of such hearing to all parties who shall, on or before the day of presenting such petition, have entered their appearance with the clerk, or who shall, ten days before such hearing, give notice of such appearance to the petitioner, or to his or her solicitor; and said master shall have power to adjourn such hearing from time to time; and said master shall reduce to writing all evidence before him, and return the same with his report; and shall report in what manner, and by what limitations such lands are held, and the nature, circumstances, and situation of said property, and whether the interests of the owners thereof require, and would be promoted by a sale of the same, and the reasons upon which such opinion is founded.

Master to sell lands and execute deed.

4. *And be it enacted*, That upon such report, if it appear to the satisfaction of the chancellor, that said lands are held or limited over as aforesaid, and that the interest of the owners require, and would be promoted by such sale, the chancellor may order such lands to be sold in fee by one of the masters of his court, either at public or private sale, and with such limitations of price, and as to credit for purchase money, as he may deem proper to direct, which sale shall be reported to the chancellor, and when approved and confirmed by him, the said master shall execute a deed thereof to the purchaser, which deed, when given pursuant to such order, shall convey to such purchaser all the estate in said lands, held or limited over as described in the petition, or held by or limited over to any of the persons named or designated

therein as present, or prospective owners in being or not in being.

Proceeds of sale to be paid into court.

5. *And be it enacted*, That the moneys arising from said sale shall be paid into the court of chancery, and the securities and mortgages for any part unpaid, shall be deposited with the clerk of the court; and all such moneys shall be kept at interest on security by bond and mortgage on real estate within this state, worth, besides destructible improvements, double the amount invested, and the interest thereof, or such part of the interest as the chancellor may direct, shall be paid to the person or persons who would for the time being, according to the limitations of said land, have been entitled to the particular estate therein, in proportion to their respective shares therein; and such securities shall be taken in the name of the chancellor of New Jersey, and the interest shall be paid on the same half yearly or otherwise, directly to the persons entitled to the same, unless otherwise directed by the chancellor, who shall from time to time make such order for the investing of said money and the payment of the interest thereon, as equity and justice may require.

Chancellor may direct part of interest money only to be paid.

6. *And be it enacted*, That in any case where justice and equity may so require, the chancellor may direct part of said interest money only to be paid to the tenant of any particular estate, and the residue of such interest to be accumulated for the tenant in remainder in fee; and when, by the limitation of such lands, the absolute fee of the same, or any share therein, would have vested in any person, then the whole or the proper share of such person of the principal of the purchase money, and the accumulated interest shall be paid by order of the chancellor to such person.

Costs and expenses of sale.

7. *And be it enacted*, That the costs and expenses of the proceedings and sale shall be taxed and paid out of the proceeds of such sale, the master to be allowed such per centage on the purchase money as the chancellor, in the order of sale, shall direct, not to exceed, in any case, one-half the amount allowed by law in sheriff's sales of lands; and that all costs and expenses incurred after such sale in investing money, and re-investing such money, and touching the pay-

ment of the interest, shall be paid out of the interest accruing on the same, and not out of the principal sum.

8. *And be it enacted,* That the chancellor may, from time to time, make such rules and orders for proceedings under this act, not contrary thereto, as shall be most efficient to promote the objects thereof with the least delay and expense. Chancellor may make rules for proceedings.

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

Approved March 20, 1857.

CHAPTER CXCIV.

AN ACT to authorize the inhabitants of the township of Salem, in the county of Salem, at their town meetings, to raise and appropriate moneys for certain purposes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That it shall and may be lawful for the inhabitants of the township of Salem, in the county of Salem, at their town meetings, to raise and make appropriations of money towards the support and maintenance of the fire engines in said township, and for public wells, and for lighting the streets. Township authorized to raise money.

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

Approved March 20, 1857.

CHAPTER CXCV.

AN ACT authorizing the appointment of commissioners to lay out streets, avenues and squares in the city of Newark.

Common council to appoint commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council of the city of Newark are hereby authorized to appoint five commissioners for the purpose of performing the several acts and duties prescribed in this act; and that in case of the death, resignation or refusal to serve of any commissioner so appointed, the vacancy shall be filled by the said common council.

Powers to be discharged within three years.

2. *And be it enacted*, That the powers and duties of the said commissioners shall be exercised and discharged within three years next after the passing of this act, and not after.

Commissioners authorized so lay out streets, &c.

3. *And be it enacted*, That it shall be lawful for the said commissioners, or a majority of them, and they shall have and possess the exclusive power to lay out streets, avenues, and public squares within the city of Newark, of such width, extent and direction as to them shall seem most conducive to the public good, and to close, or direct to be closed, any streets, roads, highways, lanes, or alleys, or any parts thereof, which have been heretofore laid out, and have not been duly surveyed and recorded as public streets, roads, highways, lanes or alleys, according to law, within the said city; and no square or plot of ground made by the intersection of any streets or avenues to be laid out by the said commissioners shall, after the streets around the same shall be opened, be divided by any public or open lane, alley, street, or thoroughfare; and it shall be the duty of the said commissioners to lay out the leading streets and principal avenues of a width not less than sixty-six feet, and in general, to lay out said streets, avenues and public squares, of such ample width as they may deem sufficient to secure a free and abundant circulation of air in and through the same, when the same shall be built upon and improved; and the said commissioners shall not, in any case, lay out any street or avenue of less

than fifty feet in width, unless the same be a continuation of a street or avenue already laid out and opened according to law.

Commissioners to make map.

4. *And be it enacted*, That it shall be lawful for the said commissioners, and all persons acting under their authority, to enter into and upon any lands, tenements, or hereditaments, which they shall deem necessary to be surveyed, used or converted for the laying out and opening of any street, avenue, or public square as aforesaid; and the said commissioners, or a majority of them, shall cause a map of the said city of Newark, showing the said streets, avenues and public squares, so laid out by them, and also the other streets, avenues, and public squares already laid out in the said city, exhibiting their connection with each other, to be made, in distinct and separate parts, and on an extensive scale, accompanied with such field notes, and elucidatory remarks as the nature of the subject may require; which map, in distinct and separate parts, accompanied with such field notes and remarks, shall be attested by the said commissioners, or a majority of them, before the mayor or city clerk of the said city of Newark, and shall be filed in the office of the city clerk of the said city, there to remain of record, and to belong to the mayor and common council of the said city; and the said commissioners shall erect or place suitable and durable monuments at the most conspicuous angles of the said streets, avenues, and public squares, or those which shall be most eligible for that purpose, to be noted on the said map; and the said commissioners shall take the elevation of the several intersections or squares above high water mark, within the said city of Newark, or so many of them as they may think sufficient, and shall delineate them, together with all such hills, valleys, inlets and streams as may be necessary, on the said maps, so as to render the same explicit and intelligible.

Commissioners not to purchase lands while in office

5. *And be it enacted*, That it shall not be lawful for either of the said commissioners, during the time he shall be in office, directly or indirectly, to purchase or contract for any lands, tenements, or hereditaments, within the said city of

Newark; and that every deed, contract or conveyance contrary to the intent hereof shall be utterly void.

Commissioners to take oath.

6. *And be it enacted*, That the said commissioners shall, before they enter upon the duties of their appointment, severally take and subscribe an oath or affirmation before the mayor or city clerk of the said city, that they will faithfully and impartially execute the duties of their appointment, which said oath or affirmation shall be filed in the office of the city clerk of the said city of Newark.

Maps to be filed in office of city clerk.

7. *And be it enacted*, That the maps, plans and surveys of the said commissioners, so to be made by them, or a majority of them, shall be final and conclusive, as well in respect to the mayor and common council of the city of Newark, as in respect to the owners and occupants of the lands, tenements and hereditaments within the said city, and in respect to all persons whomsoever, from the filing of such maps, plans and surveys, or any distinct and separate part or parts thereof, in the office of the city clerk of the said city; and the said commissioners shall cause two similar maps of the said city to be made, on a reduced scale, and in a less number of distinct and separate parts, but in all other respects, similar to the aforesaid map, filed in the office of the city clerk of said city, which maps shall be attested by the said commissioners, or a majority of them, before the mayor or city clerk of the said city of Newark, and be filed, one in the office of the clerk of the county of Essex, to remain there of record, and the other of said maps to belong to the mayor and common council of the city of Newark.

Streets to be laid out to conform to present streets.

8. *And be it enacted*, That the said commissioners, in laying out such streets, avenues and public squares, shall have regard to the streets, avenues, highways, and public squares already laid out in the said city, according to law, so as to make the same conform thereto, as far as may be practicable and consistent with the public convenience, to the end that uniformity may be produced, and the permanent interests of the city consulted in laying out the streets, avenues and public squares thereof.

Opening and regulation of streets.

9. *And be it enacted*, That the said streets, avenues and public squares shall be opened and regulated and converted

to the use of the public, in the manner now designated and settled by law, and in such other manner as the legislature may hereafter deem proper to enact.

Compensation of commissioners.

10. *And be it enacted*, That each of the said commissioners shall be entitled to receive the sum of two dollars for each day they shall respectively be employed in the duties hereby assigned to them, to be paid by the mayor and common council of the city of Newark, which sum shall be in addition to all reasonable charges and expenses for maps, plans, surveys, field notes, elucidatory remarks, monuments, surveyors, and their assistants, to be paid as aforesaid; *provided*, that all appointments, and contracts for the services of surveyors and their assistants, shall be made by the common council of the city of Newark, in common council convened, under such terms, limitations and restrictions as they may provide; but all such surveyors and assistants, in the performance of the duties and services required of them under the provisions of this act, and in the fulfilment of their contracts as aforesaid, shall be under the direction and control of the said commissioners.

Proviso.

Buildings included within limits of street.

11. *And be it enacted*, That the mayor and common council of the said city, may permit any building which shall be either partly or wholly included within the limits of any street, avenue or public square in the said city, and which may be opened, to remain unremoved for such time as they shall think proper.

Compensation for damages to owners.

12. *And be it enacted*, That whenever proceeding shall be taken for the opening of any street, avenue, or public square laid down on the aforesaid map, it shall not be lawful for the common council of the said city, or for the commissioners appointed to make an estimate and assessment of the damages which any owner or owners of any lands and real estate will sustain by the opening of such street, avenue or public square, to allow any sum or compensation whatsoever, for any building or buildings, or improvements of any kind or description, which, at any time subsequently to the filing of the aforesaid maps of the said city, may have been built, placed or erected, or made in part or in whole on any such street, avenue or public square; but compensation and re-

compense shall be made to the owner or owners thereof, and the parties interested therein for all buildings and improvements built, placed, erected or made wholly or in part upon any such street, avenue, or public square, so to be opened, at any time before the time of the filing of the aforesaid maps.

Act may be repealed.

13. *And be it enacted*, That this act shall take effect immediately, and shall be deemed and taken to be a public act, and the legislature may, at any time hereafter, alter, modify or repeal the same.

Approved March 20, 1857.

CHAPTER CXCVI.

AN ACT to authorize the inhabitants of the township of Downe, in the county of Cumberland, to straighten and improve the navigation of Dividing Creek.

Owners of meadows authorized to straighten creek.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the owners of salt meadows bordering on Dividing Creek, in the county of Cumberland, to straighten said creek wherever the same may be necessary for the better navigation thereof, and for the convenience of said owners or others navigating the same; *provided*, that the rights which any person may now have in the navigation of the same, shall be in nowise impaired, or shall said creek be straightened or its course altered in such a manner as to deprive any owner or owners as aforesaid from access to the salt meadow owned by them, bordering on said creek as it now runs, without their consent in writing first had and obtained, and which said consent,

Proviso

upon being duly acknowledged, shall be recorded in the office of the clerk of said county.

Approved March 20, 1857.

CHAPTER CXCVII.

AN ACT to authorize the trustees of the Methodist Episcopal Church, at Coopertown, in the county of Burlington, to sell and convey certain real estate.

Trustees authorized to sell property.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the Methodist Episcopal church at Coopertown, in the county of Burlington, or a majority of them, are hereby authorized to make sale and conveyance of the aforesaid lot of land, and church thereon at Coopertown aforesaid, for the best price that can be obtained for the same, and to execute a good and sufficient deed for the same to the purchaser thereof.

Trustees to pay over proceeds.

2. *And be it enacted*, That the said trustees or a majority of them, shall pay over so much of the proceeds of said sale to the person holding the obligation or incumbrance now existing against the said Coopertown Church, and for no other purpose, until such debt is fully satisfied and discharged, and the balance if any, pay over to the trustees of the Methodist Episcopal church at Beverly, who shall, within three months after such sale, make a full statement of all the proceedings in the premises to the said Beverly church, which statement shall be entered at length on the minutes of the said Beverly church.

Approved March 20, 1857.

CHAPTER CXCVIII.

AN ACT to authorize the Mayor and Council of the city of Hoboken to sell or exchange the lands known as the burying ground in the city of Hoboken.

Preamble. WHEREAS, the late John Stevens, dedicated to public use a plot of ground in Hoboken, known as the burying ground, situated between Hudson and River, and Sixth and Seventh streets, in Hoboken, being the said lands described in a certain deed from the Hoboken Land and Improvement Company of the county of Hudson, New Jersey, to the mayor and council of the city of Hoboken, dated October first, eighteen hundred and fifty-five; AND WHEREAS, the said plot is located in the central portion of the city of Hoboken, and it is considered that the further use thereof for burial purposes will be prejudicial to the health of our citizens; AND WHEREAS, the same can be advantageously sold or exchanged for other lands of equal or greater extent; therefore,

Mayor and council authorized to sell land. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the mayor and council of the city of Hoboken to sell and convey said plot of ground, and with the proceeds thereof to purchase other lands, in such place or locality as the said council by a two-third vote of all the members thereof may direct, or to exchange the same for other lands, to be selected and located by the aforesaid two-third vote of said council, and the lands so purchased or acquired by said exchange, shall be and the same is hereby set apart forever as a public burial place, for the use of the inhabitants of the city of Hoboken.

Disposition of surplus money. 2. *And be it enacted*, That upon the completion of such purchase or exchange, it shall be lawful for said council, by like vote, to expend any part of the surplus moneys arising out of said sale or exchange, in preparing, regulating and ornamenting said new cemetery grounds.

3. *And be it enacted*, That the care and control of said

grounds and of burials therein, shall be vested in the council of the city of Hoboken, who may appoint and compensate a person to superintend the same; the mayor and council of said city may give and receive the necessary conveyances to perfect said sale or exchange. Superintendent of grounds to be appointed.

4. *And be it enacted*, That all moneys received either by sale or exchange of said lands, shall be placed in the hands of the city treasurer of the city of Hoboken, or such other person as said council shall by a majority vote of all its members direct, (he or they giving sufficient security for the payment of the same to their order,) and shall be expended for the purposes indicated in this act and no other. Moneys received to be paid to city treasurer.

5. *And be it enacted*, That the friends of the deceased interred in the above described lands, may remove the bodies therefrom within three months after such sale or exchange, and that at the expiration of said three months, the purchaser of the said lands shall, at his own proper cost, under the direction of a person or persons appointed by the council of the city of Hoboken, cause to be removed all remains therefrom, and inter the same in a portion of the public burial ground authorized to be acquired under the provisions of this act; and in case the said purchaser shall neglect to do so at the end of one month, then the same shall be done by the said council or under their direction; and the expense thereof shall be a lien upon said first mentioned burial ground, and be assessed and collected in the manner provided in the city charter for the collection of assessments for improvements. Removal of bodies from burial grounds

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

Approved March 20, 1857.

CHAPTER CXCIX.

AN ACT to authorize the water commissioners of the city of Hoboken to contract for and introduce water into said city, and to provide for the payment thereof.

Preamble.

WHEREAS, under an act of the legislature of this state, approved March twenty-fifth, eighteen hundred and fifty-two, entitled "An act to authorize the construction of works for supplying Jersey City and places adjacent with pure and wholesome water," and the supplements thereto, the works therein authorized have been constructed, and the inhabitants of Jersey City thereby supplied with water; and it being represented to this legislature that the inhabitants of the city of Hoboken, which said city became incorporated by virtue of an act of the legislature of this state, approved March twenty-eighth, eighteen hundred and fifty-five, entitled "an act to incorporate the city of Hoboken," are desirous of using water supplied as aforesaid within their corporate limits, and power is desired to enable the water commissioners of the city of Hoboken to make contracts with the water commissioners acting under the authority of the first named acts, to introduce water into the said city of Hoboken, for the use of the people thereof, and also desire the power to raise money necessary for the accomplishment of such purposes; now therefore,

Board of water commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Edmund Charles, John M. Board, Charles Clinton, John Irelands and Edgar Broadhead, and the chairman of the council of the city of Hoboken for the time being, shall constitute the board of water commissioners of the city of Hoboken, and their successors in office, hereby are authorized and empowered to make and enter into such contracts, arrangements, and agreements, as in their discretion may be deemed advisable, and as may be agreed upon with the water commissioners for the time being holding office under the said act entitled "an act to au-

thorize the construction of works for supplying Jersey City, and places adjacent, with pure and wholesome water," and the supplements thereto, to enable said commissioners to introduce water into the city of Hoboken, for the use of the inhabitants thereof.

Duties and powers of commissioners.

2. *And be it enacted*, That the said water commissioners of the city of Hoboken, and their successors in office, are authorized and empowered to make such rules and regulations as may be necessary and expedient with reference to the laying of pipe in streets, the mode of using water, and the terms upon which the same shall be used, the collection of water rents, and the enforcement of such collection; and to make all contracts, agreements and engagemets as may be deemed expedient, with reference to the purchase of materials, the purchase or use of lands and premises, the doing of work, and the employment of engineers, clerks, and agents, as may be deemed advisable or proper to carry out the purposes and intents of this act; all lands and real estate which may be purchased, held or taken, under the provisions of this act, shall be taken in the name of the mayor and council of the city of Hoboken.

Water commissioners may issue bonds.

3. *And be it enacted*, That the water commissioners of the city of Hoboken, for the purpose of enabling them to defray all the costs and expenses that may be incurred under the provisions of this act, shall have authority to issue, in the corporate name of the mayor and council of the city of Hoboken, notes, bonds, scrip, or certificates of debt, to be denominated on the face "Hoboken City Water Scrip," to an amount in the whole not exceeding sixty thousand dollars, bearing an interest not exceeding seven per cent. per annum, and the said interest shall be payable semi-annually, and the principal of said debt shall be payable at periods not less than ten, or more than twenty years from date; and the said commissioners may sell the same at public or private sale, at such times as the proceeds thereof may be required for the purpose of carrying out the objects of this act, or may pledge the same at the same rate of interest, if deemed necessary or advisable, which said notes, bonds, scrip, or certificates of debt, shall not be sold for less than the par value

thereof, which said notes, bonds, scrip, or certificates of debt, shall be signed by the mayor of said city, and sealed with the corporate seal, and countersigned by said commissioners, or a majority of them, and a record of all such notes, bonds, scrip, or certificates of debt, shall be kept by the said commissioners, and copies of such record shall be made and delivered to the treasurer of the city of Hoboken, and the said corporation, and all the real estate within the corporate limits of the said city, and all chattels belonging to any person or persons, or corporation, residing or being within the said city, shall be made liable for the principal and interest due, or to become due on such notes, bonds, scrip, or certificates of debt.

Mayor and council authorized to raise money by tax.

4. *And be it enacted*, That the said the mayor and council of the city of Hoboken are, in addition to the powers contained in their charter, hereby authorized and empowered to raise by tax, in such mode or manner as is now prescribed by their charter, such additional sum or sums as may be deemed necessary or advisable, to pay the principal or interest of the said notes, bonds, scrip, or certificates of debt, and such additional tax shall be so assessed as to be known and designated as a water tax, distinct from other taxes, and all moneys received by the commissioners shall be deposited by them in some bank or banks of good credit, in the state of New Jersey, or the city of New York, and be made payable to the joint order of the president, and at least two other members of the board.

Terms of office of commissioners.

5. *And be it enacted*, That the above named commissioners, and the chairman of the board of councilmen of the city of Hoboken, for the time being, shall constitute the first board of water commissioners, and the said commissioners shall elect annually one of their number to be president of the board, and shall determine, by lot or otherwise, the terms during which the five of the number, other than the chairman of the board of councilmen, shall hold their offices, and these shall be as follows: one of them shall remain in office one year, one two years, one three years, one four years, and one five years, all to be computed from the first day of May next

ensuing, and the chairman of the board of councilmen, for the time being, shall, ex officio, be one of said board.

Annual election of commissioners.

6. *And be it enacted*, That at the charter election to be held in said city of Hoboken, in the year eighteen hundred and fifty-eight, and every year thereafter, there shall be elected one commissioner, who shall hold his office for five years next ensuing such election, and any vacancy that shall occur in said board of commissioners, by death, resignation, or otherwise, shall be filled by the council of the said city of Hoboken; but the person or persons so appointed to fill such vacancy, shall only hold his or their office until the next charter election, and each commissioner, except the chairman of the board of councilmen, who are appointed by this act, or who shall be elected or appointed under the provisions of this act, before entering upon the duties of his office, shall give a bond for ten thousand dollars, with two good and sufficient sureties, to the mayor and council of the city of Hoboken, and to be approved by said mayor and council, for the faithful performance of their duties as such commissioners; *and be it further enacted*, that no councilman of the said city of Hoboken shall be eligible as a water commissioner, when holding office, except the chairman of the board, as aforesaid.

Commissioners not to receive compensation.

7. *And be it enacted*, That the said commissioners shall not be entitled to take or receive any compensation for their services; but there shall be paid such and all reasonable traveling expenses, incurred while employed upon the works, which shall be paid out of any moneys raised and appropriated for the construction of the water works of the city of Hoboken.

Commissioners may be removed from office.

8. *And be it enacted*, That the mayor and council of the city of Hoboken, shall at any time remove any commissioner, provided it shall satisfactorily appear, after reasonable notice to the parties, and hearing the causes of complaint and answers thereto, if any shall be offered, that the commissioner whose removal is sought, has been guilty of such mal-administration, or such neglect of the duties of his office, that his removal will be right and proper, and two-thirds of

all the members elected to the said council shall concur in such removal.

No water to be used except by contract with commissioners.

9. *And be it enacted*, That the said water introduced and supplied by virtue of the said act, entitled an act to authorize the construction of works for supplying Jersey City and places adjacent with pure and wholesome water, and the supplements thereto, shall not be taken or used by the mayor and council of the city of Hoboken, or their officers or agents, except by express contract with the said commissioners, acting under the authority of the said first mentioned act.

Part of former act repealed.

10. *And be it enacted*, That all such parts of the act entitled "an act to incorporate the city of Hoboken, approved March twenty-eighth, eighteen hundred and fifty-five, as are inconsistent with the provisions of this act, are hereby repealed.

Public act.

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

Approved March 20, 1857.

CHAPTER CC.

AN ACT to authorize the Water Commissioners of the city of Hudson, to contract for and introduce water into said city, and to provide for the payment thereof.

Preamble.

WHEREAS, under an act of the legislature of this state, approved March twenty-fifth, eighteen hundred and fifty-two, entitled "An act to authorize the construction of works for supplying Jersey City, and places adjacent with pure and wholesome water," and the supplements thereto, the works therein authorized, have been constructed, and the inhabitants of Jersey City thereby supplied with water; and it being represented to this legislature that the inhabitants of the city of Hudson, which said city became

incorporated by virtue of an act of the legislature of this state, approved April eleventh, eighteen hundred and fifty-five, entitled "an act to incorporate the city of Hudson," are desirous of using water, supplied as aforesaid, within their corporate limits, and power is desired to enable the water commissioners of the city of Hudson to make contracts with the water commissioners acting under the authority of the first named acts, to introduce water into the said city of Hudson, for the use of the people thereof, and also desire the power to raise money necessary for the accomplishment of such purposes; now therefore,

Board of water commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thomas Andrews, Henry H. Newkirk, Edwin R. V. Wright, Thomas Harrison, and the President of the board of aldermen of the city of Hudson for the time being, shall constitute the board of water commissioners of the city of Hudson, and their successors in office are hereby authorized and empowered to make and enter into such contracts, arrangements, and agreements, as in their discretion may be deemed advisable, and as may be agreed upon with the water commissioners for the time being holding office under the said act entitled "an act to authorize the construction of works for supplying Jersey City, and places adjacent, with pure and wholesome water," and the supplements thereto, to enable said commissioners to introduce water into the city of Hudson, for the use of the inhabitants thereof.

Duties and powers of commissioners.

2. *And be it enacted*, That the said water commissioners of the city of Hudson, and their successors in office, are authorized and empowered to make such rules and regulations as may be necessary and expedient, with reference to the laying of pipe in streets. the mode of using water, and the terms upon which the same shall be used, the collection of water rents, and the enforcement of such collection; and to make all contracts, agreements and engagements, as may be deemed expedient, with reference to the purchase of materials, the purchase or use of lands and premises, the doing of work, and the employment of engineers, clerks, and agents, as may be deemed advisable or proper to carry out the purposes and

intents of this act; all lands and real estate which may be purchased, held, or taken, under the provisions of this act, shall be taken in the name of the mayor and common council of the city of Hudson.

Water commissioners may issue bonds.

3. *And be it enacted*, That the water commissioners of the city of Hudson, for the purpose of enabling them to defray all the costs and expenses that may be incurred under the provisions of this act, shall have authority to issue in the corporate name of the mayor and common council of the city of Hudson, notes, bonds, scrip, or certificates of debt, to be denominated on the face "Hudson City Water Scrip," to an amount in the whole not exceeding sixty thousand dollars, bearing an interest not exceeding seven per cent. per annum, and the said interest shall be payable semi-annually, and the principal of said debt shall be payable at periods not less than ten, or more than twenty years from date; and the said commissioners may sell the same at public or private sale, at such times as the proceeds thereof may be required for the purpose of carrying out the objects of this act, or may pledge the same at the same rate of interest, if deemed necessary or advisable, which said notes, bonds, scrip, or certificates of debt, shall not be sold for less than the par value thereof, which said notes, bonds, scrip, or certificates of debt shall be signed by the mayor of said city, sealed with the corporate seal of said city, and countersigned by said commissioners, or a majority of them, and a record of all such notes, bonds, scrip, or certificate of debt shall be kept by the said commissioners, and copies of such record shall be made and delivered to the treasurer of the city of Hudson, and the said corporation, and all the real estate within the corporate limits of the said city, and all chattels belonging to any person or persons, or corporation residing or being within the said city, shall be made liable for the principal and interest due, or to become due on such notes, bonds, scrip, or certificates of debt.

Mayor and council authorized to raise money by tax.

4. *And be it enacted*, That the said the mayor and common council of the city of Hudson are, in addition to the powers contained in their charter, hereby authorized and empowered to raise by tax, in such mode or manner as is

now prescribed by their charter, such additional sum or sums as may be deemed necessary, or advisable, to pay the principal or interest of the said notes, bonds, scrip, or certificates of debt, and such additional tax shall be so assessed as to be known and designated as a water tax, distinct from other taxes, and all moneys received by the commissioners shall be deposited by them in some bank or banks of good credit, in the state of New Jersey, or the city of New York, and be made payable to the joint order of the president, and at least two other members of the board.

Terms of office of commissioners.

5. *And be it enacted*, That the above named commissioners, and the president of the board of aldermen of Hudson city, for the time being, shall constitute the first board of water commissioners, and the said commissioners shall elect annually one of their number to be president of the board, and shall determine by lot or otherwise, the terms during which the four of the number, other than the president of the board of aldermen, shall hold their offices, and these shall be as follows: one of them shall remain in office one year, one two years, one three years, and one four years, all to be computed from the first day of May next ensuing, and the president of the board of aldermen, for the time being, shall, ex-officio, be one of said board.

Annual election of commissioners.

6. *And be it enacted*, That at the charter election to be held in said city of Hudson, in the year eighteen hundred and fifty-eight, and every year thereafter, there shall be elected one commissioner, who shall hold his office for four years next ensuing such election, and any vacancy that shall occur in said board of commissioners, by death, resignation, or otherwise, shall be filled by the common council of the said city of Hudson; but the person or persons so appointed to fill such vacancy, shall only hold his or their office until the next charter election, and each commissioner, except the president of the board of aldermen, who are appointed by this act, or who shall be elected or appointed under the provisions of this act, before entering upon the duties of his office, shall give a bond for ten thousand dollars, with two good and sufficient sureties, to the mayor and common council of the city of Hudson, and to be approved by said mayor and common

council, for the faithful performance of their duties as such commissioners; *and be it further enacted*, that no alderman of the said city of Hudson shall be eligible as a water commissioner, when holding office, except the president of the board, as aforesaid.

Commissioners not to receive compensation.

7. *And be it enacted*, That the said commissioners shall not be entitled to take or receive any compensation for their services; but there shall be paid such and all reasonable traveling expenses, incurred while employed upon the works, which shall be paid out of any moneys raised and appropriated for the construction of the water works of the city of Hudson.

Commissioners may be removed from office.

8. *And be it enacted*, That the mayor and common council of the city of Hudson, shall at any time remove any commissioner, provided it shall satisfactorily appear, after reasonable notice to the parties, and hearing the causes of complaint and answers thereto, if any shall be offered, that the commissioner whose removal is sought, has been guilty of such mal-administration, or such neglect of the duties of his office, that his removal will be right and proper, and two-thirds of all the members elected to the said common council shall concur in such removal.

No water to be used except by contract with commissioners.

9. *And be it enacted*, That the said water introduced and supplied by virtue of the said act, entitled an act to authorize the construction of works for supplying Jersey City and places adjacent with pure and wholesome water, and the supplements thereto, shall not be taken or used by the mayor and common council of the city of Hudson, or their officers or agents, except by express contract with the said commissioners, acting under the authority of the said first mentioned act.

Part of former act repealed.

10. *And be it enacted*, That all such parts of the act entitled "an act to incorporate the city of Hudson," approved April eleventh, eighteen hundred and fifty-five, as are inconsistent with the provisions of this act, are hereby repealed.

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

Approved March 20, 1857.

CHAPTER CCI.

AN ACT to incorporate the Bordentown Machine Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John L. McKnight, Joseph W. Allen, George M. Wright, George B. Raymond and James Molyneaux, and the survivors of them, and all such persons as may hereafter be associated with them, or the said survivors, their successors and assigns, shall be and they are hereby constituted a body corporate and politic, in fact and in name, by the name and style of "The Bordentown Machine Company," for the purpose of carrying on a general foundry and machine business, including the building of steam engines, sugar mills, mill gearing, and all other kinds of manufacturing incident thereto, in the borough of Bordentown, in the county of Burlington, in this state, and by that name they and their successors shall have succession and continue a body corporate and politic, and shall be capable of doing and causing to be done, all acts needful for the proper management of the funds and the property of said corporation, and carrying on the business for which the said corporation is created; and they and their successors may acquire, purchase, receive, have, hold, enjoy, and sell or otherwise dispose of such personal and real estate as may be necessary or useful for the said corporation to carry on the manufacturing operations before mentioned. Names of corporators. General powers.

2. *And be it enacted*, That the stock, property and concerns of said corporation shall be managed and conducted by five directors, being stockholders, (one of whom shall be president,) who shall hold their offices for one year; and the said directors shall be chosen on the first Monday in January of every year, at such time and place as shall be directed by the by-laws of the said corporation, and public notice thereof shall be given, not less than ten days previously, in one or more newspapers printed in the county of Burlington, in this state; and each stockholder shall, at such election, be entitled, in person or by proxy, to as many votes as he or Election of directors.

she shall hold shares of the capital stock of said corporation, and the persons having or receiving in such elections the greatest number of votes, and being stockholders, shall be directors; and the directors chosen at one election shall be capable of serving by virtue thereof, until another election shall have been had, and the directors so chosen may appoint such officers and superintendents, and assign such compensation as they shall think fit, not less than a majority of the whole number of directors being present when the same shall be done; and all vacancies occurring by death, resignation, or otherwise, among the directors named in this act, or those hereafter to be chosen, shall be filled by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint for that purpose; and that the said John L. McKnight, Joseph W. Allen, George W. Wright, George B. Raymond, and James Molyneaux, and the survivors of them, shall be the first directors of the said corporation, and shall hold their offices until the first Monday in January next, and until others are legally chosen.

First directors.

3. *And be it enacted*, That the capital stock of said corporation shall not exceed the sum of one hundred thousand dollars, which shall be divided into shares of twenty-five dollars each; but as soon as fifty thousand dollars of the said capital stock shall have been subscribed, it shall be lawful for said corporation to commence their said business or any part of it, and with that capital to conduct and carry it on until they shall deem it expedient to extend the same; and it shall be lawful for the directors of said corporation, or a majority of them, from time to time to call for and demand from the stockholders respectively, all such sums of money by them subscribed, at such times and in such proportions as they shall deem proper, not exceeding five dollars on each share at any one time, nor at intervals of less than one month, under pain of forfeiting the shares of said stockholders, and all previous payments thereon, if such payments shall not be made within thirty days after the day fixed for that purpose, by public notice previously published, for the space of thirty days, in one or more newspapers printed in

Amount of capital stock.

said county, designating the proportion of such payment per share, and time and place, when and where, and the officers to whom the same shall be required to be made.

Directors to open books for subscription.

4. *And be it enacted*, That the subscription for stock shall be opened until the sum required shall be subscribed, under the direction of the board of directors, or such of them as shall be designated by the board for that purpose.

Stock transferable.

5. *And be it enacted*, That the stock and property of the said corporation, of whatsoever nature or kind, shall be deemed personal estate, and transferrable in such a manner as shall be prescribed by the by-laws of said corporation; *provided*, that no dividend shall be made to and among the stockholders, except from and out of the actual net profits of said corporation.

Proviso.

Corporation not dissolved for failure to elect on day prescribed.

6. *And be it enacted*, That in case it should at any time happen that an election should not be made upon the day designated by this act for that purpose, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold such election on such other days as shall be prescribed by the by-laws of said corporation.

Directors to make by-laws.

7. *And be it enacted*, That a majority of directors for the time being, shall form a board for transacting the business of said corporation, and shall have power to make and enforce such by-laws and regulations, as they shall deem expedient, for the government, management and disposition of the stock, effects, profits, and concerns of the said corporation; *provided*, that the same are not contrary to the constitution or laws of the United States, or of this state.

Proviso

Books of account to be kept.

8. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, proper books, in which shall be regularly entered all the transactions and business of said corporation; and further, that no transfer of stock shall be valid or effectual, until such transfer shall be entered or registered in the book or books to be kept by the president and directors for that purpose.

Corporation may be dissolved.

9. *And be it enacted*, That the said corporation may be dissolved at and by a general meeting of the stockholders specially summoned for that purpose; *provided*, that at least three-fourths in value of the stockholders shall be present or

Proviso.

represented therein; and upon such dissolution, the directors for the time being, and the survivors of them shall be trustees for settling all the affairs of the said corporation, disposing of its effects, recovering its claims, and paying its debts, and dividing the surplus among the stockholders in proportion to their respective interest in the stock; unless the stockholders at such general meeting shall appoint other persons, not less than three nor more than five in number, for such purpose, in which case the persons so appointed, and the survivors of them shall be trustees for the purpose aforesaid.

Limitation.

10. *And be it enacted*, That this act shall, unless the corporation be dissolved as above provided for, continue in force for the term of twenty years from the time of its passage.

Approved March 20, 1857.

CHAPTER CCII.

AN ACT to incorporate the Hoboken Bank for Savings of the city of Hoboken.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Edwin A. Stevens, Edmund Charles, Philip H. Mulford, Cornelius V. Clickener, John M. Board, Edgar Broadhead, Charles Clinton, John Ireland, James Pope, Garret Van Mater, Thomas Forster, Frederick Bohnstead, Charles Speilman, William H. Gelston, Charles T. Perry, Charles P. DeGreck, Edwin R. V. Wright, George V. DeMott, James H. Dewey, Alexander Shaler, Henry Beard, Robert C. Bacot, Richard Coles, Philip Lauer, Francis Price, Guliam Van Houten, John Sturges, Jr., Jesse West, and George Fausel, be, and they are hereby consti-

tuted a body corporate and politic by the name of the "Hoboken Bank for Savings in the city of Hoboken."

Directors of corporation.

2. *And be it enacted*, That the business of the said corporation shall be conducted by thirty managers, five of whom shall constitute a quorum for the transaction of business; and when the seat of any member of the board shall become vacant by death, resignation, or otherwise, the other members of the board may fill such vacancy by the vote of two-thirds of their number; the persons named in the first section of this act shall constitute the first board of managers of the corporation; the said board shall hereafter meet annually upon the second Monday in April, and choose from their number a president and vice president, and appoint a secretary and treasurer, and any subordinate officers or agents as may to them appear necessary for conducting the business of the corporation, which officers so chosen and appointed shall continue in office for one year, and until others are chosen or appointed in their places, and shall be under oath for the faithful performance of the duties of their respective offices.

Managers to make by-laws.

3. *And be it enacted*, That the board of managers shall have power from time to time to make, ordain, and establish such by-laws and regulations as they shall judge proper for the transacting, managing, and directing the affairs of the corporation; *provided*, that such by-laws and regulations shall not be repugnant to the constitution and laws of this state, or of the United States, and shall not at any time be altered so as to effect any deposit of money made previously.

Proviso.

Corporation may receive deposits.

4. *And be it enacted*, That the said corporation may receive on deposit all sums of money which may be offered therefor, in such amounts, and at such times, and upon such terms as the by-laws shall prescribe; which moneys shall be invested in the manner hereinafter directed, and be repaid to the depositors or their legal representatives, at such times, and with such interest, and under such regulations as the board of managers may from time to time order; and the said corporation may accept and execute all such trusts of every kind as may be committed to them by any person or persons whatsoever, by will or otherwise, or to be transferred to them by the order of any court.

New Jersey State Library

Money deposited may be invested.

5. *And be it enacted*, That the said corporation may invest the money left with them on deposit, in no other public stocks than such as are created under the laws of the United States, or the states of New Jersey, New York, Pennsylvania, Massachusetts, the water scrip of Jersey City and Hoboken, and the Hoboken city stock, nor on bond and mortgage, except on unincumbered real estate worth at least double the amount so invested.

Rate of interest.

6. *And be it enacted*, That it shall be the duty of the board of managers to regulate the rate of interest allowed to depositors, so that they shall receive a just proportion of the profits upon the business of the said corporation, after deducting therefrom all necessary expenses, and a reasonable surplus or contingent fund; *provided*, that the said rate of interest may, at the discretion of the managers be so regulated, as that the interest allowed any depositor having more than five hundred dollars on deposit, shall be at least one per centum per annum less than the rate allowed to other depositors; *and provided also*, that the said corporation shall not be required to allow interest upon any deposit until it amounts to five dollars, nor upon the fractional parts of five dollars, nor upon the fractional parts of a month, and that no interest or dividend on account of any surplus or contingent fund shall be allowed for moneys which have been withdrawn from deposit.

Proviso.

Proviso.

Deposits by minors.

7. *And be it enacted*, That it shall be lawful for the said corporation, at their discretion, to pay to any depositor, being a minor, such sum not exceeding five hundred dollars, as may be due to such depositor, in cases where no guardian shall have been appointed in his or her behalf; and the receipt or acquittance of such minor shall be as valid as though the same were executed by his or her guardian duly appointed; *provided*, such deposit shall have been made personally by such minor, and not by any other person, for his or her benefit.

Proviso.

Deposits by married women.

8. *And be it enacted*, That in case the said corporation shall receive any deposit or deposits from any married female, or from any single female who may afterwards marry, it shall be lawful for the said corporation to hold the same, together with the interest or dividends which may accrue

thereon, as the sole and separate property of such female, as though she were single, not subject to the control, nor liable for the debts of her husband, and to repay the same, and the interest and dividends thereon, or any part thereof, upon her check, order, receipt or demand, without the concurrence of her husband; and such payment shall exonerate and discharge the said corporation from any further liabily by reason thereof.

General powers of corporation.

9. *And be it enacted*, That the said corporation may have a common seal, and may hold any real estate or property necessary for their business or security, and dispose of the same: and that all deeds, conveyances and grants, covenants and agreements, made by their president, or any other persons having authority by direction, and according to their constitution. shall be good and valid, and shall have the seal of said corporation attached thereto, and the same corporation shall have power to sue and be sued, and may defend, and shall be held to answer by the name, style and title aforesaid.

Notice to be given of time and place of holding elections.

10. *And be it enacted*, That the president, a vice president, treasurer, and secretary shall constitute a quorum for the transaction of business, and that said corporation shall give at least ten days notice of the time and place of holding elections, by advertisement inserted in a newspaper published in Hoboken, which notice shall be deemed sufficient.

Officers of corporation not to receive compensation

11. *And be it enacted*, That no emolument whatever shall directly or indirectly be received by the president or managers for their services, nor shall the said institution issue any notes or bills, nor shall any officer, manager or agent of the said institution be allowed directly or indirectly to borrow any money from the said institution, or to use the same, except to pay necessary expenses, nor shall the said institution take or hold any bonds, mortgages, or other securities for the payment of money, drawn or endorsed by, or existing against any manager, officer, or agent of the institution, and no manager or officer shall have any interest in any of the deposits, or the profits arising from the same, except such as may be due for deposits made by them as trustees for the benefit of others.

Chancellor may order an investigation of affairs of corporation.

12. *And be it enacted*, That upon the application of any three depositors in said bank, and stating the facts verified by affidavits, the chancellor may, in his discretion, order a strict examination to be made by one of the masters of his court, or by any other disinterested person or persons, not exceeding three, appointed by him for that purpose, of all the affairs of said corporation, for the purpose of ascertaining the safety of its investments and the prudence of its management, and the result of every such examination, together with the opinion of the master, or of such other person or persons to be appointed by the chancellor as aforesaid, and of the chancellor thereon, shall be published in such manner as the chancellor shall direct, who shall make such order, in respect to the expenses of such examination and publication, as he may deem proper, and may also make such other order or orders, and direct such further and other proceedings as he may deem necessary and proper for the due protection of the interests of the depositors in said corporation.

Public act.

13. *And be it enacted*, That this act is hereby declared to be a public act, and that the same shall be construed in all courts favorably, and benignly for every beneficial purpose therein intended, and that the same shall take effect immediately.

Approved March 20, 1857.

CHAPTER CCIII.

AN ACT to incorporate the Freehold Gas Light Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James S. Lawrence, Enoch L. Cowart, David C. Perrine, Charles A. Bennett, John R. Haley, William H. Conover, and Aaron R. Throckmorton, and all and every person or persons who may become subscribers according to the mode hereinafter prescribed, and their successors, are hereby created a body politic and corporate in fact, by the name of the "Freehold Gas Light Company," and by the said name the said corporation shall have power and authority to manufacture, make and sell gas for the purpose of lighting the streets, buildings, and other places in the town of Freehold and its vicinity, and to hold and convey real estate necessary for the purposes of the corporation. Names of corporators.

2. *And be it enacted*, That the said corporation shall have power to lay down their gas pipes, and erect gas posts, burners and reflectors, in the streets, alleys, lanes, avenues, public grounds and plank roads in the town of Freehold and its vicinity, and to do all things necessary to light the said town and the dwellings, stores, and other places situated therein; *provided*, that the public travel shall at no time be affected by the laying of the said pipes, and the streets, plank roads, side and cross walks, public grounds, lanes and avenues shall not be injured, but shall be left in as good condition as before the laying the said pipes and erection of the said posts. Corporation authorized to lay down pipes. Proviso.

3. *And be it enacted*, That James S. Lawrence, Enoch L. Cowart, David C. Perrine, Charles A. Bennett, John R. Haley, William H. Conover, and Aaron R. Throckmorton, are hereby appointed commissioners for receiving subscriptions for the sum of thirty thousand dollars to constitute the capital stock of the said corporation, in shares of twenty-five dollars each, and the said commissioners, or a majority of them, shall open books for that purpose at such time and in such place or places in this state, as they shall designate by Commissioners to receive subscriptions.

public advertisement previously inserted for at least three weeks in a newspaper printed at Freehold, and shall keep the same open as long as they deem necessary, and may close the same at their discretion, and again open the same from time to time, giving like notice, and shall require each subscriber to pay to them at the time of subscribing, such per cent. on each share subscribed, as they may deem expedient, not exceeding ten per cent. on each share subscribed, which shall be paid over to the directors of said corporation, to be appointed as hereinafter directed; and all the powers of the said commissioners shall cease on the appointment of the directors, and the board of directors, when appointed, shall have power and they are hereby authorized from time to time to open the books for further subscription, until the whole stock subscribed amounts to thirty thousand dollars, and are also authorized to call upon the subscribers, by public advertisement in a newspaper printed at Freehold for three weeks, for the payment of further installments, in such sum or sums, and 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 be fully paid.

Annual election for directors.

4. *And be it enacted*, That the management of the concerns of the company shall be vested in five directors to be selected from the stockholders, a majority of which directors shall be citizens of the state of New Jersey, and the said directors shall choose, by a plurality of votes, from among themselves a president; and, as soon as conviently may be after six thousand dollars shall have been subscribed, the said commissioners, or a majority of them, shall convene the stockholders by public notice for three weeks in a newspaper printed in Freehold, and at such time and place in Freehold as they shall designate in such notice to choose the first board of directors, who shall hold their offices until the then next succeeding first Monday in May, and they shall hold their offices from the first Monday in May in every year for one year, and shall be elected on the first Monday in May in each year, at such time and place in Freehold as a majority of the directors shall appoint, and public notice shall be given of the time and place of holding such election for ten

days in a newspaper printed in Freehold; and any vacancy in said board of directors may be supplied by appointments to be made by the board of directors until the next election; and all elections shall be by ballot of the stockholders or their proxies, allowing one vote for each share which they shall have held in his, her or their name or names at least one month before the time of voting.

Corporation not dissolved for failure to elect on day prescribed.

5. *And be it enacted*, That if at any time an election shall not be held on the day herein appointed, the corporation shall not for that reason be dissolved, but the directors for the time being shall remain in office until others are duly elected, which may be at any time designated by the board of directors, on public notice as aforesaid for ten days.

Quorum.

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.

Stock transferable.

7. *And be it enacted*, That the stock of the corporation shall be transferable, according to the regulations of the directors, and shall be considered personal property, and the stock and transfer books, and all proper books of account in which shall be fairly and truly entered all the transactions of the company, shall be kept at some suitable place in Freehold, and shall be at all times open for the inspection of the stockholders.

Penalty for injuring works.

8. *And be it enacted*, That if any person or persons shall wilfully do or cause to be done any act or acts whatsoever, with intent thereby to injure any conduit, pipe, cock, machine, post or structure whatsoever, or anything appertaining to the works of the said corporation, or whereby the same may be stopped, obstructed or injured, the person or persons so offending shall be considered guilty of a misdemeanor, and being thereof convicted, shall be punished by fine not exceeding three hundred dollars, or imprisonment at hard labor not exceeding two years, or both; *provided*, such criminal conviction shall not in any way impair the right of action for damages by a civil suit, which said civil suit is hereby authorized to be brought for any such injury as aforesaid, by and in the name of the said corportion, in any court of this state having cognizance of the same.

Proviso.

Company may borrow money

9. *And be it enacted*, That the said company shall have power to borrow money at any time or times not exceeding two-thirds of their capital paid in, and to secure any money so borrowed, to give bond or bonds or other evidences of debt, and mortgage or mortgages upon their property, franchises and privileges, and by such other assurance or assurances as they may deem expedient.

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

Approved March 20, 1857.

CHAPTER CCIV.

AN ACT to incorporate the Salem Reservoir and Water Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That R. M. Acton, Thomas Sinnickson, Jr., B. Acton, J. Tyler, Jos. Petit, J. N. Cooper, S. C. Harbert, and their associates, and all other persons who shall become subscribers to the capital stock hereby created, and their successors shall be and they are hereby incorporated and made a body politic and corporate, in fact and in law, by the name of The Salem Water Company.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be thirty thousand dollars with liberty to increase the same to fifty thousand dollars, which shall be divided into shares of twenty-five dollars each, and paid in by the stockholders, at such times, in such manner, in such installments, and upon such notice, as the directors of said com-

pany, by their by-laws or otherwise may direct or appoint; and in case of the failure by any stockholder to pay his or her installments at the time and place appointed for the payment thereof, or within thirty days thereafter, such stockholders shall incur a forfeiture of his or her share or shares, and of all previous payments thereon, for the use of the company; and such shares shall be deemed personal property, and be transferrable in such manner as the said company by their by-laws may appoint; provided that notice in writing, or by advertisement, shall be given to each of the stockholders of the time when the shares are required to be paid in.

Commissioners to open books of subscription.

3. *And be it enacted*, That the above named persons or a majority of them, shall be commissioners to open books and receive subscriptions to the capital stock of said company, at such time or times, and place or places, in the town of Salem, as they or a majority of them, may think proper, giving notice thereof, at least ten days prior to the time for receiving subscriptions, by publishing the same in some newspaper published and circulated in said town; and that the said commissioners, or a majority of them, shall be authorized to declare what amount shall be paid on each share at the time of subscribing, and to appoint some suitable person from among them as treasurer, to receive the same, and as soon as one hundred shares of said stock shall be subscribed, shall give like publication for a meeting of the stockholders to choose five directors, a majority of whom shall reside within the limits of the town of Salem, and who shall hold their offices for one year, and until others shall be elected.

Commissioners to deliver over money to directors.

4. *And be it enacted*, That the said election shall be certified by the said commissioners, or a majority of them, who shall thereupon deliver over to said directors the subscription books and moneys paid in, first deducting the expenses of the said commissioners, at such time and place as shall be appointed by the commissioners, or a majority of them, notice whereof shall be given to the said directors, and who shall be thereupon authorized to hold their first meeting.

Annual election of directors.

5. *And be it enacted*, That the affairs of the company shall be managed by five directors, to be chosen by the stock-

holders annually, at such time and place in said town, in such manner, and upon such notice, as by the by-laws of said company may be directed, who shall serve for one year, and until others are chosen in their stead; and the said directors shall from time to time, elect a president from their body, and shall also elect and employ such other officers as they may deem convenient and necessary, and make all such by-laws, rules and regulations as they may think proper, not inconsistent with the constitution or laws of this state or of the United States.

What property company may hold.

6. *And be it enacted*, That the said company shall have power to purchase and hold real estate, and to construct, keep and maintain such wells, reservoirs, aqueducts, pipes, water works, fixtures, and apparatus as may be necessary or useful to supply the town of Salem with good and wholesome water, in quantities sufficient for all the purposes which may conduce to the safety of the town of Salem and to the health and comfort of the citizens.

Company authorized to lay down pipes, &c.

7. *And be it enacted*, That the company be and they are hereby authorized and empowered to lay pipes for conducting the water beneath the public streets, lanes and alleys of said town free of all charge, and to place such hydrants and fire plugs as may be necessary, subject to such regulations as the said company may from time to time agree upon and adopt; the tapping of the mains and the insertion and placing of all branch pipes to be under the sole control of the said company, by such persons as they may employ and appoint.

Penalty for injuring works.

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 other structure whatsoever, or anything appertaining to the works of the said corporation, or whereby the same may be stopped, obstructed, or injured, the person or persons so offending shall be considered guilty of a misdemeanor, and being thereof convicted shall be punished by fine not exceeding one hundred dollars, or imprisonment at hard labor not exceeding one year, or both; *provided*, such criminal prosecution shall not in any wise impair the right of action for dam-

Proviso.

ages 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 of this state having cognizance of the same.

Company may dispose of water.

9. *And be it enacted*, That the said company may sell and dispose of the water to be conveyed by the pipes, under such regulations and upon such terms and conditions as they may, by their by-laws, from time to time regulate and adopt.

Act may be altered or repealed.

10. *And be it enacted*, That this act shall go into effect immediately after the passage thereof, and that the legislature may alter or repeal the same, whenever, in their opinion the public good shall require the same.

Approved March 20, 1857.

CHAPTER CCV.

AN ACT to incorporate the Millville and Buckshutem Turnpike Company.

Commissioners to receive subscriptions.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the subscription books of the capital stock of the Millville and Buckshutem Turnpike Company shall be opened by Lewis Mulford, Isaac Sharpless, Nathaniel Stratton, Furman L. Mulford, Thomas S. Ferguson, John L. Sharp, John Mayhew, Ezekiel Mayhew, junior, Joseph Butcher, Charles Bacon, and Daniel Wells, or a majority of them, who are hereby appointed to receive subscriptions to said stock, at such times and places as they, or a majority of them, may direct, giving notice thereof, at least twenty days prior to the opening of said books, by publishing the same in at least one of the newspapers published in the county of Cumberland.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be eight thousand dollars, with liberty to increase the same to fifteen thousand dollars, and shall be divided into shares of twenty dollars each; and that when one hundred and fifty shares shall be subscribed for and taken, the persons holding the same shall be and they are hereby incorporated into a company, by the name and style of "The Millville and Buckshutem Turnpike Company," and by that name and style shall have, enjoy, and exercise all the rights, powers, and privileges appertaining to corporate bodies and necessary to carry the objects of this act into effect.

Payment of installments.

3. *And be it enacted*, That at the time of subscribing for said stock, one dollar shall be paid upon each share subscribed for to the said commissioners, or any of them, which money shall be paid over to the treasurer of the company, as soon as one shall be appointed; and the residue of the subscriptions shall be paid in installments, at such times and places, and to such persons as the president and directors of the company shall from time to time direct and give public notice thereof in the manner aforesaid; and upon 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 said installments, or any of them, or to sue for the amount thereof, to and for the use of said company.

Act void if stock is not taken in certain time.

4. *And be it enacted*, That if the number of shares hereinbefore made necessary for the incorporation of said company, be not subscribed for within five years from the time of opening the said subscription books, this act, and all the subscriptions under it, shall be null and void, and the said commissioners, after deducting thereout the expenses incurred, shall return the residue to the respective subscribers, or their representatives, in proportion to the sums paid by them.

Annual election of directors.

5. *And be it enacted*, That when one hundred and fifty shares of said stock be subscribed for, the said commissioners shall call a meeting of the stockholders, giving at least twenty days notice of the times and place of said meeting, as hereinbefore directed with regard to the opening of the

books, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect, by ballot, nine directors, a majority of whom shall be citizens of this state, to manage the affairs of the 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.

Duties and powers of president.

6. *And be it enacted*, That within twenty days after the election as aforesaid, the directors shall elect from their number a president of their said company, who shall be a citizen of this state and resident of the county of Cumberland, who shall hold office for one year and until another shall be elected, and receive such compensation for his services as a majority of said directors shall direct, and shall be 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 powers and authority, and perform all the duties herein prescribed.

Duties and powers of directors.

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, who shall be a citizen of this state and resident of the county of Cumberland, and all officers, agents, superintendents, and other servants that may be required to transact the business of the company, with such compensation as they may determine upon, and may exact from

them such security for the due performance of their respective trusts as they may think expedient: they shall regulate the tolls, and have the superintendence and direction of all receipts and disbursements and all other affairs of the company, and may make and enforce such ordinances and by-laws as they may think expedient to regulate the transfers of the stock and the general government of the company and management of its affairs; *provided*, the same are not repugnant to the constitution and laws of this state or of the United States.

Proviso.

Annual statement to be made.

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

Special meetings.

9. *And be it enacted*, That special meetings of the stockholders may be called, by order of the said president and directors, or by the stockholders owning one-fourth of the whole stock of the company, by giving notice of the time and place of holding the same, as hereinbefore directed with regard to the annual meeting, which said notice shall specify the particular object of the meeting; but that no business of the company shall be transacted at such special meeting, unless a majority in value of the stockholders attend and concur therein, who may require the books, accounts, and all other papers and proceedings of the company, to be exhibited to them by the president and directors.

Corporation not dissolved for failure to elect on day prescribed.

10. *And be it enacted*, That if from any cause an election hereinbefore named shall not be had at the time specified in this act, the same may be held at any other time, on notice as aforesaid, and that until such election be had, the officers of the preceding year shall continue to hold their respective offices until others be elected in their stead, and that this charter shall not be defeated nor avoided by reason of irregularity or want of such election.

Description of road.

11. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road from Millville to Buckshutem, with the privilege of extending the same to Dorchester ferry; *provided*, said extension

shall be commenced within five years, and finished within eight years, said road beginning where the road from Millville to Cedarville connects with the Bridgeton and Millville turnpike; thence along said road to the Buckshutem road; thence along said public road, with the privilege of straightening certain points along said road; said turnpike to be at least thirty-two feet wide, except the mill-dam and bridge at Buckshutem, which shall be at least sixteen feet wide, the whole to be sufficiently arched and drained to make and keep the same dry, and at least sixteen feet thereof shall be faced with gravel to make a solid, firm, 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 five degrees with the plane of the horizon; and the said company shall construct, keep in repair, maintain, and make good and sufficient bridges along the line of said road, not less than twenty feet in width, except the one at Buckshutem as aforesaid; and whenever the said roads shall be raised so much at the margin or side as to render carriages passing thereon liable to overset, the said company shall cause good and sufficient railings to be erected and maintained on the side, so as to prevent horses and carriages from running off: and the said company may, by their officers, agents, or other persons in their employ, enter, from time to time and at all times, upon all lands, to search for stone, gravel, sand, or clay for constructing or improving said road as aforesaid, doing no unnecessary damage to said land; *provided*, that before the said company shall construct the said turnpike roads as aforesaid, they shall pay to the respective owners of the land over which the same may pass all damages which the said owners will sustain by reason of the construction of said turnpike roads; and in case the said company and the owners cannot agree upon the amount of said damage, then the damages shall be ascertained and determined, as nearly as may be, in the manner hereinafter provided for ascertaining and determining the damage which any land owner or owners may sustain by the taking of stone or gravel from his lands for the construction or maintaining of said turnpike roads. Proviso

Proceedings in case company and owners cannot agree.

12. *And be it enacted*, That it shall be lawful for the said company, their officers, superintendents, engineers and workmen, with carts, wagons, and other carriages, and with beasts of burthen and draft, and all necessary materials, tools and implements, to enter upon all lands contiguous or near to the route of said roads, doing as little damage thereto as possible; repairing any breach they might make in the enclosures thereof, and to make all ditches and underdrains across and through such lands necessary for properly draining said roads; and to take and carry away stones, gravel, clay, sand, earth, or other materials therefrom suitable for making or repairing said roads; and that when the said company, or its agents cannot agree with the owner or owners of such required lands or materials for the use or purchase thereof, or when, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of the said compamy 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 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, or to one of the judges of the court of common pleas of the county of Cumberland, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or, if unknown or out of the state, to make publication thereof, as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of commissioners, hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial, and judicious freeholders, commissioners to examine and appraise the said lands and materials, and to assess the damages, upon such notice to the persons interested as shall be directed by the justice or judge making such appointment, to be expressed therein, not less than twenty days; and it shall be the duty

of the said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath or affirmation, faithfully and impartially to examine the matter in question, and make a true report according to the best of their skill and understanding to meet at the time and place appointed, and to view and examine the said lands and materials, and make a just and equitable appraisement of the value of the same, and assessment of damages to be paid by the said company for such lands or materials and damages aforesaid, and to make a report thereof, under the hands and seals of the said commissioners, or any two of them, and file the same, within ten days thereafter, together with the aforesaid description of the lands or materials, and the appointments and oaths or affirmations aforesaid, in the clerk's office of the county of Cumberland, to remain on record therein, and shall be recorded by the said clerk; which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said lands or materials, after the payment of the value and damages so assessed, and of the right of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action in any court of competent jurisdiction, in a suit to be instituted against the company if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall continue a lien upon the property of the company in the nature of a mortgage; and the said justice or judge shall tax and allow such costs, fees and expenses to the justice or judge, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as he shall think equitable and right, which shall in all cases be paid by the company.

Rates of toll.

13. *And be it enacted*, That as soon as the said company shall have constructed the said roads in a workmanlike manner, according to the several directions in the eleventh section, and the true intent and meaning of this act, it shall and may be lawful for the said company to erect gates or turnpikes across the said roads, and to demand and receive toll

for traveling each mile, and all fractions over half a mile of said roads, not exceeding the following rates, to wit:

For every carriage, sleigh, or sled, drawn by one beast,	one cent.
For every additional beast,	one cent.
For every horse and rider, or led horse or mule,	five mills.
For every dozen of calves, sheep or hogs,	five mills.
For every dozen of horses, mules or cattle,	two cents.

And it shall and may be lawful for the tollgatherer 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 so construed as to entitle the said company to demand or receive toll of or from any person passing to or from public worship on the Sabbath day, or horses, carriages, sleighs or sleds carrying persons to or from a funeral, or in going to or returning from any grist mill, or any person passing to or from his common business on his farm, or any militiaman passing to or from any training on a muster day appointed by law, or any other military officer or soldier passing or repassing when called to do duty by the laws of this state or of the United States.

Proviso.

Mile stones or posts to be erected.

14. *And be it enacted*, That before the said company shall receive toll for traveling said roads, they shall cause mile stones or posts to be erected and maintained, one for each and every mile in use on said roads, and on each stone or post shall be fairly and legibly marked the distance the said stone or post is from Millville, 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 painted in large letters, "Keep to the right as the law directs."

Penalty for injuring works.

15. *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 roads, 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, turn-

pikes or bridges that shall be erected pursuant to this act, or shall forcibly pass the same without having paid the legal toll at such gates or turnpikes, such persons shall forfeit and pay the sum of twenty dollars, besides being subject to an action of damages for the same, to be recovered by the said company, by 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 said road to pass a gate or gates on private grounds adjacent thereto, and again enter on said road with intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gate, to be recovered by the said company, for the use thereof, in an action of debt, with costs of suit.

Penalty for taking illegal tolls.

16. *And be it enacted*, That if any tollgatherer shall unnecessarily delay or hinder any traveller passing at any of the gates or turnpikes, or shall demand and 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 obstructing passage.

17. *And be it enacted*, That all the drivers of carriages, sleighs, or sleds, of every kind and description, whether of burthen or pleasure, or persons on horseback using the said road, shall keep their horses, carriages, sleighs or sleds on the right hand of said road in the passing directions, leaving the other side of the said road free and clear for other carriages, sleighs, 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 so 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 and bridges are not kept in repair.

18. *And be it enacted*, That if the said company shall not keep the said road and bridges in repair, and complaint thereof shall be made to any judge of the court of common pleas of the county of Cumberland, he shall immediately appoint, by writing, three disinterested freeholders of said

county, who shall view the said road, and report in writing, under their hands and seals, or under the hands and seals of two of them, whether the said road so complained of be in such a state as the law requires it to be kept; and if the report be unfavorable to the said road, the said judge shall immediately, under his hand and seal, order the keeper of the gates or turnpikes to keep open the same until otherwise ordered; and if the said keeper shall, notwithstanding the order of the said judge, refuse to open the said gate or turnpike, and exact toll of travelers, he shall, for each offence, forfeit and pay twenty dollars, to be sued for by any person who will prosecute for the same in an action of debt, with costs of suit; and the judge shall be allowed for his services fifty cents, and the persons appointed one dollar each, to be paid by the company; and it shall be the duty of the persons so appointed, or a majority of them, on application from said company, again to view the said road or bridge, and report, as aforesaid, their opinion to the said judge, who shall, if authorized by the report of the said persons, or any two of them, by license under his hand and seal, directed to the tollgatherer, permit the gates or turnpikes to be shut, and the toll to be collected as before, and the said fees shall be allowed and paid as before directed; but if on the first view, as before mentioned, the report of the persons appointed, or a majority of them, shall be in favor of the company, the same fees shall be allowed as before prescribed, and paid by the person or persons making the complaint.

When company may commence taking tolls.

19. *And be it enacted*, That whenever the said company shall have completed any three consecutive miles of said road according to the directions and true intent and meaning of this act, it shall be lawful for the said company to erect a tollgate across said road, and demand and receive toll for travelling thereon, agreeably to the foregoing rates.

Public roads may be used.

20. *And be it enacted*, That the said corporation may use any portion of the main public roads on the routes above named, by and with the consent of three-fourths of all the landholders along or on the routes of said roads; and if the owners of such lands shall refuse their consent, then and in that case such roads shall be first vacated according to law.

21. *And be it enacted*, That if the said road from Millville to Buckshutem be not commenced within three years, and completed within six years from the passage of this act, that then and in that case this act shall be void; and the said corporation shall possess the several powers, and be subject to the restrictions and liabities contained in the act, entitled "an act concerning corporations." Act void if road is not completed in certain time.

Approved March 20, 1857.

CHAPTER CCVI.

AN ACT to incorporate the Board of Trustees of the Education Fund of the Newark Annual Conference of the Methodist Episcopal Church.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Richard Vanhorn, George Winsor, Charles S. Coit, John O. Winner, Edward M. Griffith, Peregrine Sandford, and Isaac Osborn, and their successors shall be and they are hereby constituted a body politic and corporate, in fact and in law, by the name, style and title of "The Board of Trustees of the Education Fund of the Newark Annual Conference of the Methodist Episcopal Church," and by that name shall be capable of acquiring by purchase, gift, demise, bequest, or otherwise, and becoming possessed of, holding, conveying and transferring any real or personal estate, necessary to the object of this incorporation; *provided*, the annual income arising therefrom shall not exceed the sum of five thousand dollars. Names of corporators. Proviso.

2. *And be it enacted*, That the business of the said corporation shall be managed by a board of seven trustees, chosen by the members of the said Newark annual conference of the Election of trustees.

Methodist Episcopal Church, when in conference assembled, from among the members of the Methodist Episcopal Church within the limits of the said conference; and that the said Richard Vanhorn, George Winsor, Charles S. Coit, John O. Winner, Edward M. Griffith, Peregrine Sandford, and Isaac Osborn, shall, from and after the passage of this act, constitute the said board of trustees and shall continue such, with power to fill any vacancy in the said board until the annual session of the said conference, at which time the said conference shall proceed to elect by ballot seven trustees for the purposes of this corporation, one of whom shall be chosen for the term of seven years, one for the term of six years, one for the term of five years, one for the term of four years, one for the term of three years, one for the term of two years, and one for the term of one year, and annually thereafter one trustee shall be elected to hold office for seven years; any vacancy occurring in the said board of trustees shall be filled by the said conference for the unexpired term thereof; should such vacancy occur at a time when the said conference is not in session, the remaining members of the board of trustees, or a majority of them, may appoint some one to fill such vacancy until the annual meeting of said conference.

Meetings of trustees.

3. *And be it enacted*, That the said trustees shall meet for the transaction of business, at such times and places as they or a majority of them may deem proper.

Interest of fund, how applied.

4. *And be it enacted*, That the lands, tenements, money, and all other property held by the said trustees pursuant to this act, shall constitute a permanent fund, the interest and proceeds of which shall be applied by the said board of trustees to the purposes of this incorporation in promoting moral and literary education, and to improve the youth of the state by furnishing them with the means of acquiring knowledge, and for the support of teachers, the establishment of libraries, and the maintenance of seminaries of learning, under the direction and control of the said conference, in such manner as the said conference shall from time to time order and direct.

Annual statement to be made.

5. *And be it enacted*, That the said trustees, in order to carry into effect the provisions of this act, shall cause to be

entered, in books to be provided and kept for that purpose, regular and full accounts of the funds of the said corporation, and at each annual session of the said conference shall lay before that body a full and true statement thereof, and of all the receipts and disbursements.

Trustees to receive share of fund.

6. *And be it enacted*, That the said board of trustees shall be entitled to receive from the "Trustees of the Education Fund of the New Jersey Annual Conference of the Methodist Episcopal Church," its proper share of the fund held by the said board of trustees, and apply it to the purposes of this incorporation.

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

Approved March 20, 1857.

CHAPTER CCVII.

AN ACT to incorporate the Orange Mutual Fire Insurance Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Pierson, Isaac J. Everett, Albert Pierson, Samuel W. Baldwin, Jesse Williams, Nelson Lindsley, Joseph A. Condit, Napoleon Stetson, Charles R. Day, Samuel Hurlbut, Abraham Mandeville, Alfred F. Munn, Charles A. Lighthipe, Simeon Harrison and Jothan Hedden, and others, their associates and successors, are hereby constituted and declared to be a body corporate and politic, by the name of "The Orange Mutual Fire Insurance Company," to be located in the township of Orange, in the county of Essex, and by that name they and their successors shall and may have succession during the continuance of this act, and shall be capable of suing and

General powers.

being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all manner of actions, suits, complaints, matters and causes whatever; and they and their successors may have a common seal, and may alter and change the same at pleasure; and also they and their successors, by the name of The Orange Mutual Fire Insurance Company shall be in law capable of purchasing, holding and conveying any estate, real and personal, for the use of the said corporation; *provided*, the said estate, which it shall be lawful to hold, be only such as is necessary for the corporation in transaction of the business thereof, or such as shall be taken as security for, or in payment of debts; *and provided also*, that the clear yearly income of such real estate shall not exceed three thousand dollars.

Proviso.

Proviso.

Persons insuring to be members of corporation.

2. *And be it enacted*, That all persons who shall insure in or with said company shall be members of said corporation; and the property and concerns of said corporation shall be conducted and managed by fifteen directors, a majority of whom shall be citizens and residents of this state, and shall not hold a like office or agency in any other Fire Insurance Company: to be chosen by ballot, by and from among the members, and shall hold their office for one year, and until others are chosen.

Election of directors.

3. *And be it enacted*, That an election for directors shall be held on the first Monday in January, in every year, at the office of the company, or such other place as a majority of the directors may previously designate: a public notice of the election shall be given by the secretary, in one or more newspapers printed in the county of Essex, at least two weeks previous to the time of holding the election; and if any of the directors shall die, or refuse to serve, or neglect to act in their said office for the space of three months successively, then and in every such case, the remaining directors shall have the power to fill such vacancy or vacancies until the next election; and in case it should happen that an election for directors should not be held on the day when, pursuant to this act, it ought to have been held, the said corporation shall not for that cause be dissolved, but it shall and may be lawful on any other day to hold such election:

provided, that the first election for directors shall be held on the first Monday in January next, and until the said election, the persons named in the first section of this act, shall be directors of said company. Proviso.

4. *And be it enacted*, That it shall and may be lawful for the said corporation to insure their respective dwelling-houses, stores, shops, or other buildings, together with household furniture, merchandise, and all other personal property, against loss or damage by fire. What corporation may insure.

5. *And be it enacted*, That the directors for the time being, or a majority of them, shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper for the management and disposition of the property, estate and effects of the corporation, for the regulation of the mode of effecting insurance in said corporation, and of valuation of property insured or to be insured thereby, and to fix rates of insurance and fees of officers, and for such other matters as appertain to the business of the said corporation, and shall have power to appoint a secretary, surveyor, or surveyors, appraiser or appraisers, and such additional officers and servants as to them shall be deemed proper, to which offices the directors shall be eligible; *provided*, such by-laws, rules and regulations, shall not be repugnant to the constitution or laws of the United States or of this state. Duties and powers of directors. Proviso.

6. *And be it enacted*, That it shall and may be lawful for the officers of said corporation, to take the notes and obligations of the members for the amount, either in part, or the whole of the premium of insurance, in proportion to the amount insured; which notes or obligations may be taken, subject to such rules and regulations as the board of directors by their by-laws may direct. Notes of members may be taken for premium of insurance.

7. *And be it enacted*, That at the first meeting of the directors held after their election, in each year, the directors shall choose from among themselves, one person for president, who shall continue in office until the next annual meeting, and until another shall be chosen in his place; they shall also elect a treasurer, and require of him to give bond to the Officers of corporation.

corporation for the faithful performance of his duty, for such sum as to them shall appear sufficient.

Assessments may be made in case of losses.

8. *And be it enacted*, That all policies of insurance which shall be made by the corporation in pursuance of this act, shall be made on such terms and conditions, and for such periods of time, and confined to such places as shall be from time to time ordered and prescribed by the by-laws, rules and regulations of said corporation; and if at any time it shall so happen that there shall be just claims on the corporation for losses sustained, or other liabilities, to a greater amount than they have funds to discharge, in such case the directors for the time being shall, with all convenient expedition, proceed to assess such deficiency, in a rateable proportion, on the members of the corporation, or their representatives, according to the amount of each member's insurance, which rates or assessments shall be approved by a majority of the whole number of directors; *provided*, that such assessment shall not exceed the amount of the note or obligation given by each member; and notice in writing shall be given by the Secretary to each member, or his representative, of his assessment, and the amount by him, her or them to be paid; and each and every member, or his representative, so notified, shall pay the same to the treasurer for the time being, within sixty days after such notification, and in default thereof shall forfeit all right and claim to any policy that he may have obtained, and be no longer a member of the association, and shall also be liable for the amount of such assessment, with interest, to be recovered by action of debt, with costs of suit, before any court of competent jurisdiction.

Proviso.

No money to be drawn from treasury, except for payment of damages, &c.

9. *And be it enacted*, That no money shall be drawn from the treasury of the corporation except for the purpose of paying damages in cases of loss by fire, and for other purposes to be provided by the by-laws, rules and regulations of the company.

Assignment of policies to be recorded.

10. *And be it enacted*, That if any person insured by the said corporation shall convey or assign the property insured, it shall be lawful for such person to assign to the purchaser the policy of insurance; but the corporation shall not be

bound by such policy, after such assignment, until the assignment shall have been recorded on the books of the corporation, and the same certified on such policy by the secretary.

11. *And be it enacted*, That any person or persons insured by said corporation, may maintain an action at law, against the same, for losses or damages due to him, her or them, from said corporation, if payment is withheld for more than ninety days after the amount of such losses shall have been ascertained, and the said corporation notified thereof; no member of the corporation, not being in his own individual capacity a party to such suit, shall be incompetent as a witnes; *provided*, that if the directors agree to rebuild or replace the property lost or damaged, in such a case a reasonable time shall be allowed them. Persons insured may maintain action for losses. Proviso.

12. *And be it enacted*, That this act shall continue in force twenty years, and no longer, unless the charter is renewed; and it shall be lawful for the legislature, at any time, to amend, alter, modify or repeal the same; *provided*, that no contract made by said corporation, before such repeal, shall be affected thereby; and the said corporation shall have a reasonable time to bring their accounts to a final settlement. Limitation. Proviso.

13. *And be it enacted*, That no part of the funds of said corporation shall be used for banking purposes. Not to engage in banking.

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

Approved March 20, 1857.

CHAPTER CCVIII.

SUPPLEMENT to act entitled "An act for the instruction of indigent deaf and dumb persons, inhabitants of this state," approved April tenth, eighteen hundred and forty-six.

Appropriation for instruction of deaf mutes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the annual expense for each deaf mute instructed at the charge of the fund created by the act to which this is a supplement, shall not exceed the sum of one hundred and fifty dollars, unless the governor, or person administering the government shall be satisfied that the means of such deaf mute, or those of his or her parents or guardians are insufficient to keep such deaf mute supplied with suitable clothing during his or her term of instruction, in which case clothing may be supplied at the charge of said fund, at an expense not exceeding thirty dollars in any one year, for any one pupil so supplied.

Part of former act repealed.

2. *And be it enacted*, That section fifth in the act to which this is a supplement, be and the same is hereby repealed.

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

Approved March 20, 1857.

CHAPTER CCIX.

SUPPLEMENT to an act entitled "An act to incorporate the Bridgeport, Thompson's Point, Billingsport and Philadelphia Steamboat Company," approved March fourteenth, eighteen hundred and fifty-six.

Part of former act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the act to which this is a supplement, as requires all of the directors of the corporation hereby created to be citizens of this state, be and the same is hereby repealed, and a majority simply, shall be citizens of this state.

Approved March 20, 1857.

CHAPTER CCX.

A SUPPLEMENT to an act entitled "An act to incorporate the Manasquan River and Barnegat Bay Canal Company," approved February twenty-fourth, eighteen hundred and forty-seven.

Time for completion of work extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time limited for the completion of the canal authorized to be constructed by the act to which this is a supplement, be and the same is hereby extended to the twenty-fourth day of February, eighteen hundred and sixty-two.

Part of former act repealed.

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

Approved March 20, 1857.

CHAPTER CCXI.

A SUPPLEMENT to the act entitled "An act to incorporate the Weehawken Ferry Company," approved March twenty-fifth, eighteen hundred and fifty-two.

When company may commence business.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for said company to commence their operations as authorized by said act, when forty thousand dollars of the capital stock of said company shall have been subscribed, and the quantity of land to be held by said company, it is hereby declared, shall not exceed fifty acres.

Rates of ferriage.

2. *And be it enacted*, That said company shall have the privilege of charging such rates of ferriage for passengers, as may be established by the by-laws of the company, not exceeding five cents for each and every passenger; and the time for establishing said ferry and having the same in operation, is hereby extended for the period of three years, and all things in said act inconsistent with this supplement is hereby repealed.

Approved March 20, 1857.

CHAPTER CCXII.

A SUPPLEMENT to an act entitled "An act to incorporate the Bordentown and Columbus Turnpike Company," approved March fourteen, eighteen hundred and fifty-six.

Corporation authorized to extend road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the said company to construct, make and extend their turnpike road, from Columbus to the junction of the Monmouth

road, in the county of Burlington, beginning at or near where the said Bordentown and Columbus turnpike now commences, in the village of Columbus; thence along the public road leading from Columbus, to the junction of the Monmouth road, the most approved course, to a stake in said Monmouth road, with the privilege to straighten certain points along said road; which said extension of said turnpike road shall be of the same width, and constructed in the same manner, and subject to the same provisions, restrictions, powers and privileges, in every respect, as are provided for and specified in the act to which this is a supplement.

Part of former act repealed.

2. *And be it enacted*, That the twenty-second section of the act to which this is a supplement, be and the same is hereby repealed, so far as it relates to the limitation of the time the charter shall continue in operation.

Freeholders may take road on payment of cost.

3. *And be it enacted*, That at the end of twenty-five years from the approval of the act to which this is a supplement, the board of chosen freeholders of the county of Burlington shall have the privilege of taking said turnpike road from Bordentown to the Monmouth road, upon paying to the stockholders of said company the original cost thereof.

Approved March 20, 1857.

CHAPTER CCXIII.

A FURTHER SUPPLEMENT to an act entitled "An act to enable the owners of the tide swamps and marshes to improve the same, and the owners of meadows already banked in, and held by different persons, to keep the same in good repair.

Assessments in cases where owner is unknown.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case the owner or possessor of any marsh, meadow ground or swamp, is unknown, the

managers mentioned in the fifth section of the act to which this is a further supplement, may make the assessment required by said section upon marsh, meadow ground or swamp, belonging to a person or persons unknown, and whereof there is no possessor, and so state the same in their duplicate.

Treasurer to advertise demand in newspaper.

2. *And be it enacted*, That the treasurer, on the receipt of the duplicate mentioned in the sixth section of the act to which this is a further supplement, in case the owner or possessor of marsh, meadow ground or swamp named in such duplicate, cannot be found in this state, may make the demand required by said section, by advertising the same in a newspaper circulated in the county wherein the marsh, meadow ground or swamp of such non-resident, owner or possessor may lie, for the space of four weeks next before the time of payment; and in case the owner is unknown, and there is no possessor, such treasurer may make the demand required by said section, by advertising the same in such newspaper for the like space of time, giving in the advertisement a brief description of the marsh, meadow ground or swamp upon which the assessment has been made.

Approved March 20, 1857.

CHAPTER CCXIV.

A FURTHER SUPPLEMENT to the act entitled "An act to reorganize the courts of law."

Courts in Essex and Union counties.

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 several regular terms of the respective courts in and for the several counties hereinafter named, shall be held at the times following, and not otherwise, that is to say; in the county of Essex, on the fourth Tuesday of April, and

on the first Tuesday of October and January respectively; in the county of Union, on the fourth Tuesday of May, and on the third Tuesday of September and December respectively.

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

Approved March 20, 1857.

CHAPTER CCXV.

A FURTHER SUPPLEMENT to an act entitled "An act to incorporate the Freehold and Jamesburg Agricultural Railroad Company," approved March eleventh, eighteen hundred and fifty-one.

Company authorized to construct branch road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said the Freehold and Jamesburg Agricultural Railroad Company be and they are hereby authorized and empowered to survey, lay out and construct an extension or branch of their railroad from some point at or near the present terminus thereof in the village of Freehold, in the county of Monmouth, to some point at or near the village of Farmingdale, in said county, with such branches as they may find it expedient to construct into the marl pits adjacent or near thereto; and in order to enable the said company to prosecute, complete and use the said extension or branch of their railroad, they are hereby invested with all the rights, powers and authority, and subjected to all the liabilities, restrictions and limitations conferred by or imposed in the original act of incorporation and the sup-

plements thereto now in force, except such as are herein repealed.

Rates of transportation.

2. *And be it enacted*, That it shall be lawful for the said company to charge four cents per ton per mile on their railroad for carrying marl and other fertilizing materials, and that no charge shall be required to be less in the aggregate than forty cents per ton for fertilizing materials, clay, iron ore, and other low priced articles, nor less than eighty cents per ton for merchandise, produce, and other property.

Part of former act repealed.

3. *And be it enacted*, That such of the provisions of the act of incorporation aforesaid, or the supplements thereto, as are inconsistent with this act, be and the same are hereby repealed.

Time for completion road.

4. *And be it enacted*, That if the said company shall not complete the said extension or branch of their road, so as to be in use within five years after the passage of this act, then the first section of this act shall be void.

Act, when to take effect.

5. *And be it enacted*, That this act shall take effect whenever the assent of the stockholders holding three-fourths of all the stock of the said Freehold and Jamesburg Agricultural Railroad Company to the provisions of this act shall be certified to the satisfaction of the governor, and shall be filed in the office of the secretary of state.

Approved March 20, 1857.

CHAPTER CCXVI.

AN ACT to defray incidental expenses.

Certain incidental expenses ordered to be paid.

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 the several persons hereinafter named, the following sums, viz:

1. To Edward Williams, for painting and other work at state house, one hundred and twelve dollars and thirteen cents. ($112 13.)

2. To John W. Cornelison, David K. Schenck and James Patterson, for per diem as commissioners appointed by governor Price, in relation to alleged infected vessels placed in the New York Bay, within the jurisdiction of New Jersey, one hundred and seventy-five dollars. ($175.)

3. To Charles W. Neale, for keys, locks, &c., on desks in assembly and senate chambers, sixteen dollars and thirty-five cents. ($16 35.)

4. To Titus H. Stout, for making fires, &c., in the senate and assembly chambers, &c., one hundred and twenty-five dollars. ($125.)

5. To Dennis Lane, for omnibus fare for the committee on state prison affairs, fourteen dollars. ($14.)

6. To Stearns & Marvin, for a safe in the office of the clerk in chancery, two hundred and ten dollars. ($210.)

7. To B. W. Titus & Co., for carpeting, oil cloths, &c., and for taking up, cleaning and repairing carpets, in library, court rooms, offices, &c., in the state house, eighty dollars and twenty-seven cents. ($80 27.)

8. To William A. Benjamin, for postage stamps and envelopes to members of the senate and assembly, session of eighteen hundred and fifty-seven, eight hundred and fifty-one dollars and sixty cents. ($851 60.)

9. To Upton & Miller, for repairs to state house, repairing stoves, &c., one hundred and fifty dollars and four cents. ($150 04.)

10. To Parham & Brother, for repairs to water hose and gas fixtures for offices, ten dollars and fifteen cents. ($10 15.)

11. To Bernhard Smith, for hauling sand, &c., at state house, six dollars and twelve cents. ($6 12.)

12. To William A. West, for ice furnished to the court rooms, &c., at state house, fourteen dollars and eleven cents. ($14 11.)

13. To Reuben Bechtel, for per diem, taking inventory at lunatic asylum, fifteen dollars. ($15.)

14. To John M. Vancleve, for per diem, taking inventory at lunatic asylum, twenty-one dollars. ($21.)

15. To William W. Norcross, for candles furnished offices at state house in eighteen hundred and fifty-five and eighteen hundred and fifty-six, thirty dollars and twenty cents. ($30 20.)

16. To Joseph G. Brearley & Co., for articles furnished, four dollars and seventy-two cents. ($4 72.)

17. To Isaac Fowler, for materials and labor, repairing state house, thirty-eight dollars and twelve cents. ($38 12.)

18. To Anthony Rowley, for mats, pails, brushes, &c., for state house, forty-six dollars and fifty-four cents. ($46 54.)

19. To Joseph G. Brearley & Co., for putting up a new heater in rotunda of state house, two hundred and twenty-seven dollars and fifty-six cents. ($227 56.)

20. To Benjamin S. Disbrow, for chair for the speaker of the assembly, desk for clerk of chancery, work done in governor's room and offices, one hundred and two dollars and eighty-seven cents. ($102 87.)

21. To Willet Hicks, for pitchers and tumblers for halls of legislature, and court rooms, seven dollars and forty-seven cents. ($7 47.)

22. To John Lanning, for carting, three dollars and fifty cents. ($3 50.)

23. To Hall and Edsall, for publishing advertisement of adjutant-general in eighteen hundred and fifty-five, two dollars. ($2.)

24. To Franklin Ferguson, for publishing advertisement

of adjutant-general in New Jersey Pioneer, in eighteen hundred and fifty-five, two dollars. ($2.)

25. To the proprietor of the "Constitution" newspaper, published at Woodbury, for advertising for adjutant general in eighteen hundred and fifty-five, two dollars. ($2.)

26. To Charles Scott, for stationery furnished the executive department, while occupied by Governor Price, fifty-two dollars and four cents. ($52 04.)

27. To Charles Scott, for stationery furnished to the court of errors and appeals and prerogative court, fifty-one dollars and twelve cents. ($51 12.)

28. To Charles Scott, for record books, notarial seals, parchments, stationery, &c., furnished to the office of the secretary of state, for use of the state, fifty-three dollars and fifty-cents. ($53 50.)

29. To the quarter-master-general, for sundry items for fuel, repairs to the arsenal, collecting state arms, &c., to wit:—Fish & Green, eight dollars and fifty-eight cents; Hitchcock & Co., six dollars; Charles Brearley & Co., twelve dollars and forty-two cents; Vancleve, McKean & Dripps, seventeen dollars and fifty cents; Fish & Green, four dollars and ninety cents; John McPherson, four dollars and sixty-two cents; Henry Thoene, nine dollars; David Ashmore, four dollars; David Clarke, sixty-six dollars and thirty-four cents; John Lanning, two dollars; Joseph G. Brearley & Co., twenty-four dollars and ninety-six cents; Barnett & Hall, twenty-six dollars and seventy-five cents: Camden and Amboy Railroad Company, eighteen dollars and seventy-five cents; John Taylor, eight dollars and twenty-five cents; Grant & Kelly twenty-five dollars; James Jobson, forty-five dollars; together making the amount of two hundred and eighty-four dollars and seven cents. ($284 07.)

30. To David S. Anderson, for work and materials for the state library, eighty-eight dollars and forty-one cents. ($88 41.)

31. To David S. Anderson, for work and materials, in laying tile floor in vault of the clerk in chancery, one hundred and sixty-one dollars and fifty-five cents. ($161 55.)

32. To David S. Anderson, for work on the state house, two dollars and thirty-five cents. ($2 35.)

33. To Charles Brearley & Co., for stoves at state house, and for sundries ordered by the treasurer and officers for state purposes, ninety-nine dollars and sixty-nine cents. ($99 69.)

34. To John Nottman, for designs, drawings, &c., of building for state library, at the request of the trustees of the library, one hundred dollars; provided that he first deposit with the secretary of state the working plans and estimate for building the same. ($100.)

35. To Joseph McPherson, for a patent leather satchel, five dollars. ($5.)

36. To the Trenton Water Company, for use of water to April first, eighteen hundred and fifty-seven, one hundred dollars. ($100.)

37. To the Trenton Gas Light Company, for gas used at state house to March eleventh, eighteen hundred and fifty-seven, ninety-two dollars and eleven cents. ($92 11.)

38. To A. O. Evans, for advertising order of adjutant-general in Hudson County Democrat, two dollars. ($2.)

39. To Anthony Rowley, Lewis Parker and Charles Brearley, for services in taking appraisement at state prison, one hundred and thirty-five dollars. ($135.)

40. To Charles Scott, for stationery furnished to the present executive, sixty-one dollars and ninety-three cents. ($61 93.)

41. To Enoch R. Borden, for services as private secretary to the governor during the present session, three hundred dollars. ($300.)

42. To John M. Cornelison, for money paid for survey of water in New York bay, as commissioner, five dollars. ($5.)

43. To John Lanning, for services of his son as messenger to the governor, one dollar and fifty cents per day during the continuance of the present session of the legislature.

44. To Samuel Johnson, for expenses on a requisition for arresting prisoners in Pennsylvania, in eighteen hundred and fifty-one, sixty-two dollars. ($62.)

45. To Margaret Corey, for cleaning rooms in state house, twenty-eight dollars. ($28.)

46. To William A. Benjamin, for postage of quartermaster-general, fifteen dollars. ($15.)

47. To Charles Scott, for stationery for quartermaster-general, seventeen dollars and thirty-five cents. ($17 35.)

48. To David Clark, for stationery furnished to the state librarian, eleven dollars and seventy-seven cents. ($11.77.)

49. To David Clark, for stationery furnished to the secretary of state, fifteen dollars and twelve cents. ($15 12.)

50. To David Clark, for stationery furnished to the state treasurer, twenty-five dollars. ($25.)

51. To David Clark, for stationery furnished to the clerk of supreme court, twenty-two dollars and thirty-seven cents. ($22 37.)

52. To David Clark, for stationery furnished to the clerk in chancery, two hundred and thirty-three dollars and eighty-two cents. ($233 82.)

53. To David Clark, for blank record books for office of the clerk in chancery, two hundred and eight dollars and seventy-five cents. ($208 75.)

54. To the committee of the legislature appointed to examine the state prison accounts, for expenses incurred, twenty-five dollars. ($25.)

55. To Charles Scott, for stationery furnished to the committee of the house of assembly during the present session, nine hundred and thirty-four dollars and seventeen cents. ($934 17.)

56. To David Clark, for stationery furnished to the house of assembly during the present session, three hundred and seventy-one dollars and fifty-five cents. ($371 55.)

57. To Charles Brearley & Co., for stationery furnished the house of assembly during the present session, one hundred and thirty-four dollars and twenty-four cents. ($134 24.)

58. To Aaron Lawshe, for carriage hire for committee to visit lunatic asylum, ten dollars. ($10.)

59. To Charles Scott, for stationery for the office of the state treasurer, thirty-five dollars and forty-three cents. ($35 43.)

60. To Charles Scott, for nine copies of Nixon's Forms and copies of Legislative Guide, ordered by the senate, twenty-five dollars. ($25.)

61. To C. J. Ihrie, for making fires, and sundry articles furnished to the library, fifty-six dollars and eight cents. ($56 08.)

62. To James Murphy, for soap, &c., furnished for use of legislature, one dollar and twelve cents. ($1 12.)

63. To Israel Wells, for binding books for clerk in chancery, one dollar. ($1.)

64. To Israel Wells, for binding books for clerk of supreme court, seven dollars. ($7.)

65. To David Clark, for blanks furnished the clerk in chancery, ten dollars and fifty cents. ($10 50.)

66. To David Clark, for one ream of envelope paper to house of assembly, four dollars. ($4 00.)

67. To H. G. Scudder, for towels for use of assembly, one dollar and eighty-seven cents. ($1 87.)

68. To S. & E. Roberts, for clock for executive chamber, and repairs to another clock in state house, eight dollars. ($8.)

69. To Edward I. Pitcher, for his services as assistant clerk of the assembly during the present session, three hundred dollars. ($300.)

70. To Charles Scott, for stationery furnished to the senate during the present sitting, four hundred and seventy-four dollars and fifty cents. ($474 50.)

71. To Joseph G. Brearley & Co., for stationery furnished to the senate during the present session, sixty-six dollars. ($66.)

72. To Hampden Moore, for advertising order of adjutant-general in eighteen hundred and fifty-five, two dollars. ($2.)

73. To publisher of Belvidere Intelligencer, for publishing order of adjutant-general in eighteen hundred and fifty-five, two dollars. ($2.)

74. To Charles Scott, for stationery furnished to the secretary of the senate, two hundred and fifty-two dollars and forty-five cents. ($252 45.)

75. To Charles Scott, for stationery furnished to the clerk

of the assembly, three hundred and twenty-eight dollars and sixty-two cents. ($328 62.)

76. To Charles Scott, for stationery furnished the clerk of the supreme court, fifty-nine dollars and sixty-six cents. ($59 66.)

77. To Charles Scott, for books and for binding volumes for state library, forty-three dollars and eighty-seven cents. ($43 87.)

78. To Charles Scott, for stationery furnished the clerk in chancery office, five dollars. ($5 00.)

79. To David Naar, for printing executions and summons for supreme court, twenty dollars.

80. To David Naar, for printing circulars and advertising for adjutant-general, seven dollars and fifty cents.

81. To David Naar, for printing one ream of subpœnas for chancery office, seven dollars.

82. To David Naar, printing three reams of subpœnas for chancery office, nineteen dollars.

83. To David Naar, for twelve copies of Legislative Journal for the use of state library, six dollars.

84. To Phillips & Howell, for boards, fourteen dollars and eighty-eight cents. ($14 88.)

85. To Isaac D. James, for stationery furnished per order of A. B. Chamberlin, twelve dollars and twenty-four cents. ($12 24.)

86. To Isaac D. James, for stationery furnished per order of William Darmon, sixteen dollars and thirty-one cents. ($16 31.)

87. To Isaac D. James, for stationery furnished per order of William Darmon, eight dollars and eighty-six cents. ($8 86.)

88. To Isaac D. James, for stationery furnished per order of A. R. Throckmorton, nineteen dollars and twenty-five cents. ($19 25.)

89. To Charles Skelton, James Hammell and Jonathan Pickel, for services as appraisers at state prison, one hundred and thirty-five dollars. ($135.)

90. To William Darmon, cash paid William A. Benjamin,

per order T. W. Demarest, seven dollars and forty cents. ($7 40.)

91. To William Beatty, door-keeper, one dollar per day, and to each assistant one dollar per day, in addition to their per diem allowance.

92. To William A. Benjamin, postmaster, bill of stamps, as per bill dated March thirteen, eighteen hundred and fifty-seven, one hundred and thirty dollars.

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

Approved March 21, 1857.

CHAPTER CCXVII.

AN ACT to incorporate the Charleston Industrial Association.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That William H. Banta, William Friese, Richard Brinkerhoof, James Brinkerhoof, Enoch Freeling, Louis Ford, and John Barry, together with such persons as shall subscribe to the stock hereby authorized, and their successors, be and are hereby constituted a body politic and corporate, in law, by the name of "The Charlesleston Industrial Association," and by that name shall have power to use a common seal, to sue and be sued, to defend and be defended, in all courts of law and equity, for the purpose of carrying on an upholstering and furniture business in the manufacture of all kinds of furniture, and to do all such things as are incident to a corporation, and necessary for the purposes of this act, and that the location of this corporation shall be in the county of Bergen.

2. *And be it enacted*, That the capital stock of said corporation shall be five thousand dollars, and shall be divided into shares of five dollars each; and the said stock shall be deemed personal property, transferable only on the books of said corporation, and shall be paid in at such times, in such manner, and upon such notice as the directors of the corporation may appoint. Amount of capital stock.

3. *And be it enacted*, That for carrying out the purposes mentioned in the first section of this act, the said association may, from time to time, procure, hold and use such vehicles, horses, and such other personal property as may be needed by them for carrying on their business as aforesaid; and may also purchase, hold, and convey so much real estate as may be necessary for the proper transaction of their business. What property company may hold.

4. *And be it enacted*, That the business of the said corporation shall be conducted by not less than five, nor more than ten directors, one of whom shall be president, one first vice-president, one second vice-president, one secretary, and one the treasurer; the said directors shall hold their office one year, and until others are elected in their stead; the election for directors shall be held annually, at such time and place as the by-laws of the said corporation shall provide, at which each stockholder shall be entitled to one vote and no more, in person or by proxy. Annual election of directors.

5. *And be it enacted*, That the said association shall hold meetings annually, and at such other times as its by-laws may provide; at the annual meetings, the directors shall exhibit a full complete statement of the affairs of the said association during the preceding year, and no dividends shall be declared upon the stock of the said association, except from the net profits thereof. Annual statement to be made.

6. *And be it enacted*, That William H. Banta, William Friese, and Richard Brinkerhoof, or one of them, shall be commissioners or commissioner to receive subscriptions for the capital stock of said association; and they or he are hereby authorized for that purpose to open books of subscription, at such times and places as they or he shall appoint, giving twenty days' notice of such times and places by advertisement in one or more newspapers. Commissioners to receive subscriptions.

Limitation.

7. *And be it enacted*, That this act shall continue in force for a period not exceeding fifteen years.

Approved March 21, 1857.

CHAPTER CCXVIII.

AN ACT making an appropriation for the state prison.

Appropriation to state prison.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of ten thousand dollars be paid by the treasurer out of the state treasury, to the keeper of the state prison, to be applied to the payment of the debts now due and unpaid against the aforesaid institution.

Account of debts liquidated to be annexed to report.

2. *And be it enacted*, That an accurate and true account of the debts liquidated out of the money above appropriated, stating the amount of such debts respectively, for what purpose contracted, and to whom and when paid, shall be kept by the said keeper, and a true copy thereof annexed to his next annual report to the legislature.

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

Approved March 21, 1857.

CHAPTER CCXIX.

AN ACT to confirm the title of Oliver W. Farley to certain lands in the county of Hunterdon.

Preamble.

WHEREAS, Oliver W. Farley, of the county of Hunterdon, purchased of Anna Crate, of said county, a certain tract of land, situate near Cokesburgh, containing twenty-eight hundredths of an acre of land, in said county, in the year of our Lord one thousand eight hundred and forty-eight, and at the same time she, the said Anna Crate, having received the consideration therefor, agreed to deliver to the said Oliver W. Farley a deed for the same, but, before it was executed, the said Anna Crate departed this life intestate, and the said Oliver W. Farley has ever since continued in the peaceable possession of the same, and has been since the year eighteen hundred and thirty-six; therefore,

Title of O. Farley confirmed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the title of the said Oliver W. Farley, be and the same is by this act completed and confirmed, to all that tract of land situate in the township of Clinton, in said county of Hunterdon, and state of New Jersey, bounded as follows: beginning at a stake in the road leading from Bray's Hill to Cokesburgh, thence (1) north eighty-seven degrees and thirty minutes, west three chains and twenty-three links, thence (2) south two degrees, east one chain and seventy-five links to a corner near an ash stump, thence (3) north sixty-three degrees, east three chains and fifty-three links to the place of beginning, containing twenty-eight hundredths of an acre of land; and this act shall convey and assure the said tract of land to the said Oliver W. Farley, his heirs and assigns, to all intents and purposes, as if a deed had been made by the said Anna Crate, in her lifetime, to the said Oliver W. Farley.

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

Approved March 21, 1857.

CHAPTER CCXX.

AN ADDITIONAL SUPPLEMENT to the act entitled "An act to incorporate the Sussex Mine Railroad Company," approved March ninth, eighteen hundred and forty-eight.

Time for commencement of road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time fixed by the supplements to the act of incorporation of the Sussex Mine Railroad Company, for the commencement of the road or roads thereby authorized, shall be computed from the passage of this act.

Approved March 21, 1857.

CHAPTER CCXXI.

A FURTHER SUPPLEMENT to the act entitled "An act constituting courts for the trial of small causes," approved April sixteen, eighteen hundred and forty-six.

Notice to be given of demand of trial by jury.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases of appeal from the judgment of any justice of the peace, in the county of Essex, not rendered on the verdict of a jury, it shall and may be lawful for either party to said appeal, upon giving notice in writing to the clerk of the court of common pleas of the county, at least twenty days previous to the first day of the term next succeeding that to which said appeal shall have been sent up, to demand a trial of said appeal by jury, and upon receiving such notice, said clerk shall file the same in his office, and said appeal shall be tried by a jury in the same manner as jury appeals are now tried and determined.

2. *And be it enacted*, That the party appealing from any judgment, obtained before any justice of the peace in the county of Essex, shall, within ten days after such appeal shall be sent up by the justice to the court of common pleas of said county, pay to the clerk of said court the sum of one dollar, as filing fees, fifty cents whereof shall be paid by said clerk to the judges of said court, as their fees thereon; and no other costs or fees shall be payable thereon to said court or clerk, except in cases of trial, when said clerk shall further be entitled to such additional fees as are now payable for swearing witnesses and swearing a jury, if the same be tried. Fees of judge and clerk.

3. *And be it enacted*, That if, after the expiration of the time limited in the second section of this act, for payment of the said filing fees, the same shall remain unpaid, said appeal shall be dismissed by said court, on application of the appellee to that effect, in which case said appellee shall pay to the clerk said filing fee. Appeal dismissed if fees are not paid.

4. *And be it enacted*, That all acts, and parts of acts, inconsistent to the provisions of this act, be and the same hereby are repealed. Part of former acts repealed.

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

Approved March 21, 1857.

CHAPTER CCXXII.

AN ACT to encourage the removal of obstructions to navigation in the Delaware river.

Preamble.

WHEREAS, the navigation of the Delaware river is often seriously obstructed by reason of large deposits of sand and mud made during the heavy annual freshets, causing the sudden formation of sand and mud bars or islands, which are covered by the water at high tide, and thus offer unlooked for obstacles to navigation, and endanger the property of our citizens; AND WHEREAS, it is expedient that this state should offer all lawful facilities for the rapid and inexpensive removal of such of these obstructions as are within its jurisdicton; therefore,

Citizens authorized to remove obstructions.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act it shall be lawful for any citizen of this state who may be willing to incur the expense and to comply with the provisions of this act, to go upon, take possession of, dig up, remove, and dispose of to his own use, any sand, mud, or other material, not the property of any private individual, deposited or accumulated during the freshets of the said river, below Trenton bridge, and forming a bar or island in the stream thereof, within the jurisdiction of this state; *provided*, the person so taking possession of and undertaking the removal of the same, shall, at his own expense, cause to be placed and maintained in the said river, a buoy or buoys, to mark the place where said obstruction exists, and shall also file in the offiee of the secretary of state, a certificate of his intention to acquire possession and undertake the removal of the deposit forming said bar or island, and to claim the benefits of this act in relation thereto.

Proviso.

Persons acquiring possession to be entitled to sole use.

2. *And be it enacted*, That when any person shall have acquired possession of any bar or island under the provisions of this act, and shall have caused the said buoy or buoys to be placed as aforesaid, and complied with the other provisions of this act, he shall be entitled to the sole and exclu-

sive use and possession thereof, for the purpose of removing and carrying away the sand, mud, or other deposit forming the same; and any other person or persons who shall go upon, remove, or carry away any of the said sand, mud, or other deposit, without the consent or permission of the person so entitled to the same, shall be liable to pay a fine of twenty-five dollars, to be sued for and collected by the person so entitled, in an action of debt, in any court of competent jurisdiction in this state, the one-half of said fine to be paid to the person so suing, and the other half to be paid to the treasurer, for the use of the state.

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

Approved March 21, 1857.

CHAPTER CCXXIII.

AN ACT to abolish the courts of the borough of Elizabeth.

Borough courts abolished.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the courts of common pleas and general sessions of the peace of the borough of Elizabeth, authorized and created in and by the act entitled "an act to establish and confirm the charter rights and privileges of the borough of Elizabeth," passed the twenty-eighth day of November, seventeen hundred and eighty-nine, be and the same are hereby abolished, and that so much of the said acts, and of the several supplements thereto, and all acts authorizing and confirming said courts, be and the same are hereby repealed.

2. *And be it enacted*, That this act shall take effect on and after the second Monday of April next.

Approved March 21, 1857.

JOINT RESOLUTIONS.

NUMBER I.

To authorize the treasurer of this state to dispose of certain securities.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state is hereby authorized to dispose of, at his discretion, any securities which he may receive from the trustees of the school fund, and any amount of stock which may come to his hands, as a dividend of the stock of the Camden and Amboy Railroad and Transportation Company and Delaware and Raritan Canal Company, and apply the proceeds to the liquidation of the loan debt of this state, and the payment of the unpaid appropriations. Treasurer authorized to sell securities

Passed March 21, 1857.

NUMBER II.

In relation to the disposal of the securities in the hands of the state treasurer.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the state treasurer be and is Treasurer authorized to sell securities

hereby authorized to sell, at any time previous to the meeting of the next session of the legislature, the following bonds, and other securities now in his hands belonging to the state, namely, three bonds of the joint companies, amounting to forty-four thousand dollars, and two bonds and mortgages, amounting to the sum of three thousand four hundred and ninety dollars and eighty-five cents, and such other securities as he may hereafter receive, at the highest market value, whenever he may deem it necessary so to do, first giving to the trustees of the school fund, the refusal of the purchase, and to apply the proceeds thereof to the payment of the appropriations made by the legislature, and the indebtedness of the state.

Passed March 21, 1857.

CONTENTS.

CONTENTS.

Chap.		Page.
1.	An act to incorporate the Danforth Locomotive and Machine Company,	3
2.	A further supplement to an act entitled "An act relative to insurance companies," approved April fifteenth, eighteen hundred and forty-six,	7
3.	An act to authorize Phebe Wright, administratrix of John W. Wright, deceased, to execute deeds of conveyance for lands sold by said deceased in his lifetime to Abner Durell,	9
4.	A further supplement to "An act to incorporate the Bordentown Reservoir and Water Company," approved February sixth, eighteen hundred and fifty-five,	10
5.	An act to incorporate the Orange Gas Light Company,	ib.
6.	An act to incorporate the Paterson Express Company,	15
7.	An act to prevent wilful trespasses upon lands,	16
8.	A supplement to the act entitled "An act to incorporate the city of Burlington,"	17
9.	A supplement to the act entitled "An act to incorporate the Newark Aqueduct Company," passed November seventeenth, eighteen hundred,	19
10.	A supplement to the act entitled "An act to incorporate the Paterson Manufacturing Company,"	

Chap. Page.

passed February twenty-fifth, eighteen hundred and twenty-eight, 21

11. An act to dissolve the corporation known by the name of "The Trustees of the Union School," in the city of Newark, and for disposing of property thereof, and for appropriating the proceeds to the use of the Newark Orphan Asylum Association, 22

12. An act to provide for the collection of delinquent taxes in the township of Pompton, in the county of Passaic, 24

13. An act to incorporate the Belleville Steamboat Company, 25

14. A further supplement to the act entitled "An act to ascertain the time and places of holding certain courts," 28

15. A further supplement to the act entitled "An act to authorize the business of banking," approved February twenty-seven, eighteen hundred and fifty, 28

16. An act to set off from the township of Raritan, in the county of Monmouth, a new township, to be called the township of Holmdel, and a new township to be called the township of Matavan, 29

17. An act to authorize the inhabitants of the township of Chesterfield, in the county of Burlington, to vote by ballot at their town meetings, 33

18. An act to incorporate the Newark Firemen's Insurance Company, 36

19. An act to transfer the charge and keeping of the jails, and custody of the prisoners, in the counties of Essex and Hudson, from the sheriffs to the boards of chosen freeholders, and for the employment of the prisoners, and to regulate their term of service therein, 40

20. An act to incorporate the Newark Hospital, 44

Chap. Page.

21. An act to authorize the inhabitants of the township of Bethlehem, in the county of Hunterdon, to vote by ballot at their town meetings, 48
22. An act to incorporate the American Iron and Manufacturing Company, 52
23. A supplement to the act entitled "An act to incorporate the city of Cape Island," approved February twenty-eighth, eighteen hundred and fifty-one, 55
24. A supplement to an act entitled "An act to incorporate the Port Monmouth and Middletown Plank Road Company," approved March the third, eighteen hundred and fifty-four, 56
25. A further supplement to the act entitled "An act establishing a militia system," 57
26. A further supplement to an act entitled "An act to incorporate the town of Belvidere, passed the nineteenth day of March, eighteen hundred and forty-five," ib.
27. A further supplement to the act entitled "An act to incorporate the Trenton Iron Company," approved February sixteenth, eighteen hundred and forty-seven, 59
28. A supplement to an act entitled "An act to authorize the New York and Erie Railroad Company to purchase and hold lands, and to complete and finish the railroad of the Paterson and Hudson River Railroad Company," approved February twenty-first, one thousand eight hundred and fifty-six, 60
29. An act to authorize the inhabitants of the township of Middletown, county of Monmouth, to vote by ballot at town meetings, 61
30. An act to incorporate the Atlantic and Cumberland Railroad Company, 64
31. A further supplement to the act entitled "An act for the settlement and relief of the poor," ap-

Chap. Page.

proved April tenth, eighteen hundred and forty-six, 72

32. An act to incorporate "The Surf House Association of Atlantic City," 73

33. An act to repeal part of an act authorizing the inhabitants of the townships of Millville, Maurice River, and Deerfield, in the county of Cumberland, to vote by ballot, approved March sixth, eighteen hundred and fifty-five, 75

34. An act to authorize the Delaware Lackawanna and Western Railroad Company, incorporated by act of the legislature of Pennsylvania, to hold lands in the county of Essex, in the state of New Jersey, and to lease or operate a connecting road in this state, 76

35. An act to change the time of holding the town meetings in the township of East Windsor, in the county of Mercer, 77

36. An act to incorporate the Newark Fire and Marine Insurance Company, 78

37. An act to authorize Samuel Acken and Julius Dudley, to build, maintain, and keep in repair a dock or wharf in front of their land in the township of Piscataway, county of Middlesex, adjoining the waters of the Raritan river, 83

38. An act to incorporate the Monmouth County Agricultural Society, 84

39. An act to authorize the Trustees of Palmyra Methodist Episcopal Church to sell and convey land, 85

40. An act to incorporate the Bordentown and Drawbridge Turnpike Company, 86

41. An act to authorize the owners of a tract of marsh and upland on the upper side of Cohansey Creek, to make, amend and keep in good repair, Tindall's Island Causeway, 96

42. An act to confirm the conveyance of lands in the

Chap. Page.

township of Greenwich, in the county of Gloucester, from William Huff and Harriet, his wife, to William Darmon, and from Joseph C. Gill and Hannah W., his wife, to John H. Thomson, 100

43. Supplement to an act entitled "An act to incorporate the Burlington and Columbus Turnpike Road Company," passed the fourteenth March, eighteen hundred and fifty-six, 101

44. A supplement to the act entitled "An act to incorporate the Centreton Turnpike Company," 102

45. A supplement to "An act to incorporate the Mullica Hill and Woodbury Turnpike Company," approved February twenty-eight, eighteen hundred and forty-nine, 103

46. An act to incorporate the Lawrence Cemetery Company, ib.

47. An act to incorporate the Rose Hill Cemetery Company, in the township of Matavan, in the county of Monmouth, 105

48. An act to incorporate the Trenton Patent Promoting Company, 106

49. An act to confirm the incorporation of the Trustees of the Central School District of the township of Lawrence, 109

50. A further supplement to the act entitled "An act to incorporate the Morris and Essex Railroad Company," passed January twenty-nine, eighteen hundred and thirty-five, 111

51. A further supplement to an act entitled "An act to incorporate the White Horse Turnpike Company," 115

52. An act to revise and amend the charter of the city of Newark, 116

53. An act regulating the public printing, 175

54. An act to authorize the inhabitants of the township of Salem, in the county of Salem, to vote by ballot at their town meetings, 176

Chap. Page.

55. An act to incorporate the Hoboken Fire Department Fund, for the benefit of all indigent and infirm firemen, of the city of Hoboken, and also their widows and orphans, 177

56. An act to enable the owners and possessors of that tract of land usually called the "Great Meadows," and the low lands and swamps adjoining Pequest river and its branches, situated in the townships of Hope and Independence, in the county of Warren, to drain the said lands and clear out obstructions from and straighten the channels of said streams, within the limits therein mentioned, 180

57. A further supplement to the act entitled "An act to incorporate the Warren Railroad Company," approved February twelfth, A. D., eighteen hundred and fifty-one. 184

58. A further supplement to the act entitled "An act to authorize the business of banking," approved February twenty-seventh, Anno Domini eighteen hundred and fifty, ib.

59. An act to incorporate the Plainfield Gas Light Company, 185

60. An act to incorporate the "Franklin Agricultural Society of Somerset County," 189

61. An act relating to the courts in the several counties of this state, 191

62. An act to prevent horses, mules and cattle from running at large in the village of Tuckerton, Burlington county, 192

63. An act to authorize the inhabitants of the township of Union, in the county of Ocean, to vote by ballot at their town meetings, 193

64. An act to prevent swine from running at large at Paulsborough, in the county of Gloucester, 196

65. An act to incorporate the Bridgeville Water Power and Manufacturing Company, 197

Chap. Page.

66. An act to incorporate the Phillipsburgh Water Company, 201

67. An act for the establishment of a Reform School in the county of Essex, 204

68. An act to incorporate the Hoboken and Hudson River Turnpike Company, 208

69. An act for the better regulation of the firemen of the city of Jersey City, 216

70. An act to change the name of the "Baptist Church of Williamsburgh, Pennsneck," to the "Princeton Baptist Church," 219

71. An act to incorporate "The Howard Savings Institution," ib.

72. An act authorizing the appointment of commissioners to lay out and map streets, avenues and squares, in that part of Bergen township south of the Morris canal, in Hudson county, 224

73. A supplement to an act entitled "An act to incorporate the West Jersey Railroad Company," approved February fifth, eighteen hundred and fifty-three, 226

74. Supplement to an act entitled "An act to incorporate the Trenton and Allentown Turnpike Company," approved March eleventh, eighteen hundred and fifty-six, 227

75. A further supplement to the act entitled "An act to incorporate the city of Paterson," approved seventeenth March, eighteen hundred and fifty-one, 228

76. A further supplement to the act entitled "An act to authorize the business of banking," approved February twenty-seventh, eighteen hundred and fifty, 230

77. An act to incorporate the Burlington and Mount Holly Turnpike Company, 231

Chap. Page.

78. An act supplemental to the charter of the First Presbyterian Church in Elizabethtown, 240

79. A supplement to an act entitled "An act to incorporate the city of Hudson, in the county of Hudson," approved April eleventh, eighteen hundred and fifty-five, ib.

80. A supplement to an act entitled "An act to incorporate the Endeavor and Fulton Fire Engine Companies, in the city of Burlington," 242

81. A supplement to the "Act relative to juries and verdicts," approved April seventeen, eighteen hundred and forty-six, ib.

82. An act to create the county of Union, 244

83. An act to alter and establish the boundary line between the town of Hackettstown and the township of Mansfield, in the county of Warren, 256

84. An act respecting the First Ward Industrial School of the city of Newark, 257

85. An act relating to the powers of commissioners of deeds and the clerks and surrogates of counties, 258

86. An act to authorize "The Mechanics' and Manufacturers' Bank at Trenton," to increase their capital stock, 259

87. An act to authorize the construction of a draw or swing bridge over the Manasquan river, 262

88. An act to authorize the inhabitants of the township of the township of Frankford, in the county of Sussex, to vote by ballot at their town meetings, 264

89. An act to authorize the mayor and city council of Cape Island to subscribe to railroad stock, and to issue bonds therefor, 267

90. An act to incorporate the Elizabeth Machine Company, 268

91. An act to incorporate the Shrewsbury Turnpike Company, 272

Chap. Page.

92. An act to incorporate the Millville Bank at Millville, 279

93. An act making an appropriation for the lunatic asylum, 285

94. An act to provide for the cession of portions of the roads of the Essex and Middlesex Turnpike Company, and of the Newark and Springfield Turnpike Company, to the cities and townships of Essex county, ib.

95. A supplement to the act entitled "An act to authorize the inhabitants of the village of Hackensack to improve the sidewalks of said village," approved March fourteenth, eighteen hundred and fifty-six, 289

96. A supplement to an act entitled "An act to incorporate the Perth Amboy Railroad Company," passed the ninth day of February, eighteen hundred and fifty-four, 290

97. Supplement to an act entitled "An act to incorporate the Bergen County Railroad Company," approved February thirteen, eighteen hundred and fifty-three, 291

98. A supplement to an act entitled "An act concerning inns and taverns," approved April seventeenth, eighteen hundred and forty-six, 292

99. A supplement to an act entitled "An act incorporating the inhabitants of townships, designating their powers, and regulating their meetings," approved April fourteenth, one thousand eight hundred and forty-six, ib.

100. A supplement to the act entitled "An act for the publication of chancery and law reports," approved April seventeenth, eighteen hundred and forty-six, 293

101. A supplement to an act entitled "An act relative to justices of the peace," approved April seventeenth, eighteen hundred and forty-six, 295

Chap. Page.

102. A further supplement to an act entitled "An act to incorporate the Westville and Glassboro' Turnpike Company," approved March twenty-fourth, eighteen hundred and fifty-two, 295

103. A further supplement to the act entitled "An act to simplify the pleadings and practice of the courts of law," approved March seventeen, eighteen hundred and fifty-five, 296

104. A further supplement to an act entitled "An act to incorporate the Passaic Mining and Manufacturing Company," approved March eighth, eighteen hundred and forty-eight, 300

105. A further supplement to an act entitled "An act to incorporate the city of Newark," passed February twenty-ninth, eighteen hundred and thirty-six, 301

106. A further supplement to the acts incorporating the Delaware and Raritan Canal Company, and the Camden and Amboy Railroad and Transportation Company, 303

Certificate of acceptance of Delaware and Raritan Canal Company, of the supplement to their charter, approved March nineteenth, eighteen hundred and fifty-seven, 304

Certificate of acceptance of the Camden and Amboy Railroad and Transportation Company of the supplement to their charter, approved March nineteenth, eighteen hundred and fifty-seven, 306

107. A further supplement to an act entitled "An act for the preservation of sheep," 307

108. A further supplement to an act entitled "An act relative to the laws of this state, the proceedings of the legislature, and the distribution thereof, and of the laws of the United States," approved April sixteenth, eighteen hundred and forty-six, 308

109. A further supplement to an act entitled "An act to

Chap. Page.

authorize the business of banking," approved February twenty-seventh, eighteen hundred and fifty, 309

110. An act relative to the Lambertville Gas Light Company, ib.

111. An act to incorporate the Belvidere and Bridgeville Railroad Company, 313

112. An act to incorporate the Burlington Savings Institution, 322

113. An act to incorporate the Hightstown and Imlaystown Turnpike Company, 326

114. An act to incorporate the West Windsor Mutual Fire Insurance Association, 336

115. An act to incorporate "The Raritan Marine Insurance Company," 340

116. An act to incorporate the Shrewsbury and Tinton Falls Turnpike Company, 345

117. An act to incorporate the Passaic Gas Light Company, 351

118. An act to incorporate the Bradley Manufacturing Company, 355

119. An act to incorporate the Lopatcong Fire Insurance Company, in the county of Warren, 356

120. An act to incorporate "The Washington Continental Guard," of Paterson, 360

121. An act for the relief of William Weeks, of the county of Cape May, 361

122. A supplement to an act entitled "An act to incorporate the Princeton and Kingston Branch Turnpike Company," passed December third, eighteen hundred and seven, 362

123. A supplement to the act entitled "An act to incorporate the Rahway Gas Light Company," approved February eighteenth, eighteen hundred and fifty-three, 363

124. A supplement to the act entitled "An act to in-

Chap. Page.

corporate the borough of Hightstown," approved March the fifth, eighteen hundred and fifty-three, 364

125. A supplement to the act to secure to the owners, lumber found adrift in the river Delaware, approved March seventeenth, eighteen hundred and fifty-five, 365

126. A further supplement to an act entitled "An act to incorporate societies for the promotion of learning," approved April sixteenth, eighteen hundred and forty-six, 366

127. An act to authorize the committee of the township of Union, in the county of Hunterdon, to sell and convey certain lands in said township, 366

128. An act to authorize the inhabitants of the townships of Hanover and Pequannack, in the county of Morris, to vote by ballot at their town meetings, 368

129. An act to authorize the devisees of Abraham Arndt, deceased, to execute a deed for certain real estate in the county of Warren, to the heirs of Joseph Emery, deceased, 371

130. An act to authorize the formation of associations to aid those who may wish to establish and carry on useful branches of industry in either of the counties of Mercer, Hunterdon, or Gloucester, 373

131. An act for the better protection of the counties of Monmouth and Middlesex, from contagious diseases, likely to be engendered by the presence of infected vessels from foreign and other ports, in the waters of Raritan and Sandy Hook Bay, 375

132. An act for the preservation of oysters in Dennis creek, in the county of Cape May. 376

133. An act relative to the court of pardons, 378

134. An act relative to taxes on public roads, ib.

135. An act for the relief of Harvey Dayton, 379

Chap. Page.

136. An act to create a new township in the county of Essex, to be called the township of Millburn, 379

137. An act to regulate and establish a uniform rate of charges for legal advertising in the state of New Jersey, 381

138. An act for the collection of demands against ships, steamboats, and other vessels, 382

139. An act relative to the American Alluminum Fire Brick and Water Pipe Manufacturing Company, in the county of Camden, incorporated under the general laws of the state of New Jersey, for manufacturing purposes, 392

140. An act to repeal the act entitled "An act to authorize the embankment of Haines' Neck Marsh Company, in the county of Salem," 393

141. An act to incorporate the Atlantic City Gas Light Company, ib.

142. An act to incorporate the Bergen Point and Staten Island Ferry Company, 397

143. Supplement to the act entitled "An act concerning divorces," approved April fifteenth, eighteen hundred and forty-six, 399

144. A supplement to an act entitled "An act to incorporate the Burlington and Mount Holly Railroad and Transportation Company," approved February eleventh, eighteen hundred and forty-eight, 400

145. Supplement to an act entitled "An act to incorporate the Bridgeton Gas Light Company," approved March tenth, eighteen hundred and fifty-three, 402

146. Supplement to an act entitled "An act to incorporate the Cumberland Nail and Iron Company," passed March twenty-fifth, eighteen hundred and fifty-two, 403

147. Supplement to an act entitled "An act to incorporate the Pleasantville and Atlantic Turnpike

Chap. Page.

Company," passed February third, eighteen hundred and fifty-three, 403

148. A supplement to an act entitled "An act to incorporate the Bordentown and Crosswicks Turnpike Company," 404

149. A supplement to the act entitled "An act to incorporate the Cape May and Atlantic Railroad Company," approved March fourth, eighteen hundred and fifty-three, 405

150. A supplement to the act entitled "An act against usury," 406

151. A further supplement to an act entitled "An act to incorporate the Crosswicks and Trenton Turnpike Company," approved the seventeenth day of March, eighteen hundred and fifty-four, ib.

152. A supplement to an act to incorporate companies to erect buildings for the use of lyceums, public libraries, scientific, charitable and benevolent associations, approved March seventeenth, eighteen hundred and fifty four, 409

153. A further supplement to the act entitled "An act to incorporate the Camden and Atlantic Railroad Company," approved March nineteenth, eighteen hundred and fifty-two, ib.

154. An act to repeal part of the act regulating the fisheries in the Mullica river, passed December second, eighteen hundred and twenty-three, 410

155. An act to incorporate the Hunterdon County Mining Company, 411

156. An act to authorize the inhabitants of the township of Green, in the county of Sussex, to vote by ballot at their town meetings, 413

157. An act to incorporate the Mercer County Mechanical and Agricultural Society, 416

158. An act explanatory of an act entitled "An act to prevent pedlers and auctioneers of goods, wares

Chap. Page.

and merchandise, not the growth, product, or manufacture of this state, from exercising their business in the township of Phillipsburgh, in the county of Warren, approved March sixteenth, eighteen hundred and fifty-four, 417

159. An act to authorize the Trustees of Bordentown Methodist Episcopal Church to sell and convey house and lot known as a parsonage, ib.

160. An act to incorporate the Centenary Fund and Preacher's Aid Society of the Newark Annual Conference of the Methodist Episcopal Church, 418

161. An act to incorporate the Medford and Indiantown Turnpike Company, 420

162. An act to incorporate the city of Beverly, in the county of Burlington, 430

163. An act to incorporate the Peapack Railroad Company, 443

164. An act to incorporate the Millville Gas Light Company, 452

165. An act to incorporate the Orange Fire Department, 456

166. An act to confirm and legalize a certain conveyance of lands lying in the county of Burlington, 463

167. An act for the relief of the Methodist Episcopal Church at Long Branch, 464

168. An act for the relief of Jane Logan, of the county of Morris, 465

169. An act for the relief of Rebecca Hodgson, of the county of Morris, ib.

170. An act making an appropriation for the support of the Farnum Preparatory School, 466

171. An act to confirm the deed of manumission of the slave Joseph, executed in the name of Simon Nevius, as the act and deed of David Nevius, late of the township of Branchburg, in the county of Somerset, and state of New Jersey, 467

Chap. Page.

172. An act relative to ground rents on real estate in the counties of Camden and Burlington, 468

173. An act to extend the provisions of the act entitled "An act to prevent horses, cattle, sheep and swine from running at large in the townships of Hackensack and Harrington, in the county of Bergen," approved February twelfth, eighteen hundred and fifty-two, to certain specified townships and villages in this state, 470

174. An act to repeal an act entitled "An act regulating elections in the township of Franklin, in the county of Gloucester," ib.

175. An act respecting the Independent Essex Brigade, and to better regulate and discipline the same, 471

176. A supplement to an act entitled "An act to authorize and enable the city of Trenton to purchase a part or the whole of the capital stock of the Trenton Water Works Company," approved March second, eighteen hundred and fifty-five, 472

177. A supplement to the act entitled "An act to authorize the inhabitants of Colt's Neck, in the county of Monmouth, to sell their free church, and invest the proceeds thereof," 473

178. A supplement to the act entitled "An act relative to habitual drunkards," approved March third, eighteen hundred and fifty-three, 474

179. A supplement to the act entitled "An act to revise and amend the charter of the city of Newark," 475

180. A supplement to the act entitled "An act concerning taxes," ib.

181. A supplement to an act entitled "An act for the government and regulation of the state prison," approved April sixteen, eighteen hundred and forty-six, 476

182. A supplement to the act entitled "An act to provide for the instruction of indigent blind persons, inhabitants of this state," 477

Chap. Page.

183. A supplement to an act entitled "An act to provide for ascertaining the boundaries between the county of Ocean and the counties of Burlington and Monmouth," approved March seventeenth, eighteen hundred and fifty-four, ib.

184. A supplement to an act entitled "An act to incorporate the Good Will Fire Company, of Trenton," approved January thirty-first, eighteen hundred and fifty-four, 479

185. A supplement to an act entitled "An act authorizing the inhabitants of the township of Mendham, in the county of Morris, to vote by ballot at their town meetings," approved March the eleventh, eighteen hundred and fifty-three, 480

186. A further supplement to the act entitled "An act to incorporate telegraph companies," approved March fifth, eighteen hundred and fifty-three, 481

187. An act concerning taxes in the county of Bergen, 482

188. An act to change the name of the First Presbyterian Church of Plainfield, 484

189. An act to enable married women to warrant the title of real estate conveyed by them, 485

190. An act for the promotion of the agricultural interests of this state, ib.

191. An act explanatory of the act entitled "An act for the better securing the property of married women," approved March twenty-fifth, eighteen hundred and fifty-two, 486

192. An act ceding to the United States of America jurisdiction over certain land and its appurtenances, situate in the city of Perth Amboy, and for other purposes therein mentioned, 487

193. An act to authorize the sale of lands limited over to infants, or in contingency, in cases where such sale would be beneficial, 488

194. An act to authorize the inhabitants of the town-

Chap. Page.

ship of Salem, in the county of Salem, at their town meetings, to raise and appropriate moneys for certain purposes, 491

195. An act authorizing the appointment of commissioners to lay out streets, avenues and squares in the city of Newark, 492

196. An act to authorize the inhabitants of the township of Downe, in the county of Cumberland, to straighten and improve the navigation of Dividing Creek, 496

197. An act to authorize the trustees of the Methodist Episcopal Church at Coopertown, in the county of Burlington, to sell and convey certain real estate, 497

198. An act to authorize the Mayor and Council of the city of Hoboken to sell or exchange the lands known as the burying ground in the city of Hoboken, 498

199. An act to authorize the water commissioners of the city of Hoboken to contract for and introduce water into said city, and to provide for the payment thereof, 500

200. An act to authorize the Water Commissioners of the city of Hudson, to contract for and introduce water into said city, and to provide for the payment thereof, 504

201. An act to incorporate the Bordentown Machine Company, 509

202. An act to incorporate the Hoboken Bank for Savings, of the city of Hoboken, 512

203. An act to incorporate the Freehold Gas Light Company, 517

204. An act to incorporate the Salem Reservoir and Water Company, 520

205. An act to incorporate the Millville and Buckshutem Turnpike Company, 523

Chap. Page.

206. An act to incorporate the Board of Trustees of the Education Fund of the Newark Annual Conference of the Methodist Episcopal Church, 533

207. An act to incorporate the Orange Mutual Fire Insurance Company, 535

208. Supplement to an act entitled "An act for the instruction of indigent deaf and dumb persons, inhabitants of this state," approved April tenth, eighteen hundred and forty-six, 540

209. Supplement to an act entitled "An act to incorporate the Bridgeport, Thompson's Point, Billingsport and Philadelphia Steamboat Company," approved March fourteenth, eighteen hundred and fifty-six, 541

210. A supplement to an act entitled "An act to incorporate the Manasquan River and Barnegat Bay Canal Company," approved February twenty-fourth, eighteen hundred and forty-seven, ib.

211. A supplement to the act entitled "An act to incorporate the Weehawken Ferry Company," approved March twenty-fifth, eighteen hundred and fifty-two, 542

212. A supplement to an act entitled "An act to incorporate the Bordentown and Columbus Turnpike Company," approved March fourteen, eighteen hundred and fifty-six, ib.

213. A further supplement to an act entitled "An act to enable the owners of the tide swamps and marshes to improve the same, and the owners of meadows already banked in and held by different persons, to keep the same in good repair, 543

214. A further supplement to the act entitled "An act to re-organize the courts of law, 544

215. A further supplement to an act entitled "An act to incorporate the Freehold and Jamesburg Agricultural Railroad Company," approved March eleventh, eighteen hundred and fifty-one, 545

Chap. Page.
216. An act to defray incidental expenses, 547
217. An act to incorporate the Charleston Industrial Association, 554
218. An act making an appropriation for the state prison, 556
219. An act to confirm the title of Oliver W. Farley to certain lands in the county of Hunterdon, 557
220. An additional supplement to the act entitled "An act to incorporate the Sussex Mine Railroad Company," approved March ninth, eighteen hundred and forty-eight, 558
221. A further supplement to the act entitled "An act constituting courts for the trial of small causes," approved April sixteen, eighteen hundred and forty-six, ib.
222. An act to encourage the removal of obstructions to navigation in the Delaware river, 560
223. An act to abolish the courts of the borough of Elizabeth, 561

JOINT RESOLUTIONS.

1. Joint resolution to authorize the treasurer of this state to dispose of certain securities, 563
2. Joint resolution in relation to the disposal of the securities in the hands of the state treasurer, ib.

INDEX.

INDEX.

A.

Acken, S. & J. Dudley authorized to build dock in Piscataway township, 83
Advertising—act to establish prices for publishing legal, 381
Agricultural Society—act to incorporate the Monmouth county, 84
act to incorporate the Franklin, 189
of state of New Jersey, appropriation to, 485
Agricultural and Mechanical Society of Mercer county—act to incorporate the, 416
Allentown and Trenton Turnpike Company—supplement to act to incorporate the, 227
American Iron and Manufacturing Company—act to incorporate the, 52
American Aluminum Fire Brick, &c., Company—act to incorporate the, 392
Appropriation to Jane Logan, 465
to Rebecca Hodgson, ib.
for support of Farnum Preparatory School at Beverly, 466
to agricultural society, 485
for incidental expenses, 547
for state prison, 556
for lunatic asylum, 287
to William Weeks, 361
Aqueduct Company at Newark—supplement to act to incorporate the, 19

New Jersey State Library

Page.

Arndt, Abraham—devisees of, authorized to execute deed for real estate to heirs of J. Emery, deceased, 371
Associations in aid of industry in counties of Mercer, Hunterdon and Gloucester—act to authorize formation of, 373
Atlantic and Cumberland Railroad Company—act to incorporate, 64
Atlantic City Gas Light Company—act to incorporate the, 393

B.

Banking—supplement to act respecting business of banking, 28
further supplement to act respecting business of banking, 184
further supplement to act respecting business of banking, 230
further supplement to act respecting business of banking, 309
Bank—act to incorporate the Millville, 279
Mechanics and Manufacturers' at Trenton, authorized to increase capital stock, 259
Baptist Church of Williamsburg—corporate name of, changed, 219
Barnegat Bay and Manasquan River Canal Company—supplement to act to incorporate the, 541
Belville Steamboat Company—act to incorporate the, 25
Belvidere—supplement to act to incorporate town of, 57
and Bridgeville Railroad Company—act to incorporate the, 313
Bergen Point and Staten Island Ferry Company—act to incorporate the, 397
Bergen County—act concerning taxes in, 482
Bergen township—act authorizing commissioners to lay out and map streets in part of, 224

Page.
Bergen County Railroad—supplement to act to incorporate, 291
Bethlehem township—elections to be by ballot in, 48
Beverly—act to incorporate city of, 430
Blackwoodtown—act relative to horses and cattle running at large in, 470
Blind persons, pupils of state, to receive writing box, 477
Bordentown Reservoir and Water Company—supplement to act to incorporate the, 10
and Drawbridge Turnpike Company—act to incorporate the, 86
and Crosswicks Turnpike Company—supplement to act to incorporate the, 404
Methodist Church—trustees of authorized to convey lot, 417
Machine Company—act to incorporate the, 509
and Columbus Turnpike Company—supplement to act to incorporate the, 542
Boundary line between Ocean and Burlington counties—supplement to act respecting, 477
Bradley Manufacturing Company—act to incorporate the, 355
Bridge over Manasquan river—act to authorize, 262
Bridgeville Water Power and Manufacturing Company—act to incorporate, 197
Bridgeport, Thompson's Point, Billingsport and Philadelphia Steamboat Company—supplement to act to incorporate the, 541
Bridgeton Gas Light Company—supplement to act to incorporate the, 402
Buckshutem and Millville Turnpike Company—act to incorporate the, 523
Burlington—act relative to ground rents in county of, 468
supplement to act to incorporate city of, 17
and Columbus Turnpike Company—supplement to act to incorporate, 101
and Mount Holly Turnpike Company—act to incorporate the, 231

Page.

Burlington—supplement to act to incorporate the Endeavor and Fulton Fire Engine Companies in city of, 242
Savings Bank—act to incorporate the, 322
and Mount Holly Railroad Company—supplement to act to incorporate the, (authorized to extend,) 400

C.

Camden and Atlantic Railroad Company—supplement to act to incorporate, 409
and Amboy Railroad Company, &c.—act authorizing increase of capital stock of, 303
act relative to ground rents in county of, 468
Canal Company—supplement to act to incorporate the the Manasquan and Barnegat Bay, 541
Cape Island—supplement to act to incorporate city of, 55
Mayor, &c., of city of, authorized to subscribe for railroad stock, 267
Cape May and Atlantic Railroad Company—supplement to act to incorporate, 405
Cavileer, Charles W.—deed to, legalized, 462
Cemetery Company—act to incorporate the Lawrence, 103
act to incorporate the Rose Hill, 105
Centreton Turnpike Company—supplement to act to incorporate the, 102
Central School District in Lawrence township—act to confirm incorporation of, 109
Centenary Fund and Preacher's Aid Association—act to incorporate the, 418
Chancery and Law Reports—how published, &c., 293
Chancellor authorized to act in cases of habitual drunkards, 474
Charleston Industrial Association—act to incorporate, 554
Chesterfield township authorized to vote by ballot, 33
Colt's Neck—act to authorize sale of Free Church at, 473
Commissioners of Deeds may administer oaths, &c., 258

Page.
Conveyance of certain lands in Greenwich township, Gloucester county, made valid, 100
Cooperstown, Burlington county—trustees of Methodist Episcopal Church at, authorized to sell land, 497
Courts for the trial of small causes—supplement to act concerning, 558
borough of Elizabeth—act to abolish, 561
in Cape May county—terms of, 28
act relative to—(appointment of sergeant-at-arms,) 191
in Essex and Union counties—act relative to, 544
Court of Pardons—act relative to, 378
Crosswicks and Trenton Turnpike Company—supplement to act to incorporate, 406
Cumberland Nail and Iron Company—supplement to act to incorporate, 403

D.

Danforth Locomotive and Machine Company—act to incorporate the, 3
Dayton Harvey—act for relief of, 379
Deaf and Dumb—supplement to act for instruction of indigent, 540
Deed from Maxwells to Cavileer, legalized, 462
Delaware Lackawanna and Western Railroad—supplement to act to incorporate the, 76
and Raritan Canal Company, &c.—supplement to act to incorporate the, (increasing capital stock,) 303
River—supplement to act relative to lumber found adrift in, 365
River—act relative to removal of obstructions in, 560
Dennis Creek—act for preservation of oysters in, 376

Page.
Divorces—supplement to act concerning, 399
Downe—inhabitants of township of, may improve navigation of Dividing Creek, 496
Drunkards—supplement to act relative to habitual, 474
Dudley J. & S. Acken authorized to build dock, 83

E.

East Windsor township—time for holding town meetings changed in, 77
Education Fund of Newark Conference—act to incorporate the, 533
of indigent deaf and dumb persons—supplement to act relating to, 540
Elizabeth—act to abolish borough courts of, 561
Machine Company—act to incorporate the, 268
Emery, Joseph—deed by devisees of A. Arndt to heirs of, authorized, 371
Erie and New York Railroad Company—supplement to act relative to, 60
Essex and Hudson—act transferring charge of jails in counties of, to boards of freeholders, 40
Essex county—act relative to Reform School of, 204
and Middlesex Turnpike Road—act relative to, 287
county—township of Millburn erected in, 379
Brigade—act respecting Independent, 471
county—act relating to courts for trial of small causes in, 544
Express Company—act to incorporate the Paterson, 15

F.

Farley Oliver W.—act to confirm title of certain lands, 557
Farnum Preparatory School—appropriation for, 466

Page.
Ferry Company—act to incorporate the Bergen Point and Staten Island, 397
supplement to act to incorporate the Weehawken, 542
Fire Department—act to incorporate the Orange, 456
Fund of Hoboken—act relative to, 177
and Marine Insurance Company at Newark—act to incorporate the, 78
Insurance Company—act to incorporate the West Windsor Mutual, 336
act to incorporate the Lopatcong, 356
Insurance Company—act to incorporate the Orange Mutual, 535
Company—supplement to act to incorporate the Good Will, 479
Engines—inhabitants of town of Salem authorized to raise money for support of, 491
Fire Brick and Manufacturing Company—act to incorporate the American Aluminum, 392
Firemen of Jersey City—act for regulation of, 216
names of, to be recorded, or not exempt from jury duty, 243
First Presbyterian Church in Elizabethtown—supplement to act to incorporate the, 240
Fisheries in Mullica river—act to regulate, 410
Franklin Agricultural Society of Somerset county—act to incorporate the, 189
Frankford township, Sussex county—elections to be by ballot in, 264
Franklin township, Gloucester county, act to repeal act for voting by ballot in, 470
Freehold Gas Light Company—act to incorporate the, 517
and Jamesburg Railroad Company—supplement to act to incorporate, 545

G.

Gill, Joseph C.—act to make valid deed by, 100

Page

Gloucester county—associations to aid useful industry, authorized in, 373
Good Will Fire Company of Trenton—supplement to act to incorporate the, 479
Great Meadows, in Warren county—act authorizing owners to improve stream running through, 180
Green township—elections to be by ballot in, 413
Ground rents in counties of Burlington and Camden—act relative to, 468

H.

Hackettstown—act to establish boundary line between township of Mansfield and, 256
Hackensack—supplement to act to improve sidewalks in village of, 289
Haines Neck Marsh Company in Salem county—act to repeal act relative to, 393
Hamilton township—act relative to horses and cattle running at large in, 470
Hanover township—elections to be by ballot in, 368
Hightstown and Imlaystown Turnpike Company—act to incorporate the, 326
supplement to act to incorporate borough of, 364
Hoboken Bank for Savings—act to incorporate, 512
Fire Department Fund—act relative to, 177
and Hudson River Turnpike Company—act to incorporate the, 208
Mayor &c., of city of, authorized to sell burying lot, 498
act relative to introduction of water into city of, 500
Hodgson, Rebecca—pension granted to, 465
Holmdel Township—act to create, 29
Howard Savings Institution—act to incorporate the, 219
Hudson and Essex—act relative to jail keepers in counties of, 40
supplement to act to incorporate city of, 240

Page.
Hudson County—number of chosen freeholders to be elected in, 292
act relative to introduction of water into city of, 504
Huff, William—deed from, made valid, 100
Hunterdon County—associations in aid of useful industry authorized in, 373
Mining Company—act to incorporate the, 411

I.

Imlaystown and Hightstown Turnpike Company—act to incorporate the, 326
Incidental Expenses—act to defray, 547

INCORPORATIONS.

Incorporating the Danforth Locomotive, &c., Company, 3
the Orange Gas Light Company, 10
the Paterson Express Company, 15
the city of Burlington—supplement to, 17
the Newark Aqueduct Company—supplement to, 19
the Paterson Manufacturing Company—supplement to, 21
the Belleville Steamboat Company, 25
the Newark Firemen's Insurance Company, 36
the Newark Hospital, 44
the American Iron and Manufacturing Company, 52
the city of Cape Island—supplement to, 55
the Port Monmouth and Middletown Plank Road Company—supplement to, 56
the Trenton Iron Company—supplement to, 59
the Atlantic and Cumberland Railroad Company, 64
the Surf House Association at Atlantic City, 73

Page.

Incorporating the Newark Fire and Marine Insurance Company, 78
the Monmouth County Agricultural Society, 84
the Bordentown and Drawbridge Turnpike Company, 86
the Burlington and Columbus Turnpike Company—supplement to, 101
the Centreton Turnpike Company—supplement to 102
the Mullica Hill and Woodbury Turnpike Company—supplement to, 103
the Lawrence Cemetery Company, 103
the Rose Hill Cemetery Company, 105
the Trenton Patent Promoting Company, 106
the Morris and Essex Railroad Company—supplement to, 111
the White Horse Turnpike Company—supplement to, 115
the Warren Railroad Company—supplement to, 184
the Plainfield Gas Light Company, 185
the Franklin Agricultural Society of Somerset county, 189
the Bridgeville Water Power and Manufacturing Company, 197
the Phillipsburgh Waterpower Company, 201
the Hoboken and Hudson River Turnpike Company, 208
the Howard Savings Institution, 219
the West Jersey Railroad Company—supplement to, 226
the Trenton and Allentown Turnpike Company—supplement to, 227
the Burlington and Mount Holly Turnpike Company, 231
the Elizabeth Machine Company, 268
the Shrewsbury Turnpike Company, 272
the Millville Bank, 279

Page.

Incorporating the Perth Amboy Railroad Company—supplement to, 290
the Bergen County Railroad Company—supplement to, 291
the Westville and Glassborough Turnpike Company—supplement to, 295
the Passaic Mining and Manufacturing Company, 300
the city of Newark—a further supplement, 301
the Lambertville Gas Light Company, 309
the Belvidere and Bridgeville Railroad Company, 313
the Burlington Savings Bank, 322
the Hightstown and Imlaystown Turnpike Company, 326
the West Windsor Mutual Fire Insurance Company, 336
the Raritan Marine Insurance Company, 340
the Shrewsbury and Tinton Falls Turnpike Company, 345
the Passaic Gas Light Company, 350
the Bradley Manufacturing Company, 355
the Lopatcong Fire Insurance Company, 356
the Washington Continental Guard, of Paterson, 360
the Princeton and Kingston Branch Turnpike Company—supplement to, 362
the Rahway Gas Light Company—supplement to, 363
the borough of Hightstown—supplement to, 364
of Societies for the Promotion of Learning—supplement to, 366
of American Aluminum and Fire Brick and Manufacturing Company, 382
the Atlantic City Gas Light Company, 393
the Bergen Point and Staten Island Ferry Company, 397
the Burlington and Mount Holly Railroad Company—supplement to, 400

Page.

Incorporating the Bridgeton Gas Light Company—supplement to act to incorporate, 402
the Cumberland Nail and Iron Company—supplement to act to incorporate, 403
the Pleasantville and Atlantic Turnpike Company—supplement to act to incorporate, 403
the Bordentown and Crosswicks Turnpike Company—supplement to, 404
the Cape May and Atlantic Railroad Company—supplement to, 405
the Crosswicks and Trenton Turnpike Company—supplement to, 406
Companies to build lyceums, &c.—supplement to, 409
the Camden and Atlantic Railroad Company—supplement to, 409
the Hunterdon County Mining Company, 411
the Mercer County Mechanical and Agricultural Society, 416
the Centenary Fund, &c., Association, 418
the Medford and Indiantown Turnpike Company, 420
the City of Beverly, 430
the Peapack Railroad Company, 442
the Millville Gas Light Company, 452
the Orange Fire Department, 456
the Good Will Fire Company of Trenton—supplement to, 479
Telegraph Companies—supplement to act, 481
the Bordentown Machine Company, 509
the Hoboken Savings Bank, 512
the Freehold Gas Light Company, 517
the Salem Reservoir and Water Company, 520
the Millville and Buckshutem Turnpike Company, 523
the Trustees of the Education Fund of the Newark Methodist Episcopal Conference, 533

Page.
Incorporating the Orange Mutual Fire Insurance Company, 535
the Bridgeport, Thompson's Point, Billingsport and Philadelphia Steamboat Company—supplement to, 541
the Manasquan and Barnegat Bay Canal Company—supplement to, 541
the Weehawken Ferry Company—supplement to, 542
the Bordentown and Columbus Turnpike Company—supplement to, 542
the Freehold and Jamesburg Railroad Company—supplement to, 545
the Charleston Industrial Association, 554
the Sussex Mine Railroad Company—supplement to, 558
Independent Essex Brigade—act respecting the, 471
Industrial School of First Ward, Newark—act respecting the, 257
Association—act to incorporate the Charleston, 554
Infants—act authorizing sale of lands limited over to, 488
Inns and taverns—supplement to act concerning, 292
Insurance Companies—further supplement to act respecting, 7
Company—act to incorporate the Newark Firemen's, 36
act to incorporate the Newark Fire and Marine, 78
act to incorporate the West Windsor Mutual, 336
act to incorporate the Raritan Marine, 340
act to incorporate the Lopatcong, 356
act to incorporate the Orange Mutual, 535
Iron and Manufacturing Company—act to incorporate the, 52
Company of Trenton—supplement to act to incorporate, 59

Page.

J.

Jails in Hudson and Essex counties—charge of, given to chosen freeholders, 40
Jersey City—act to regulate firemen of, 214
Joint Resolution, No. one, in relation to disposal of securities in the hands of state treasurer, 563
No. two, to authorize the treasurer to dispose of certain securities, 564
Juries and Verdicts—supplement to acts relating to, 242
Justices of the Peace—act relating to conducting elections for, 295
act relating to appeals from, in Essex county, 558

K.

Kingston and Princeton Branch Turnpike Company, supplement to act to incorporate the, 362

L.

Lambertville Gas Light Company—act to incorporate the, 309
Lands—act to prevent trespasses upon, 16
limited over to infants—act authorizing sale of, 488
Lawrence Cemetery Company—act to incorporate the, 103
Law and Chancery Reports—how published, 293
supplement to act relative to pleadings, &c., in courts of, 296
Laws, Minutes of Legislature, &c., editors to receive, 308
Learning—supplement to act to incorporate societies for the promotion of, 366
Locomotive and Machine Company—act to incorporate the Danforth, 3

Page.
Logan, Jane—pension granted to, 465
Long Branch—Trustees of Methodist Episcopal Church at, authorized to sell land, 464
Lopatcong Fire Insurance Company—act to incorporate the, 356
Lumber found adrift in river Delaware—supplement to act relative to, 364

M.

Machine Company—act to incorporate the Elizabeth, 268
act to incorporate the Bordentown, 509
Manasquan river—act authorizing bridge over, 262
and Barnegat Bay Canal Company—supplement to act to incorporate the, 541
Mansfield and Hackettstown, Warren county—boundary between, 256
Manufacturing Company—supplement to act to incorporate the Paterson, 21
act to incorporate the Bridgeville, 197
and Mining Company—supplement to act to incorporate the Passaic, 300
act to incorporate the Bradley, 355
act to incorporate the American Aluminum and Fire Brick, 392
Married women may warrant title to real estate, 485
act explanatory of act for securing property to, 486
Marshes, swamps, &c., on tide waters—supplement to act to enable owners of to improve, 543
Matavan Township—act to create, 29
Maurice River Township—act to repeal law for voting by ballot in, 75
Maxwell, James and William—deed from, to C. W. Cavileer, legalized, 462
Mechanics' and Manufacturers' Bank at Trenton, authorized to increase capital stock, 259

Page.

Medford and Indiantown Turnpike Company—act to incorporate the, 420
Mercer County—associations in aid of useful industry authorized in, 373
Mechanical and Agricultural Society—act to incorporate the, 416
Mendham Township, Morris County—overseers of roads, how elected in, 480
Middletown Township—elections to be by ballot in, 61
Millville Bank—act to incorporate the, 279
Gas Light Company—act to incorporate the, 452
and Buckshutem Turnpike Company—act to incorporate the, 523
Millburn Township, Essex County—act to create, 379
Militia System—further supplement to act relative to, 57
Military—act to incorporate the Washington Continental Guard of Paterson, 360
act relative to Independent Essex Brigade, 471
Mining Company—act to incorporate the Hunterdon county, 411
Monmouth County Agricultural Society—act to incorporate the, 84
and Middlesex Counties—act for protection of, from contagious diseases, 375
Morris and Essex Railroad Company—further supplement to act authorizing extension of road, 111
Morris County—act relative to preservation of sheep in, 307
Mullica Hill and Woodbury Turnpike Company—supplement to act to incorporate, 103
River—act regulating fisheries in, 410

N.

Newark Aqueduct Company—supplement to act to incorporate the, 19
act to dispose of property of Union School in, 22

Page.
Newark Firemen's Insurance Company—act to incorporate the, 36
Hospital—act to incorporate the, 44
Fire and Marine Insurance Company—act to incorporate the, 78
act to amend charter of city of, 116
act relative to Industrial School of the first ward of the city of, 257
further supplement to act to incorporate city of, 301
supplement to act to amend charter of city of, 475
act to authorize commissioners to lay out streets, squares, &c., in city of, 492
and Springfield Turnpike Road—act relative to, 287
Nevius, Simon—act confirming deed of manumission by, 467
Newspaper establishments in the State, to receive copies of laws, &c., 308
New York & Erie Railroad Company—supplement to act relative to, 60

O.

Orange Gas Light Company—act to incorporate the, 10
Fire Department—act to incorporate, 456
Mutual Fire Insurance Company—act to incorporate the, 535
Orphan Asylum at Newark—proceeds of property of Union School appropriated to, 22
Oysters in Dennis Creek—act for preservation of, 376

P.

Palmyra Methodist Episcopal Church—Trustees of, authorized to sell land, 85
Pardons—act relative to the Court of, 378

Page.

Passaic Mining and Manufacturing Company—further supplement to act to incorporate the, 300
Gas Light Company—act to incorporate, 351
Paterson—act to incorporate the Washington Continental Guard of, 360
Express Company—act to incorporate the, 15
Manufacturing Company—supplement to act to incorporate the, 19
supplemental to charter of the city of, 228
Patent Promoting Company of Trenton—act to incorporate the, 106
Paulsborough—act to restrain swine from running at large in town of, 196
Peapack Railroad Company—act to incorporate the, 442
Pedlers and Hawkers in township of Phillipsburg—act explanatory of act relative to, 417
Pension—granted to William Weeks, 361
to Jane Logan, 465
to Rebecca Hodgson, 465
Pequannock township—elections to be by ballot, 368
Perth Amboy—jurisdiction over certain lands in, granted to the United States, 487
Railroad Company—supplement to act to incorporate, 290
Phillipsburg Water Company—act to incorporate the, 201
Plank Road Company—supplement to act to incorporate Port Monmouth and Middletown, 56
Plainfield—act relative to title of First Presbyterian Church in town of, 484
Gas Light Company—act to incorporate the, 185
Pleasantville and Atlantic Turnpike Company—supplement to act to incorporate, 403
Poor—further supplement to act for settlement and relief of, 72
Pompton township—act relative to taxes in, 24
Port Monmouth and Middletown Plank Road Company—supplement to act to incorporate the, 56
Practice and Pleadings in Courts of Law—further supplement to act relating to, 296

Page.
Preachers' Aid and Centenary Fund of the Methodist Chuch—act to incorporate, 418
Presbyterian Church at Elizabethtown—supplement to act to incorporate First, 240
Princeton Baptist Church—former title changed, 219
and Kingston Branch Turnpike Company—supplement to act to incorporate, 362
Printers' Advertising—act to regulate prices of, 381
Printing—appointment of persons to perform, 175
of Law and Chancery Reports, &c.—act relative to, 293
Prison—appropriations for the New Jersey State, 556
Private Laws—to incorporate the Danforth Locomotive Company, 3
to authorize Phebe Wright to convey lands, 9
supplement to act respecting Bordentown Water Company, 10
to incorporate the Orange Gas Light Company, 10
to incorporate the Paterson Express Company, 15
supplement to act to incorporate the Newark Aqueduct Company, 19
supplement to act to incorporate the Peterson Manufacturing Company, 21
to incorporate the Belleville Steamboat Company, 25
to incorporate the Newark Firemen's Insurance Company, 36
to incorporate the American Iron and Manufacturing Company, 52
supplement to act to incorporate Port Monmouth and Middletown Plank Road Company, 56
supplement to charter of Trenton Iron Company, 59
relative to New York and Erie Railroad Company, 60

Page.

Private laws—to incorporate the Atlantic and Cumberland Railroad Company, 61
to incorporate the Surf House Association, 73
relative to Delaware, Lackawanna and Western Railroad Company, 76
to incorporate the Newark Fire and Marine Insurance Company, 78
to incorporate the Monmouth County Agricultural Society, 84
to authorize Trustees of M. E. Church at Palmyra to sell land, 85
to incorporate the Bordentown and Drawbridge Turnpike Company, 86
to confirm conveyance of lands by William Huff and Joseph C. Gill, 100
supplement to charter of Burlington and Columbus Turnpike Company, 101
supplement to charter of Centreton Turnpike Company, 102
supplement to charter of Mullica Hill and Woodbury Turnpike Company, 103
to incorporate the Lawrence Cemetery Company, 103
to incorporate the Rose Hill Cemetery Company, 105
to incorporate the Trenton Patent Promoting Company, 106
supplement to charter of Morris and Essex Railroad Company, 111
supplement to act to incorporate the White Horse Turnpike Company, 115
supplement to act to incorporate the Warren Railroad Company, 184
to incorporate the Plainfield Gas Light Company, 185
to incorporate the Franklin Agricultural Society of Somerset, 189
to incorporate the Bridgeville Water Power and Manufacturing Company, 197

Page.
Private Laws—to incorporate the Phillipsburg Water Power Company, 201
to incorporate the Hoboken and Hudson River Turnpike Company, 208
to change name of Baptist Church of Williamsburg, to the Princeton Baptist Church, 219
to incorporate the Howard Savings Institution, 219
supplement to act to incorporate the West Jersey Railroad Company, 226
supplement to act to incorporate the Trenton and Allentown Turnpike Company, 227
to incorporate the Burlington and Mount Holly Turnpike Company, 231
supplement to charter of First Presbyterian Church at Elizabethtown, 240
supplement to act to incorporate the Endeavor and Fulton Fire Engine Companies, in the city of Burlington, 242
Mechanics and Manufacturers' Bank at Trenton authorized to increase capital stock, 259
to incorporate the Elizabeth Machine Company, 268
to incorporate the Shrewsbury Turnpike Company, 272
to incorporate the Millville Bank, 279
supplement to charter of Perth Amboy Railroad Company, 290
supplement to charter of Bergen County Railroad Company, 291
supplement to charter of Westville and Glassborough Turnpike Company, 295
supplement to charter of the Passaic Mining and Manufacturing Company, 300
to incorporate the Belvidere and Bridgeville Railroad Company, 313
to incorporate the Burlington Savings Bank, 322

Page.

Private Laws—to incorporate the Hightstown and Imlaystown Turnpike Company, 326
to incorporate the West Windsor Mutual Fire Insurance Company, 336
to incorporate the Raritan Marine Insurance Company, 340
to incorporate the Shrewsbury and Tinton Falls Turnpike Company, 345
to incorporate the Passaic Gas Light Company, 350
to incorporate the Bradley Manufacturing Company, 355
to incorporate the Lopatcong Fire Insurance Company, 356
supplement to charter of Princeton and Kingston Branch Turnpike Company, 362
supplement to charter of Rahway Gas Light Company, 363
devisees of Abm. Arndt authorized to execute a deed to heirs of J. Emery, deceased, 371
to restore Harvey Dayton to rights of citizenship, 379
to incorporate the American Alluminum and Fire Brick Manufacturing Company, 392
to repeal act to authorize embankment of Haines' Neck Marsh Company, in Salem county, 393
to incorporate the Atlantic City Gas Light Company, 393
to incorporate the Bergen Point and Staten Island Ferry Company, 397
supplement to act to incorporate the Burlington and Mount Holly Railroad Company, 400
supplement to act to incorporate the Bridgeton Gas Light Company, 402
supplement to act to incorporate the Cumberland Nail and Iron Company, 403

Page.

Private Laws—supplement to act to incorporate the Pleasantville and Atlantic Turnpike Company, 403
supplement to act to incorporate the Bordentown and Crosswicks Turnpike Company, 404
supplement to act to incorporate the Cape May and Atlantic Railroad Company, 405
supplement to act to incorporate the Crosswicks and Trenton Turnpike Company, 406
supplement to act to incorporate the Camden and Atlantic Railroad Company, 409
to incorporate the Hunterdon County Mining Company, 411
to incorporate the Mercer County Mechanical and Agricultural Society, 416
to authorize Trustees of Methodist Episcopal Church at Bordentown, to sell lands, 417
to incorporate the Centenary Fund and Preacher's Aid of the Methodist Episcopal Church, 418
to incorporate the Medford and Indiantown Turnpike Company, 420
to incorporate the Peapack Railroad Company, 442
to incorporate the Millville Gas Light Company, 452
to legalize deed from Maxwell to Cavileer, 462
to authorize trustees of Methodist Church at Long Branch, to sell land, 464
confirm deed of manumission, by Simon Nevius, on behalf of David Nevius, 467
to authorize sale of Free Church at Colt's Neck, 473
supplement to act to incorporate the Good Will Fire Company, 479
relative to title of First Presbyterian Church at Plainfield, 484

Page.

Private Laws—to authorize Trustees of Methodist Episcopal Church at Coopertown, to sell lands, 497
to incorporate the Bordentown Machine Company, 509
to incorporate the Hoboken Bank for Savings, 512
to incorporate the Freehold Gas Light Company, 517
to incorporate the Salem Water and Reservoir Company, 520
to incorporate the Millville and Buckshutem Turnpike Company, 523
to incorporate the Trustees of the Education Fund of the Newark Methodist Episcopal Conference, 533
to incorporate the Orange Mutual Fire Insurance Company, 535
supplement to act to incorporate the Bridgeport, Thompson's Point, Billingsport and Philadelphia Steamboat Company, 541
supplement to act to incorporate the Manasquan and Barnegat Bay Canal Company, 541
supplement to act to incorporate the Weehawken Ferry Company, 542
supplement to act to incorporate the Bordentown and Columbus Turnpike Company, 542
supplement to act to incorporate the Freehold and Jamesburg Railroad Company, 545
to incorporate the Charleston Industrial Association, 554
to confirm the title of Oliver W. Farley, to certain lands, 557
supplement to the act to incorporate the Sussex Mine Railroad Company, 558

Public Laws—further supplement to act respecting Insurance Companies, 7
to prevent trespasses upon lands, 16

Page.
Public Laws—supplement to incorporate the city of Burlington, 17
authorizing sale of property of Union School at Newark, 22
relative to taxes in Pompton township, 24
relative to holding courts in Cape May county, 28
supplement to act relating to business of banking, 28
supplement to act relative to business of banking, 184
supplement to act authorizing business of banking, 230
supplement to act authorizing business of banking, 309
to divide Raritan township, Monmouth county, and creating townships of Holmdel and Matavan, 29
Chesterfield township to hold elections by ballot, 33
charges of jails in Essex and Hudson counties given to chosen freeholders, 40
to incorporate the Newark Hospital, 44
Bethlehem township—elections to be by ballot, 48
supplement to charter of city of Cape Island, 55
supplement relating to militia system, 57
supplement to charter of town of Belvidere, 57
relative to elections in township of Middletown, 61
relative to settlement and relief of the poor—supplement to, 72
to repeal law for voting by ballot in Maurice river township, 75
to change time for holding town-meetings in East Windsor township, 77
S. Acken & J. Dudley authorized to build dock in Piscataway township, 83

Page.

Public Laws—relative to repair of Tindall's Island Causeway, 96
to confirm incorporation of Central School District in Lawrence township, 109
amending charter of the city of Newark, 116
relative to the public printing, 175
relative to elections in township of Salem, 176
relative to the Hoboken Fire Department Fund, 177
authorizing owners of Great Meadows in Warren county, to improve Pequest River within certain limits, 180
authorizing Justices of Supreme Court to appoint serjeant-at-arms in county courts, 191
to restrain horses, &c., from running at large in the village of Tuckerton, 192
Union township, Ocean county—elections to be by ballot, 193
to restrain swine from running at large in Paulsborough, 196
to establish Reform School in Essex county, 204
for the regulation of the firemen of Jersey City, 216
authorizing commissioners to lay and map streets in a portion of Bergen township, Hudson county, 224
supplement to act to incorporate the city of Paterson, 228
supplement to act to incorporate the city of Hudson, 240
supplement to act relating to juries and verdicts (firemen required to have their names enrolled), 242
to create the county of Union, 244
relative to boundary between Hackettstown and Mansfield, Warren county, 256
relating to the First Ward Industrial School of the city of Newark, 257

Page.

Public Laws—authorizing commissioners of deeds, clerks and surrogates to administer oaths, &c., 258
authorizing bridge over Manasquan river, 262
Frankford Township—elections to be by ballot, 264
authorizing mayor, &c., of city of Cape Island to subscribe for stock of certain railroads, 267
making appropriations for Lunatic Asylum, 287
authorizing the Essex and Middlesex, and the Newark and Springfield Turnpike Road Companies to cede portions of said roads, 287
supplement to act to enable inabitants of the village of Hackensack to improve sidewalks, 289
supplement to act concerning inns and taverns (relating to county of Hudson), 292
defining number of freeholders to be chosen in Hudson county, 292
supplement to act for publication of law and chancery reports, 293
relating to the manner of conducting elections for justices of the peace, 295
further supplement to act relating to the practice of law, 296
further supplement to the charter of the city of Newark, 301
relative to the Camden and Amboy and the Delaware and Raritan Canal Companies, 303
supplement to act for the preservation of sheep, 307
for the distribution of laws, minutes, &c., to editors of newspapers, 308
to incorporate the Washington Continental Guard of Paterson, 360
granting a pension to William Weeks, 361
supplement to act to incorporate the borough of Hightstown, 364

Page.

Public Laws—supplement to act relating to lumber found adrift in river Delaware, 365
supplement to act for the incorporation of societies for the promotion of learning, 366
Union township, Hunterdon county—committee authorized to sell certain lands, 366
Hanover and Pequannock townships, Morris county—elections to be by ballot, 368
to authorize associations to aid useful industry, in counties of Mercer, Hunterdon and Gloucester, 373
for the protection of Monmouth and Middlesex Counties from contagious diseases, by vessels in Sandy Hook or Raritan Bay, &c., 375
for preservation of oysters in Dennis creek, 376
relative to the Court of Pardons, 378
relative to taxes on roads, and when work shall be omitted thereon, 378
regulating charges for legal advertising, 381
for collection of demands against ships, steamboats, &c., &c., 382
supplement to act concerning divorces, 399
supplement to act against usury, 406
supplement to act to incorporate companies to build lyceums, public libraries, &c., 409
to repeal part of act regulating fisheries in Mullica river, 410
elections in township of Green, Sussex county, to be by ballot, 413
explanatory of act relating to pedlers, &c., in the township of Phillipsburg, 417
to incorporate the city of Beverly, 430
to incorporate the Orange Fire Department, 456
granting pension to Jane Logan, 465
granting pension to Rebecca Hodgson, 465
making appropriation to Farnum Preparatory School, 466

Page.

Public Laws—relative to ground rents in the counties of Burlington and Camden, 468
relative to horses and cattle running at large in Hamilton township and town of Blackwoodtown, 470
to repeal act regulating elections in Franklin township, Gloucester county, 470
respecting the Independent Essex Brigade, 471
supplement to charter of the city of Trenton, (authorizing increase of water loan,) 472
supplement to act relative to habitual drunkards, 474
supplement to act to amend the charter of the city of Newark, 475
supplement to act concerning taxes, 475
making salaries of keepers of state prison payable monthly, 476
blind beneficiaries of the state to receive writing box, 477
supplement to act for ascertaining boundary line between Ocean and Burlington counties, 477
Mendham township, Morris county—relative to election of overseer of roads in, 480
supplement to act to incorporate telegraph companies, 481
concerning taxes in Bergen county, 482
to enable married women to warrant title to real estate, 485
appropriation to State Agricultural Society, 485
explanatory of act for securing property to married women, 486
granting jurisdiction over certain lands in Perth Amboy granted to the United States, 487
authorizing sale of lands limited over to infants or in contingency, in certain cases, 488
authorizing inhabitants of town of Salem to raise money to support fire engines, 491

Page.

Public Laws--authorizing commissioners to lay out streets, squares, &c., in city of Newark, 492
authorizing inhabitants of Downe township to improve the navigation of Dividing Creek, 496
authorizing mayor, &c., of Hoboken city to sell or exchange burying lot, 498
relative to introduction of water into the city of Hoboken, 500
relative to the introduction of water into the city of Hudson, 504
supplement to act relating to the instruction of indigent deaf and dumb children, 540
supplement to act to enable owners of tide swamps and marshes to improve the same, 543
supplement to act to re-organize the courts of law, (relating to Essex and Union counties,) 544
to defray incidental expenses, 547
making an appropriation for the State Prison, 556
supplement to act constituting courts for the trial of small causes, (relating to the county of Essex,) 558
to encourage the removal of obstructions in the river Delaware, 560
to abolish the courts in the borough of Elizabeth, 561
Joint resolution, number one, in relation to the disposal of securities in the hands of the state treasurer, 563
Joint resolution, number two, to authorize the treasurer of this state to dispose of certain securities, 564

R.

Page.

Rahway Gas Light Company—supplement to act to incorporate the, 363
Railroad Companies—relative to New York and Erie, 60
to incorporate the Atlantic and Cumberland, 61
supplement to Delaware, Lackawanna and Western, 76
supplement to charter of Morris and Essex—authorized to extend road, 111
supplement to charter of the Warren, 184
supplement to charter of the West Jersey, 226
supplement to charter of Perth Amboy, 290
supplement to charter of Bergen County Railroad Company, 291
to incorporate the Belvidere and Bridgeville, 313
supplement to Burlington and Mount Holly —(authorized to build branch, &c.), 400
supplement to charter of the Cape May and Atlantic, 405
supplement to charter of the Camden and Atlantic, 409
to incorporate the Peapack, 442
supplement to charter of the Freehold and Jamesburg, 545
supplement to charter of the Sussex Mine, 558
Raritan Township, Monmouth, divided, 29
Marine Insurance Company—act to incorporate, 340
Real Estate—married women may warrant title to, 485
Reform School in Essex County—act to establish the, 105
Religious Societies—act to authorize trustees of Methodist Episcopal Church at Palmyra to sell land, 85
to change name of Baptist Church at Princeton, 219

Page.

Religious Societies—supplement to act to incorporate First Presbyterian Church at Elizabethtown, 240
act to authorize Trustees of Methodist Church at Bordentown to sell land, 417
act to authorize Trustees of Methodist Church at Long Branch to sell land, 464
to incorporate the Centenary Fund Society of the Methodist Episcopal Church, 418
act to authorize sale of Free Church at Colt's Neck, 473
act relative to title of First Presbyterian Church in Plainfield, 484
act to authorize Trustees of Methodist Episcopal Church at Coopertown to sell lands, 497
Roads—act relating to taxes on, and when to be worked, 378
Rose Hill Cemetery Company—act to incorporate the, 105

S.

Salem Township—elections to be by ballot in, 176
inhabitants of town of, authorized to raise money to maintain fire engines, 491
Reservoir and Water Company—act to incorporate the, 520
Savings Institution—act to incorporate the Howard, 219
rates of interest allowed, 406
Bank at Burlington—act to incorporate, 322
of Hoboken—act to incorporate, 512
School District—act to confirm incorporation of Central, in Lawrence township, 109
Sheep—further supplement to act for preservation of, 307
Ships, Steamboats, Vessels, &c.—act for collection of debts against, 382
Shrewsbury Turnpike Company—act to incorporate the, 272
and Tinton Falls Turnpike Company—act to incorporate the, 345

Page.
Societies for the promotion of learning—supplement to act for the incorporation of, 366
State Prison—Salaries of keeper of, payable monthly, 476
act making appropriation for the, 556
Staten Island and Bergen Point Ferry Company—act to incorporate the, 397
Steamboat Company—act to incorporate the Belleville, 25
act to incorporate the Bridgeport and Philadelphia, 541
Supplement to act respecting Insurance Companies, 7
to act respecting Bordentown Water Company, 10
to charter of city of Burlington, 17
to charter of Newark Aqueduct Company, 19
to charter of Paterson Manufacturing Company, 21
to act relating to business of banking, 28
to charter of city of Cape Island, 55
to charter of Port Monmouth and Middletown Plank Road Company, 56
to act relating to Militia System, 57
to charter of town of Belvidere, 57
to charter of Trenton Iron Company, 59
to act relative to New York and Erie Railroad Company, 60
to act relating to relief of the poor, 72
to act relative to Delaware, Lackawanna and Western Railroad Company, 76
to act to incorporate the Burlington and Columbus Turnpike Company, 101
to act to incorporate the Centreton Turnpike Company, 102
to act to incorporate the Mullica Hill and Woodbury Turnpike Company, 103
to act to incorporate the Morris and Essex Railroad Company, 111
to act to incorporate the White Horse Turnpike Company, 115

Page.

Supplement to act to incorporate the Warren Railroad Company, 184
to act to incorporate the West Jersey Railroad Company, 226
to act to incorporate the Trenton and Allentown Turnpike Company, 227
to act to incorporate the city of Paterson, 228
to act authorizing business of banking, 230
to charter of First Presbyterian Church at Elizabethtown, 240
to charter of the city of Hudson, 240
to act to incorporate Endeavor and Fulton Fire Engine Companies, in the city of Burlington, 242
to act relating to Juries and Verdicts, 242
to act to enable inhabitants of village of Hackensack, to improve sidewalks, 289
to act to incorporate the Perth Amboy Railroad Company, 290
to act to incorporate the Bergen County Railroad Company, 291
to act concerning Inns and Taverns, 292
to act "incorporating townships," &c., 292
to act for publication of Law and Chancery Reports, 293
to act relative to Justices of the Peace, 295
to act to incorporate the Westville and Glassborough Turnpike Road Company, 295
to the act relating to pleadings and practice in the Courts of Law, 296
to the act to incorporate the Passaic Mining and Manufacturing Company, 300
to the act to incorporate the city of Newark, 301
to the acts to incorporate the Camden and Amboy and the Delaware and Raritan Canal Companies, 303
to the act for preservation of sheep, (relates to the county of Morris,) 307

Page.

Supplement to act relating to Laws, Minutes, Journals, &c., 308
to act relating to the business of banking, 309
to act to incorporate the Princeton and Kingston Branch Turnpike Company, 362
to the act to incorporate the Rahway Gas Light Company, 363
to the charter of borough of Hightstown, 364
to the act relating to lumber found adrift in the river Delaware, 365
to act for the incorporation of societies for the promotion of learning, 366
to act concerning divorces, 399
to act to incorporate the Burlington and Mount Holly Railroad Company, 400
to act to incorporate the Bridgeton Gas Light Company, 402
to act to incorporate the Cumberland Nail and Iron Company, 403
to act to incorporate the Pleasantville and Atlantic Turnpike Company, 403
to charter of Bordentown and Crosswicks Turnpike Company, 404
to charter of Cape May and Atlantic Railroad Company, 405
to act against usury, 406
to act to incorporate Crosswicks and Trenton Turnpike Company, 406
to act to incorporate Companies to build Lyceums, &c., 409
to act to incorporate the Camden and Atlantic Railroad Company, 409
to the charter of the city of Trenton, 471
to act to authorize the sale of Free Church at Colt's Neck, 473
to act relative to habitual drunkards, 474
to amended charter of the city of Newark, 475
to act concerning taxes, 475

Page.
Supplement to act for government of the State Prison, 476
to act for instruction of indigent blind persons, 477
to act for ascertaining boundary line between Ocean and Burlington counties, 477
to act to incorporate the Good Will Fire Company, 479
to act relative to holding town meetings in Mendham township, 480
to act to incorporate Telegraph Companies, 481
to act relating to the instruction of Deaf and Dumb persons, 540
to act to incorporate the Bridgeport, Thompson's Point, Billingsport and Philadelphia Steamboat Company, 541
to act to incorporate the Manasquan River and Barnegat Bay Canal Company, 541
to act to incorporate the Weehawken Ferry Company, 542
to act to incorporate the Bordentown and Columbus Turnpike Company, 542
to act to enable owners of tide swamps, &c., to improve the same, 543
to act to re-organize the Courts of Law, (relating to Courts in Essex and Union counties,) 544
to act to incorporate the Freehold and Jamesburg Railroad Company, 545
to act to incorporate the Sussex Mine Railroad Company, 558
to act constituting courts for the trial of small causes, 560
Surf House Association—act to incorporate the, 73
Sussex Mine Railroad Company—supplement to act to incorporate the, 558
Swamps, Marshes, &c., on tide waters—supplement to act to enable owners of, to improve, 453

T.

Page.

Taxes in Pompton—act relative to, 24
on Public Roads—act relative to. 378
supplement to act concerning, 475
in Bergen County—act concerning, 482
Telegraph Companies—supplement to general act to incorporate, 481
Tide Swamps, &c.—supplement to act to enable owners of. to improve, 543
Tindall's Island Causeway—act relative to, 96
Tinton Falls and Shrewsbury Turnpike Company—act to incorporate the, 345
Township of Holmdel created, 29
Matavan created, 29
Chesterfield authorized to vote by ballot, 33
Bethlehem authorized to vote by ballot, 48
Middletown authorized to vote by ballot, 61
Salem authorized to vote by ballot, 176
Union authorized to vote by ballot, 193
Frankford authorized to vote by ballot, 264
Hanover authorized to vote by ballot, 368
Pequannock authorized to vote by ballot, 368
Green authorized to vote by ballot, 413
Franklin, Gloucester County—repealing act to vote by ballot in, 470
Maurice River—act repealed directing elections to be by ballot in, 75
East Windsor—time of holding town meetings changed, 77
Union, Hunterdon County—committee authorized to sell lands, 366
Millburn—act to create, 379
Mendham, Morris—act relative to overseers of roads in, 480
Downe—inhabitants of, may improve navigation of Dividing creek, 496

Page.

Treasurer authorized to dispose of certain securities in the state treasury, 563
Trenton—supplement to act to incorporate city of, (authorizing increase of water loan,) 472
Iron Company—supplement to act to incorporate, 59
Patent Promoting Company—act to incorporate, 106
and Allentown Turnpike Company—supplement to act to incorporate, 227
Trespasses upon lands—act to prevent, 16
Tuckerton—act to restrain horses, &c., from running at large in the village of, 192
Turnpike Company—to incorporate the Bordentown and Drawbridge, 86
supplement to charter of Burlington and Columbus, 101
supplement to charter of the Centreton, 102
supplement to charter of the Mullica Hill and Woodbury, 103
supplement to charter of the White Horse, 115
to incorporate the Hoboken and Hudson River, 208
supplement to charter of the Trenton and Allentown, 227
to incorporate the Burlington and Mount Holly, 231
to incorporate the Shrewsbury, 272
the Essex and Middlesex and the Newark and Springfield authorized to cede portions of, 287
the Westville and Glassborough—supplement to, 295
to incorporate the Hightstown and Imlaystown, 326
to incorporate the Shrewsbury and Tinton Falls, 345
supplement to charter of Princeton and Kingston Branch, 362

Page.

Turnpike Company—supplement to Pleasantville and Atlantic, 403
supplement to Bordentown and Crosswicks, 404
supplement to Crosswicks and Trenton, 406
to incorporate the Medford and Indiantown, 420
to incorporate the Millville and Buckshutem, 523
supplement to the Bordentown and Columbus, 542

U.

Union School at Newark—act for sale of property of, 22
Township, Ocean County—elections to be by ballot in, 193
County—act to create, 244
Township, Hunterdon County—committee authorized to sell lands, 366
United States—jurisdiction over certain lands in Perth Amboy granted to, 487
Usury—supplement to act against, (relating to interest on loans by savings institutions), 406

V.

Vessels, &c.—act for collection of demands against, 382

W.

Warren Railroad Company—supplement to act to incorporate, 184
Washington Continental Guard of Paterson—act to incorporate the, 360
Water—act relative to introduction of, into city of Hoboken, 500
act relative to introduction of, into city of Hudson, 504

Page.

Water and Reservoir Company of Salem—act to incorporate the, 520

Power Company—act to incorporate the Phillipsburg, 201

Weehawken Ferry Company—supplement to act to incorporate the, 542

West Windsor Mutual Fire Insurance Company—act to incorporate the, 336

Westville and Glassborough Turnpike Company—authorized to construct branch road, 295

West Jersey Railroad Company—supplement to act to incorporate, 226

White Horse Turnpike Company—supplement to act to incorporate, 115

Weeks, William—pension granted to, 361

Wright, Phebe—administratrix authorized to convey land, 9