ACTS

ACCESSION NO. 33008
RECEIVED
CATALOGUED

OF THE

EIGHTY-FOURTH LEGISLATURE

OF THE,

STATE OF NEW JERSEY,

AND

SIXTEENTH UNDER THE NEW CONSTITUTION.



PATERSON, N. J.:
PRINTED BY ANDREW MEAD,
1860.

ACTS

OF THE

EIGHTY-FOURTH LEGISLATURE

OF THE

STATE OF NEW JERSEY.

CHAPTER I.

AN ACT to enable Hannah Maria Post to convey and dispose of her property.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Hannah Maria Post, of Jersey City, the wife of William G. Post, a confirmed and helpless lunatic, be and hereby is authorized to sell, assign, convey, and dispose of all her lands, real estate, and other property that she now has or may have in her own right, by deed, will, or other appropriate conveyance, in the same manner as if she were a feme sole and unmarried; and that all such instruments shall be good and valid, without the joining or concurrence of her husband therein; *provided*, that nothing herein contained

Hannah Maria Post authorized to sell property.

Proviso.

New Jersey State Library

shall affect any legal or vested right that her husband, William G. Post, has in any of her said property.

CHARLES L. C. GIFFORD,
President of the Senate.

AUSTIN H. PATTERSON,
Speaker of the House of Assembly.

Approved January 26, 1860.

CHAS. S. OLDEN.

CHAPTER II.

A further supplement to the act entitled "An act to incorporate the Plainfield Mutual Assurance Fire Company, of Plainfield, Essex county," passed February fifteenth, eighteen hundred and thirty-four.

Former acts, &c., extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to incorporate the Plainfield Mutual Assurance Fire Company," passed the fifteenth of February, Anno Domini eighteen hundred and thirty-four, and the supplement thereto, passed the nineteenth of February, Anno Domini eighteen hundred and thirty-five, and the further supplement thereto, approved the tenth of February, Anno Domini eighteen hundred and forty-seven, and all the provisions thereof, except so far as the same shall be modified, amended, altered, or repealed by this

act, are hereby extended and continued in force until the second Monday of March, in the year eighteen hundred and ninety.

2. *And be it enacted*, That the directors of the said company shall have power to fix and determine the rate of advance to be paid by persons applying to become members of the company. Directors to fix rates of advance.

3. *And be it enacted*, That the third and the sixth sections of the said original act, and also so much of the twelfth section of said act as requires the seal of the company to the policies, be and the same are hereby repealed. Part of former act repealed.

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

Approved January 26, 1860.

CHAPTER III.

AN ACT to incorporate the town of Orange.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the inhabitants residing in the territorial limits of the township of Orange, in the county of Essex, be and are hereby ordained, constituted, and declared to be one body corporate and politic, in fact and in name, by the name of "The Town of Orange." Inhabitants incorporated.

2. *And be it enacted*, That the said town shall be divided Boundaries of wards.

into three wards, as follows, viz.: the first ward shall comprise all the territory lying east of a line commencing at the junction of Centre street and Clinton township, thence along the centre of the same to its junction with Harrison street, thence to the spring near William Crane's, the origin of Parrow's brook, thence along said brook to Main street, thence in a direct line to the centre of North Park street, thence along the centre of said street to the Bloomfield line; the second ward shall comprise the territory lying west and north of the west line of the aforesaid first ward and the centre of Main street and of the turnpike road to Livingston township; all the remaining territory of the town shall constitute the third ward.

Duties and powers of town officers.

3. *And be it enacted*, That there shall be chosen by ballot, one mayor and nine councilmen, (three from and for each ward,) as hereinafter prescribed, who shall constitute the common council of the town; they shall hold an annual meeting on the fourth Tuesday of March yearly and every year, and such other meetings as they shall direct and appoint; the mayor shall preside at said meetings, and shall have a casting vote only in cases where there shall be a tie, and if the mayor be absent at any meeting, then the council shall appoint one of their number to preside pro tempore, and when met shall have power to make and adopt, by a majority vote of the whole number, such rules and by-laws for their own government as they shall think proper, and pass all such ordinances, by-laws, and regulations, and, in general, do and perform all such acts and things as are provided for and warranted by this act; and that five councilmen shall constitute a quorum of said council; all ordinances shall first receive the approval of the mayor, and in case of his refusal, the same may be passed by a two-thirds vote of the councilmen; the town clerk shall be the clerk of said council.

Election of town officers.

4. *And be it enacted*, That there shall be chosen by ballot annually, on the second Tuesday of March, by the legal voters of the town at large, one mayor, one clerk, one treasurer, two surveyors of the highway, one marshal, and one superintendent of schools, and at the same time there shall be chosen

by the voters of each ward, three councilmen, one judge of election, one assessor, one collector, one chosen freeholder, one commissioner of appeals, and such number of justices of the peace and constables as each ward may by law be entitled to elect; *provided*, that at the first annual meeting of the common council, the councilmen of each ward shall determine by lot who of their number shall serve one year, who two years, and who three years, so that at all subsequent elections only one councilman shall be chosen; *and provided*, that the justices of the peace so chosen shall hold office for five years, and that no election for such officer shall be had in any ward until a vacancy occur in such ward. Proviso. Proviso.

5. *And be it enacted*, That the aforesaid election shall be held at the same time in each ward, between the hours of eight in the morning and seven in the evening, at such places as the common council shall designate, of which due notice shall be given at least ten days previous to the election; the council shall at the same time also appoint a poll clerk for each ward: the election so held shall be conducted, as near as may be, in all respects in accordance with the law regulating elections for state and county officers in this state; and at the close of the polls the officers of election shall proceed to count the votes cast for the several candidates, and shall make out and certify under their hands a certificate, within three days, to be delivered to the clerk of the town, who shall lay the same before the common council at their first annual meeting thereafter; and the said council, at such meeting, shall, in a public manner, proceed to canvass the number of votes given for the respective candidates, and shall ascertain and declare who shall be elected by the greatest number of votes to the aforesaid several offices, the result of said canvass to be entered upon the minutes of said council, and a copy of the same transmitted by the town clerk to the clerk of the county; the first election by virtue of this act shall be held at such places as shall be designated, and by such officers and clerks as shall be appointed by the present town committee of the township of Orange: all state and county elections shall be held by Mode of conducting elections.

the officers and clerks, and at such places as provided for above, in strict accordance with the laws of this state.

Vacancies, how supplied.

6. *And be it enacted*, That in case a vacancy shall occur, either by a refusal to serve, death, or any other cause whatever, in any of the offices authorized by this act, it shall and may be lawful for the common council to appoint others to fill such vacancies for the unexpired term, and the person or persons so appointed shall perform the like services, be subject to the like responsibilities and penalties, and be entitled to the like compensation, as if elected at the annual election aforesaid, except in the case of councilmen and justices of the peace, which vacancies shall be filled by a special election to be ordered by the common council.

Officers to be sworn or affirmed.

7. *And be it enacted*, That every mayor, councilman, surveyor of the highway, assessor, collector, marshal, and constable appointed under this act, before they take upon themselves the execution of their several offices, shall take and subscribe an oath or affirmation before the clerk, who is hereby authorized to administer the same, faithfully and impartially to execute the trust reposed in them, to the best of their abilities and understanding, in the same manner as like officers of townships are required to be sworn or affirmed; and the clerk shall take the same oath or affirmation that is required by law of township clerks, before the mayor or a justice of the peace of the town: all the aforesaid oaths or affirmations shall be filed by the clerk.

Certain officers to give bond.

8. *And be it enacted*, That the treasurer, marshal, collector and constables elected or appointed as aforesaid, before entering upon the duties or execution of their respective offices, or be qualified to serve, shall severally execute their respective bonds to the town of Orange, in such forms, in such sums, and with such freehold security as the common council shall direct, conditioned for the true and faithful performance of all the duties of their offices respectively, which bonds, when approved by the common council, shall be delivered to the clerk, to be by him filed and preserved, and may be sued and prosecuted as the bonds of like officers of this state are or may be sued and prosecuted.

9. *And be it enacted*, That it shall and may be lawful for the common council, by a vote of a majority of the whole number, to pass such ordinances as they shall judge proper, for regulating the grade of, keeping in repair, laying out new, altering and vacating existing streets, highways, alleys, and side-walks within said corporation, as hereinafter prescribed, and preventing and removing all obstructions and encroachments in or upon the same; for preventing and restraining riots, disturbances, or disorderly assemblies; for preserving peace and suppressing vice and immorality, and all such other laws or ordinances for the government and regulation of said corporation not repugnant to the laws of this state or of the United States, as they may consider conducive to the welfare and good order of the inhabitants, a copy of which laws and ordinances shall be published four weeks in a newspaper published in said town, or set up in some public place in each ward thereof. Common council may pass ordinances.

10. *And be it enacted*, That the marshal is hereby empowered to arrest and take into custody, with or without warrant, any offenders against the laws and ordinances of said corporation, or any person or persons disturbing the peace and quietness thereof, and carry such offenders immediately before the mayor, who is hereby empowered to take cognizance of such offences, or some justice of the peace; and that the said marshal shall have all the powers within said corporation of, and shall be entitled to receive the same fees as, any constable of the state; the common council may, for special occasions, appoint assistant marshals, who shall have like powers. Marshal may arrest offenders.

11. *And be it enacted*, That the jailor of the county of Essex for the time being shall receive and safely keep all such offenders as shall be committed to the jail of said county by the mayor, as aforesaid, for the time or term of his, her, or their imprisonment, and all the expenses of keeping said offenders in said jail, shall be borne and paid by the county of Essex; it shall be the duty of the common council to provide a suitable lock-up for the temporary detention of offenders. Jailor of Essex to receive and keep offenders

Record and publication of ordinances to be evidence of due passage.

12. *And be it enacted*, That the book of record of the ordinances and by-laws of the said common council shall be taken and received as evidence of the due passage of all the ordinances and by-laws recorded therein; and further, that the publication, by the authority of the common council, of the same in a volume or pamphlet form, shall in like manner be taken and received as evidence of the due passage thereof; and that the publication of the said ordinances and by-laws, as aforesaid, shall in all cases be presumed to have been made until the contrary shall be made to appear; and further, upon the trial of any issue, or upon the judicial investigation of any fact, to which issue the corporation hereby created shall be a party, or in which the said corporation is interested, no person shall be deemed an incompetent witness or juror by reason of being an inhabitant of said corporation.

Compensation of officers.

13. *And be it enacted*, That the mayor shall be and he is hereby clothed with the same power, and entitled to receive the same fees, as justices of the peace of this state, but he shall receive no other compensation for his services as mayor; the councilmen shall receive the same pay as members of town committees are entitled to receive; the clerk and treasurer shall receive such compensation as the common council of this corporation shall determine; and all other officers whose pay is not provided for in this act, shall receive such fees as are allowed to like officers of the townships of this state.

Common council to have control of streets, roads, etc.

14. *And be it enacted*, That the common council shall have exclusive control of all the highways, streets, roads, and alleys within the limits of the town; they shall regulate the grade of and the manner of working and keeping in repair the same; and, for this purpose, may divide the town into one or more road districts, and appoint one or more overseers, who shall comply in all respects with the instructions of the council; they shall also apportion to each district the amount of road tax they shall deem necessary to be expended in said district; the common council shall also have the exclusive power of laying out new streets, roads, and alleys within the limits aforesaid, and of altering or vacating any already laid;

provided, that a majority of the property owners on the line of such new street or alley, or within the limits of the street proposed to be altered or vacated, shall petition the council for that purpose, previous notice having been given in a newspaper published in the town, or by three notices in the locality thereof, at least two weeks prior to such application, specifying the terminations and route of the street or alley to be laid or vacated, or the precise alteration to be asked for; Proviso.

and provided further, that if any property owner shall, in writing, signify to the council that he, she, or they claim damages on account of the same, the said common council shall forthwith appoint three discreet and disinterested commissioners to assess the damages as aforesaid, and who shall at the same time assess upon any owner or owners of property the amount to be paid by each of said damages and expenses, as they may deem to be benefitted thereby; the report of said commissioners shall be made to the common council for their approval; and all assessments as aforesaid may be collected with costs, in an action of debt, before any court having jurisdiction thereof; and furthermore, if three-quarters of the property owners in interest on any street, or portion of a street, on either side thereof, shall petition the common council (notice as above having been previously given,) to have the sidewalks of said street, or portion of street, graded, curbed, and paved with stone or brick, or gravelled, the council may order and direct the same to be done at the expense of the property owners, (each owner doing the work in front of his or her property,) the flag not exceeding four feet in width; and if any property owner shall refuse or neglect to do the same for the space of one year, the common council shall have the same done by their overseer or agent, and may recover the expense so incurred in an action of debt, in any court having jurisdiction thereof; *provided*, that nothing in the foregoing section shall be construed to impair or contravene the provisions of an act entitled "An act to define the rights of parties whose property is damaged or taken for public use, in cases of the alteration of the grades of streets or Proviso. Proviso.

highways," approved March seventeenth, eighteen hundred and fifty-eight.

Maintainance of poor.

15. *And be it enacted*, That the common council shall have the entire charge of all the property of the town, and shall have supervisory care of the poor, and for this purpose may appoint an overseer of the poor and a superintendent, prescribe their duties and determine their compensation; the overseer shall report to the council, at least two weeks before the annual election aforesaid, the expense of maintaining the poor, their number and general condition; the council may also appoint one or more pound-masters, at their discretion.

License for shows and exhibitions.

16. *And be it enacted*, That the common council shall have the sole and exclusive power of licensing all menageries or collections of wild beasts or animals, and all circuses, plays, or other shows and exhibitions whatsoever, proposed to be performed or exhibited within the limits of the said corporation, which said power of licensing the common council may, by ordinance, delegate to the mayor; and any such license may be granted on such terms, and subject to such limitations and restrictions as the said council may by ordinance prescribe; and all moneys derived from any such license shall go to and for the use of said town; and if any person or persons shall exhibit, or be concerned in exhibiting, or cause to be exhibited, within the town, any matter or thing hereinbefore specified, without such license as aforesaid, he, she, or they shall be proceeded against under and by virtue of the statute of this state entitled "An act for suppressing vice and immorality," approved April fifteenth, one thousand eight hundred and forty-six, or under the act entitled "An act to regulate the exhibition of beasts and animals," approved April fifteenth, one thousand eight hundred and forty-six, as the case may require, and whether such person or persons shall have obtained a license from any justice or justices of the peace or not.

Fees for license.

17. *And be it enacted*, That if any person shall hereafter obtain a license to keep an inn or tavern within the bounds of the aforesaid corporation, the fee to be paid for the same shall

be fifty dollars; and no person shall be allowed to sell beer, porter, cider, or wine within the bounds aforesaid, until he, she, or they shall first pay to the treasurer of the town, for the use of the town, the sum of fifteen dollars; and for every violation of this section, either by refusal or neglect to pay the said sum of fifteen dollars, it shall be the duty of the treasurer forthwith to prosecute and recover the same in any court having jurisdiction thereof, in an action of debt, with costs, and on non-payment thereof, the defendant shall be committed to the common jail of the county for any term not exceeding sixty days, and until the fine and costs shall be paid; *provided*, that the sum as aforesaid, when paid, shall be an exemption for the space of one year. Proviso.

Common council may borrow money

18. *And be it enacted*, That in order to carry into effect the provisions of this act, and to defray the expenses warranted thereby, it shall be lawful for the common council to borrow money from time to time, in the corporate name of the town, and to secure the payment thereof by bond, note, or other instrument of writing, under the common seal of the corporation and the signature of the mayor; *provided*, that all loans so made shall be based upon the current taxes of the year, and shall not exceed in the aggregate, in any one year, the sum of five thousand dollars. Proviso.

Treasurer to make annual statement.

19. *And be it enacted*, That all moneys of the town derived from taxes or otherwise, shall be paid forthwith to the treasurer, and no money shall be drawn from the treasury but by order of the common council, signed by the mayor; and it shall be the duty of the treasurer to present to the common council, at least two weeks before the annual election as aforesaid, a full statement of all moneys received and paid out during the year, showing the source whence derived, and to what applied, the amount of indebtedness of the town, and the balance of funds, if any, in his hands; and it shall be the duty, in like manner, of the superintendent of schools to submit a report of the amount expended for the schools, the number of pupils, and the general condition of the schools, which several reports shall be filed by the clerk, and the same,

or an abstract, shall be published by the common council in a newspaper published in the town, at least ten days before the next ensuing election; and it shall be the duty of the council, in the same publication, to state the amount of money which in their opinion it will be necessary to raise by tax the ensuing year for the support of the poor, for common schools, for the working of the highways, and for defraying the miscellaneous expenses authorized by this act, which several amounts shall be determined by the legal voters at the ensuing annual election, and when so determined, the assessors shall assess the same in accordance with the law regulating assessors in this state; and if any tax so assessed shall remain unpaid on the twentieth of October of each year, it shall be the duty of the collectors to return the same to some justice of the peace of the town, to be collected as the law directs.

Common council to perform duties of town committees.

20. *And be it enacted*, That in addition to the duties prescribed in this act, the common council shall be authorized and empowered to do such other acts and things required of town committees of townships.

Commissioners of appeal.

21. *And be it enacted*, That the time of meeting of commissioners of appeal, to hear and determine complaints, shall be changed to the third Tuesday of September in each year, and in order to enable the collectors of the several wards to serve the legal notices upon the tax payers, it shall be the duty of the respective assessors to return to them the duplicate of taxes on the first Tuesday of September in each year; and at the same time the common council shall determine the amount of dog tax.

Organization of a fire department.

22. *And be it enacted*, That for the protection of property against loss or damage by fire, it shall be lawful for the common council, and they are hereby empowered, to enact an ordinance for the establishment and equipment of a fire department, providing in the same for organizing and regulating fire companies, providing fire apparatus, furnishing a supply of water and cisterns for fire purposes, and doing such other things as may be necessary to maintain a suitable and effi-

cient fire department, and to raise from year to year, by an assessment on the owners of property within the limits of said department, such sum as may be required to defray the expense of the same; *provided*, that nothing therein contained shall be contrary to the laws of this state; *and provided also*, that before the same shall take effect, it shall be approved by a majority of the legal voters within the limits of the aforesaid department, at a special election to be held for that purpose, at such time and place as the common council may determine. Proviso. Proviso.

23. *And be it enacted*, That the fourth section of the "Supplement to an act concerning roads," approved March twenty-third, eighteen hundred and fifty-nine, so far as it affects the corporation hereby created, is hereby repealed; and that all acts or parts of acts contrary to the provisions of this act, are hereby repealed; and that this shall be deemed a public act, and shall take effect immediately. Parts of former acts repealed.

Approved January 31, 1860.

CHAPTER IV.

A further supplement to the act entitled "An act to incorporate the Northern Railroad Company of New Jersey," approved February ninth, eighteen hundred and fifty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Northern Railroad Com- Company may hold additional real estate.

pany of New Jersey may purchase, have, hold, occupy, and convey real estate along the line of their road to an amount not to exceed fifty acres, in addition to what they are now authorized to hold.

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

Approved January 31, 1860.

CHAPTER V.

AN ACT to incorporate the Titusville Delaware Bridge Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Levi T. Atchley, Uriel B. Titus, Burroughs Matthews, George White, M. D. and Peter A. Vancleve, be and they are hereby appointed commissioners on the part of this state, who, with commissioners to be appointed by the commonwealth of Pennsylvania, shall be authorized to receive subscriptions to the capital stock hereby created, at such time or times, and place or places, as they, or a majority of them, may direct, giving notice thereof in a newspaper printed in the county of Bucks, in the state of Pennsylvania, and in a newspaper printed in the county of Mercer, in this state, for at least twenty days, of the time or times, and place or places, when and where the said subscriptions shall be received; and at the time of subscribing for the

said stock, five dollars shall be paid upon each share subscribed for, to the commissioners, or some one of them, which money shall be paid over to the treasurer of said company as soon as one shall be appointed, and that the residue of said subscriptions shall be paid in such instalments, and at such times and places, and to such persons as the president and directors of the company shall from time to time direct, and give public notice of; and upon failure of payment thereof, as so directed, for thirty days thereafter, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay the said instalments, or any of them, to and for the use of said company; *provided*, that the books of subscription shall be kept open for three days at least, and if the number of shares subscribed for shall exceed the amount or number of shares authorized by this act to be subscribed for, that then the said commissioners shall apportion the said stock among such subscribers, in proportion to the amount or number of shares by them subscribed as aforesaid. Payment of instalments. Proviso.

2. *And be it enacted*, That when two hundred shares are subscribed for, the persons holding the same shall be and they hereby are incorporated into a company by the name of "the Titusville Delaware bridge company," and by that name shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their capital stock and the increase and profits thereof, and of enlarging the same from time to time, by new subscriptions, in such manner and form as they shall think proper, if such enlargement should be found necessary to fulfill the intent of this act; *provided*, such increase does not, with the original subscription, exceed the amount of twenty thousand dollars; and of purchasing, taking, and holding to them, and their successors and assigns, in fee simple, or for any less estate, all such lands, tenements, hereditaments, and estates, real and personal, as may be necessary and convenient to them in the prosecution of their works, and the same to sell and dispose of at their pleasure, and of suing Company, when incorporated. Proviso.

and being sued, pleading and being impleaded, in all courts of justice whatever.

Amount of capital stock.

3. *And be it enacted*, That the capital stock of the said Titusville Delaware bridge company shall be twenty thousand dollars, and the same shall be divided into shares of fifty dollars each, and the subscribers to said capital stock shall pay the sum or sums of money for the share or shares by them respectively subscribed, at such periods, and in such instalments as the directors of said company may determine.

Election of first officers.

4. *And be it enacted*, That as soon as two hundred shares of the said capital stock shall be subscribed as aforesaid, it shall be the duty of the commissioners to give notice in one or more of the newspapers printed in the county of Bucks, in the state of Pennsylvania, and in one or more printed in the county of Mercer, in this state, of the time of a meeting of the stockholders at Titusville, in the county of Mercer aforesaid, not less than thirty days from the time of issuing the said notice, at which time and place the said stockholders shall proceed to organize the said company, and shall choose by ballot, in person or by proxy, one president, six directors, one treasurer, and such other officers as they shall think necessary to conduct the business of said company until other officers shall be appointed; and the said president and directors may make such by-laws and regulations, not inconsistent with the laws or constitution of this state or of the United States, as shall be necessary for well ordering the affairs of the said company, and fixing upon the site or location of said bridge, and that each stockholder shall be entitled to one vote for each share of stock by him or her held at the time of such election.

Annual election of officers.

5. *And be it enacted*, That the stockholders shall meet on the first Monday in November in every year, at such place as shall be fixed by the by-laws of said company, for the purpose of choosing such officers for the ensuing year.

Certificates of stock to be issued.

6. *And be it enacted*, That the president and directors first to be chosen as aforesaid, shall issue certificates of stock to the several stockholders respectively, signed by the president

and countersigned by the treasurer of said company, which certificate shall be transferable at the pleasure of the holder, in person or by attorney, subject, however, to the payments due and that may grow due thereon; and the assignee holding any such certificate, having first caused the assignment or transfer to be entered in a book of the company, to be kept by the treasurer for that purpose, shall, for every share of stock so held by him or her, be entitled to his or her just proportion of the said capital stock, and all the estates and emoluments of the company, and to vote at the meetings thereof, as aforesaid.

Duties and powers of president and directors.

7. *And be it enacted*, That the said president and directors shall meet at such times and places, and be convened in such manner as shall be agreed on, for transacting their business; at such meetings, five members shall be a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions fairly entered in a book, and shall have full power and authority to agree with and appoint such engineers, superintendents, artificers, and other agents as they shall think necessary to construct the said bridge, and to complete the same, and to conduct the business of the same, and fix their salaries, and to determine the time, manner, and installments in which the stockholders shall pay the money due on their respective shares; to draw orders on the treasurer for all moneys that may be required, the same to be signed by the president or chairman and countersigned by the clerk of the board, and to do and transact all matters and things which by this act and the by-laws or regulations of the said company shall be lawful.

Proceedings in case company and owners cannot agree.

8. *And be it enacted*, That after the place for the erection of the said bridge shall be fixed as aforesaid, and before the said president and directors shall proceed to erect the same, it shall and may be lawful for the said president and directors to contract and agree with the owner or owners of any lands and tenements, piers, abutments, or other erections, for the purchase of so much thereof as shall be necessary or useful for the purpose of erecting and perfecting the said bridge,

and making and establishing all the necessary works and roads to and from the same, if they can agree with the owner or owners of the same; but in case they cannot agree, then it shall and may be lawful for the said president and directors to apply to one of the justices of the supreme court of this state, not being a stockholder or otherwise interested, who, upon such application, is hereby authorized and directed to appoint three discreet and disinterested freeholders of this state, who, after being duly sworn or affirmed before any justice of the peace, faithfully to perform the duties enjoined on them by this act, shall proceed to view and examine all such lands and tenements, piers, abutments, and other erections as shall be necessary or useful for the purpose aforesaid, and shall, according to the best of their skill and judgment, ascertain and estimate the injury and damage that will be sustained by the owner or owners thereof, and shall report what sum shall be paid by the said company for the same, which report shall be made in writing, under the hands and seals of any two of them; and shall return the same, together with a map describing the metes and bounds of such lands and tenements, to the term of the supreme court next after they shall have agreed upon and signed the same; and the said report having been confirmed by the said supreme court, shall be filed in the clerk's office of the said court, with the map aforesaid; and the said president and directors having paid the said owners, respectively, or tendered to them the several sums awarded to be paid to them in and by the said report, and having also paid the fees of the said arbitrators, at the rate of two dollars to each for every day employed in said business, and their necessary expenses, the said company shall be entitled to have and to hold, to them and their successors and assigns forever, the said lands and tenements, piers, abutments, and other erections, as fully and effectually as if the same had been granted to them by the respective owners thereof; and it shall and may be lawful thereupon, and not before, for the said president and directors to enter upon, use, and occupy the said lands and tenements, piers, abutments,

and other erections, and to commence and complete the erection of said bridge.

Annual statements to be made.

9. *And be it enacted*, That the president and directors of the said company shall keep just and fair accounts of all moneys received by them from the said commissioners, and from the stockholders, and of the amount of the profits on shares that may be forfeited as aforesaid, and of all voluntary contributions, and also of all moneys by them expended in the prosecution of the said work; and shall, at least once in each year, submit such accounts to a general meeting of the stockholders, until said bridge be completed, and until all the costs, charges, and expenses for effecting the same shall be fully paid and discharged, and the aggregate amount of all such expenses shall be ascertained and liquidated.

Rates of toll.

10. *And be it enacted*, That when a good and complete bridge shall have been erected over the said river Delaware, at the place aforesaid, the property of said bridge shall be vested in the said company, their successors and assigns forever; and the said company, their successors and assigns, may demand and receive toll from travelers and others crossing the same, not to exceed the following rates:

For every coach, London chariot, phæton, or other pleasure carriage, with four wheels, drawn by four horses, the sum of	forty cents.
For every such pleasure carriage with two horses,	twenty-five cents.
For every farm or market wagon, with four horses,	forty cents.
For every wagon of the same description, drawn by two horses,	twenty-five cents.
For every chaise, riding chair, sulkey, cart, or other two wheel carriages, or a sleigh or sled with two horses,	twenty-five cents.
For the same, with one horse,	fifteen cents.
For a single horse and rider,	ten cents.
For every horse or mule led or driven,	five cents.
For every foot passenger,	two cents.

For every head of neat cattle, three cents.
For every sheep or swine, one cent.

Proviso. *provided*, that the said company shall have power to estimate every ox, mule, or other beast of burden, when harnessed to draught carriages, equal to a horse under similar circumstances; and shall cause to be put up and kept up in some conspicuous place at the gates of said bridge, a list of the said rates of toll; and the said company shall so erect the said bridge as not to stop or interrupt the navigation of said river, or prevent boats or rafts from passing the said river.

Penalty for injuring works. 11. *And be it enacted*, That if any person or persons shall wilfully cut, destroy, break, or remove from off the said bridge, or any part thereof, any piece or pieces of timber, plank or planks, stone or stones, chain or chains, bolt or bolts, or any other material whatsoever belonging to said bridge, or otherwise wilfully or maliciously damage the same, he, she, or they so offending shall forfeit and pay for every such offence, over and above the damages done to the said bridge, the sum of thirty dollars, to be recovered, with costs of suit, by action of debt, in any court having cognizance thereof, by any person who shall sue for the same.

Penalty for taking illegal tolls, &c. 12. *And be it enacted*, That if the said company, their successors and assigns, or whoever shall own or possess the said bridge, shall collect or demand any greater rates or prices for passing over the said bridge than are hereinbefore prescribed or specified, or shall neglect to keep the said bridge in good repair, he, she, or they so offending shall for every such offence forfeit and pay the sum of thirty dollars, with costs of suit, one-third thereof for the use of the poor of the county of Bucks, in the state of Pennsylvania, one-third thereof for the use of the poor of the county of Mercer, in the state of New Jersey, and the other third for the use of the person who may sue for the same; *provided always*, that no action shall be brought for such offence unless within sixty days after the same shall have been committed.

Proviso.

Appraisement of damages to be made. 13. *And be it enacted*, That the said president and directors shall have power to agree with any owner or owners of

ferries or shad fisheries that may be injured by the erection of said bridge, and to compensate him or them for any damages that he or they may thereby sustain; and if they cannot agree with such owner or owners, then and in such case the damages shall be ascertained by the appraisement thereof, to be made upon oath or affirmation of three disinterested freeholders of the neighborhood, or any two of them, to be mutually chosen; or if either party, upon due notice, shall neglect or refuse to join in the choice, then the said freeholders to be appointed by any justice of the peace of the county not interested on either side; and the said president and directors, after the tender of the appraised value to the owner or owners, shall proceed in like manner as if the damages had been ascertained by agreement between the parties; *provided*, that after the said bridge shall have been completed, no compensation shall be received by any person for ferrying at any ferry which shall have been purchased and paid for by the said company, under a penalty of ten dollars for each offence, to be recovered with costs by said company, before any court having cognizance of the same. Proviso.

14. *And be it enacted*, That the said president and directors shall also keep a just and true account of all and every the moneys received by their respective collectors of tolls for crossing the said bridge, and shall make and declare a dividend of the profits and income thereof among all the stockholders of said company, deducting first therefrom all contingent costs and charges, and such proportion of said income as may be deemed necessary for a growing fund, to provide for rebuilding and repairing the said bridge, and shall, on the first Monday in May and November, in each and every year, publish the dividend to be made of the said clear profits thereof among the stockholders, and of the time and place when and where the same shall be paid, and shall cause the same to be paid accordingly. Semi-annual dividends to be made,

15. *And be it enacted*, That this act shall take effect when the legislature of the state of Pennsylvania shall pass a law appointing commissioners on their part, and vesting like Act, when to take effect.

power and authority in the subscribers to the said capital stock, of erecting a bridge at the place aforesaid, and extending the same from shore to shore, with as full and ample powers, privileges, franchises, and emoluments, as to the said company are hereby given.

Act may be amended.

16. *And be it enacted*, That the legislature may alter, amend, or repeal this act, whenever in their opinion the public good requires it.

Approved January 31, 1860.

CHAPTER VI.

AN ACT to authorize the stockholders of the Central Bank of New Jersey to reduce their capital stock, and afterwards, as they deem advisable, to increase the same.

Corporation may redeem capital stock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever, at a meeting of the stockholders of the Central Bank of New Jersey, convened in the banking house in the borough of Hightstown, by the board of directors, giving at least twenty days' notice of the time and place of said meeting, a majority of the said stockholders voting according to the rule, and in the ratio, observed in the election of directors, shall determine that a reduction of the capital stock of the said bank is expedient, it shall and may be lawful for the said stockholders, by resolu-

tion to be adopted at such meeting, to reduce the capital of the said bank, to such sum as they may deem most likely to promote the interests of the said stockholders; *provided always*, that the said capital stock shall not be reduced to a sum less than seventy-five thousand dollars, nor to a sum less than the amount of the existing liabilities of the said corporation at the time of said reduction; and also that the said reduction shall not be legally perfected and established until a copy of the resolution of the stockholders for that purpose, to be adopted as aforesaid, signed by the president and countersigned by the cashier of the said bank, and sealed with the common seal of the said corporation, shall be delivered to the secretary of this state, to be by him filed in his office. Proviso.

2. *And be it enacted*, That if at any time after the said reduction shall have been made and established, as mentioned in the first section of this act, it shall be deemed advisable to increase the capital stock of said bank, it shall be lawful for the board of directors of the said the Central Bank of New Jersey, to convene a meeting of the stockholders of said bank, giving the same notice thereof as is required to be given in the first section of this act, and to submit to said meeting the question of restoring their capital stock to the sum of two hundred thousand dollars, as it stood before said reduction; and if the said stockholders, or a majority of them, shall at said meeting, or at any adjourned meeting, voting according to the rule, and in the ratio, observed in the election of directors, determine that the capital stock shall be restored to its said original amount of two hundred thousand dollars, it shall and may be deemed to be restored accordingly; and the directors of said company shall thereupon provide for such increase, either by increasing the par value of the shares of stock or by an addition to the number of shares of the capital stock, as they may deem best; and in case said directors shall increase the par value of the shares of stock, the said directors may require from the stockholders payment of such sum per share as will be necessary to raise said increased capital, at such time or times as they may see fit, giving the Amount of capital stock may be restored.

same notice as was required by the charter of said bank for the payment of the original installments; and if the said directors shall decide on an increase of the number of the shares of stock for the purpose of raising said capital to the amount herein above specified, then the said directors shall ascertain the number of shares to be added, and the par value of each of said shares; 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.

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

Approved February 2, 1860.

CHAPTER VII.

AN ACT to renew the charter of the Farmers' and Mechanics' Bank of Rahway, and to increase the capital stock thereof.

Provisions of former acts extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled, "An act to incorporate the Farmers' and Mechanics' Bank of Rahway," passed the seventh day of February, in the year one thousand eight hundred and twenty-eight, and the supplement to the

act entitled, "An act to incorporate the Farmers' and Mechanics' Bank of Rahway," passed the seventh day of February, eighteen hundred and twenty-eight, which supplement was passed the twenty-fifth day of February, one thousand eight hundred and thirty-six, and an act entitled, "An act to renew the charter of the Farmers' and Mechanics' Bank of Rahway," approved February twenty-sixth, Anno Domini one thousand eight hundred and forty-five, shall be and hereby are continued for and during the term of twenty years, from and after the time by said acts and supplement limited for their continuance.

Capital stock may be increased.

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

Amount of issue not to be increased.

3. *And be it enacted*, That it shall not be lawful for said corporation to increase the issue of its bills or notes by reason of such increase of its capital stock, but that the same shall be restricted to its present issue, as now authorized by law, without regard to the increase of capital stock by this act authorized.

Mode of voting at elections.

4. *And be it enacted*, That at all elections and meetings of the stockholders of said corporation hereafter to be held, each stockholder shall be entitled to one vote for each share of stock which he, she or they shall have held in his, her or their names at least thirty days before the time of voting.

Subscription to additional stock.

5. *And be it enacted*, That the said additional stock shall and may be called in from time to time as the directors of the said bank for the time being shall deem expedient; and the books for subscribing to said stock shall be opened at such times, and in such manner, as the said directors shall order, of which four weeks' notice shall be given in one or more of the newspapers published in the city of Rahway; and the same, when so called in, shall be allotted ratably among the several stockholders of the stock of said bank, in propor-

tion to the number of shares held by them respectively, at least ten days before the time of subscribing to such new stock; and in case it shall happen that at the time noticed for subscribing to any such additional capital, any of the stockholders shall decline or neglect to subscribe for the same, he or she shall forfeit the privilege thereto, and the remaining stockholders, or such of them as then apply for the purpose, shall be entitled to the privilege of subscribing as aforesaid, in proportion to the shares held by them respectively as aforesaid, or the said directors may from time to time sell the shares forfeited as aforesaid, as they may think most for the interest of the said bank, for the best price or prices that can be obtained, not less than their par value, and the overplus, if any, to be credited to the account of the profits of the said bank.

Assets liable, in case of insolvency, for payment of bills.

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

Liability of directors.

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

8. *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. Amount of assets to be distributed pro rata.

9. *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. Liability of stockholders. Proviso.

10. *And be it enacted*, That nothing in this act contained

Present charter not changed.

shall be construed to alter or change the present charter of said corporation, but the same shall continue as if this act had not been passed, up to the expiration of the time limited for its continuance.

Parts of former acts repealed.

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

Act may be modified, &c.

12. *And be it enacted*, That this act shall be subject to be modified, altered or repealed at the pleasure of the legislature.

Approved February 2, 1860.

CHAPTER VIII.

AN ACT to incorporate the Crane Lathe Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Aaron D. Crane, Daniel F. Tompkins, Lebbeus B. Miller, James H. Hill, Daniel Holsman, L. Spencer Goble, Henry E. Richards and John T. Tompkins, shall be and they are hereby declared a body corporate and politic in law, by the name and style of "The Crane Lathe Company," to be located in the city of Newark, for the purpose of carrying on the business of manufacturing irregular form machines, invented by the said Aaron D. Crane, and known as "Crane's Lathes," and also, by means

of said lathes, to manufacture all kinds of irregular forms in wood.

2. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, divided into one thousand shares of one hundred dollars each; and the persons named in the first section of this act as corporators, are hereby appointed commissioners to receive subscriptions to said capital stock, at such times and place, in the city of Newark, as a majority of them shall appoint, having given thirty days previous notice to that effect in one or more of the newspapers published in said city, and as soon as three hundred shares of said capital stock shall be subscribed for, and ten dollars on each share so subscribed for paid to the said commissioners, the said commissioners shall call a meeting of the stockholders for the purpose of organizing the said company. Amount of capital stock.

3. *And be it enacted*, That the business of said company shall be managed by not less than five, nor more than seven 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 an election shall be held for directors at such time and place, and upon such notice, as the by-laws may provide. Election of directors.

4. *And be it enacted*, That a majority of the directors shall have power to transact all business of the said company, and shall have power to call in installments on all stock subscribed for, in such amount and at such times as they may direct, by giving thirty days previous notice, in writing, to each stockholder, or by advertising the same for thirty days in one or more of the newspapers published in the city of Newark; *provided*, that no installments shall exceed ten dollars on each share, and that no two installments shall be required to be paid within sixty days of each other; and in case of the non-payment of said installments, or any one of them, the said directors shall have power to forfeit to the said company the share or shares upon which said default shall arise, and all previous payments thereon. Payment of instalments. Proviso.

Stock transferable.

5. *And be it enacted*, That the stock of said company shall be deemed personal estate, and shall be transferred in such manner as the by-laws shall direct.

Restrictions and liabilities.

6. *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 the fourteenth day of February, eighteen hundred and forty-six, and the acts supplementary thereto, and that this act shall continue in force for thirty years.

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

Approved February 2, 1860.

CHAPTER IX.

AN ACT to incorporate the Weccacoe Hose Company, Number Two, of Camden.

Preamble.

WHEREAS, a number of persons associated themselves together, in the city of Camden, state of New Jersey, in the year of our Lord one thousand eight hundred and fifty-eight, under the name of "The Weccacoe Hose Company, Number Two," for the protection of the lives and property of their fellow citizens from destruction and loss by fire; and whereas, the said company, believing that they would

be advantaged by having an enactment from the senate and general assembly of this state, conferring acts of incorporation on them, respectfully ask that the same may be granted to them—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John W. Garwood, Wesley P. Murray, Edward T. James, Edward J. Steer, Simeon H. Pine, John Thornton, William W. Bowler, William Able, William J. Sweeten, John G. Sweeten, Crosby S. Sweeten, Daniel S. Roberts, Thomas J. Knox, Isaac M. Curts, Edmund E. Read, and all such persons as now are, or may hereafter become, members of the association styled the Weccacoe Hose Company, Number Two, of Camden, be and they are hereby constituted and declared to be a body politic and corporate, in fact and in law, under the name, style and title of the Weccacoe Hose Company, Number Two, of Camden, and by the same shall have succession, and be persons in law, capable of sueing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of judicature whatsoever; and that they and their successors may have a common seal, and by their corporate name, as aforesaid, and under their common seal make, enter into, and execute any contracts or agreements touching and concerning the object of said corporation; and shall have full power to make, form and adopt such form of constitution and such by-laws and regulations for their government, not inconsistent with the constitution and laws of this state or of the United States, as they shall think proper.

Names of corporators.

General powers.

2. *And be it enacted*, That the capital stock of said company shall not exceed the sum of fifteen thousand dollars, which shall be solely and exclusively applied to procuring, maintaining and repairing such fire hose, hose carriages, hose house, and such other apparatus, and to such other incidental expenses as the company shall hereafter deem proper to secure the property of their fellow citizens from injury or destruction by fire.

Amount of capital stock.

Officers of Corporation.

3. *And be it enacted*, That the said company shall have power to elect annually, or oftener if necessary, a president out of their body, and such other officers as they shall deem necessary for conducting their affairs according to their constitution and by-laws; and that the said president shall keep in his custody the common seal of the said company, and at the expiration of his term of office shall deliver it over to his successor; and in their corporate name may institute suits for the recovery of all fines, debts and arrearages due the said company.

Limitation.

4. *And be it enacted*, That this act shall continue in force thirty years, and it shall and may be lawful for the senate and general assembly of this state, at any time hereafter, to amend, modify or repeal this act, as they shall think proper.

Approved February 2, 1860.

CHAPTER X.

AN ACT to change the name of George Murphy Ennis to George Ennis Powell.

Preamble.

WHEREAS, George Murphy Ennis, of Jersey City, in the county of Hudson, has been adopted by William Powell, of the same place, and is desirous of having his name changed to George Ennis Powell, and no reason appearing to the contrary—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of George Murphy Ennis, of Jersey City, in the county of Hudson, be, and the same is, hereby changed to George Ennis Powell, and by that name he shall possess and enjoy all the rights, powers and privileges which he would have possessed and enjoyed had he retained his original name of George Murphy Ennis. Name of G. M. Ennis changed.

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

Approved February 2, 1860.

CHAPTER XI.

A further supplement to the act entitled, "An act to revise and amend the charter of the city of Newark," approved March eleventh, eighteen hundred and fifty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the city of Newark, beginning at a point in the Passaic river, opposite the middle of Fergerson street; thence running southerly in a straight line to the middle of Fergerson street; thence, along the middle of said street, in the same line and course, to the middle of Ferry street; thence, westerly along the middle of Ferry street, to a point in the middle of Hamburg place; thence, southerly along the middle of Hamburg place, Boundaries of twelfth ward.

to 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 place of beginning, shall be, and the same is hereby erected into and constituted a new ward, to be called the Twelfth Ward of the city of Newark.

Inhabitants incorporated.

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

Election of officers.

3. *And be it enacted*, That an election by ballot shall be held in the said ward hereby constituted, on the second Tuesday in October next, and on the second Tuesday in October in every year thereafter, at such place as the common council shall appoint, of which the common council shall cause public notice to be given and published, as prescribed in the seventh section of the act to which this is a supplement; at which election, two aldermen, (except as is hereinafter provided,) two commissioners of public schools, (except as is hereinafter provided,) who shall hold their offices respectively for the term of two years; and one assessor, three judges of 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, shall be chosen in the said ward hereby created, from and among the citizens residing therein, and entitled to vote at such election; and the common council shall appoint three judges of election and one ward clerk in the said ward hereby created, under whose direction, the first election in the said ward, to be held on the second Tuesday of October next, for the election of city and ward officers, shall be conducted; and the said elections shall be conducted in the same manner, and be subject to the same rules as are

prescribed with respect to the elections in the wards of the said city heretofore constituted; and the provisions of the eighth section of the act to which this is a supplement, shall apply and be extended to the judges and clerk of the board for the first election to be held under this act; and the common council of said city shall procure an election box for said ward; and the term of office of such officers as shall be elected under this section, shall commence on the first Tuesday after the first day of January in each and every year.

Election of aldermen.

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

Election of Commissioners of public schools.

5. *And be it enacted*, That at the first or subsequent meeting of the board of education. after the first Tuesday after the first day of January next, the commissioners of public schools elected for the said ward hereby created, shall be divided into two classes, one of which shall go out of office at the expiration of the first year, and the other at the expiration of the second year; and that on the second Tuesday, in the year eighteen hundred and sixty-one, and every year thereafter, the said ward, hereby constituted, shall elect one person as commissioner of public schools of said ward, who shall hold such office for two years, and in case of the death, resignation, or other disability of any commissioner of public schools of said ward, the common council shall choose a person to fill such vacancy.

Special police justice.

6. *And be it enacted*, That there shall be in the said ward, hereby created, one special police justice, who shall be appointed by the senate and general assembly in joint meeting, and shall hold his office for the like term, and have the like powers and authority as the other special police justices in and for the said city.

Foregoing sections of act, when to take effect.

7. *And be it enacted*, That the foregoing sections of this act shall take effect on the first Tuesday after the first day of January next, except so far as the provisions of this act provide for or imply an earlier period for the performance of any acts or duties by this act required or enjoined; and it shall be lawful for the joint meeting aforesaid, at any time before the said first Tuesday after the first day of January next, to appoint one special police justice in the said ward, who shall enter on the duties of his office on the first Tuesday after the first day of January next; and the common council of the city of Newark shall, before that period take such proceedings as are hereby set forth and enjoined for the purpose of the organization of the said ward, and the due conducting of the first election under this act.

Election for members of assembly.

8. *And be it enacted*, That for all the purposes of the election on Tuesday next after the first Monday in November, eighteen hundred and sixty, for members of the general assembly, and other officers to be chosen at said election, the said ward hereby created, is declared to be constituted and to exist in all respects as if this act took effect immediately after its passage; and the said election shall be held at the same place, and be conducted by the same officers in the said ward as shall be appointed by the common council for the ward election to be holden on the second Tuesday of October next; and the officers of election of the said ward (unless disqualified by law, or refusing or neglecting to serve, in which case, any vacancy or vacancies may be filled according to law,) shall perform all the duties which devolve upon them respectively in like manner as the officers of election of the other wards of the city of Newark are required by law to do.

Assembly district.

9. *And be it enacted*, That the said Twelfth Ward, hereby

created, shall constitute a part of the same assembly district, in which the territory hereby erected into a new ward, has been heretofore included, being the second assembly district of the county of Essex.

Approved February 2, 1860.

CHAPTER XII.

AN ACT to confirm acknowledgments and proofs of deeds, mortgages, and other instruments of writing taken by Richard Stephenson.

WHEREAS it appears to the legislature that Richard Stephenson was appointed a commissioner for taking the acknowledgment and proof of deeds for the county of Cape May, on the fifth day of April, Anno Domini eighteen hundred and fifty-five, and was duly sworn into office; and whereas the said Richard Stephenson was, at the time of such appointment, and now is, a resident of Dennis township, in said county; and whereas it has recently been discovered that he was appointed for the Middle township, under the impression that he resided in said Middle township, and that therefore his said appointment was illegal and his commission void,—therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the several acknowledgments and proofs of deeds, mortgages, and other instruments of Acknowledgments made valid.

writing heretofore taken by the said Richard Stephenson by virtue of and under the said appointment, be and the same are hereby declared valid and effectual, in like manner as if he had been legally appointed, commissioned, and duly qualified to act officially.

Approved February 7, 1860.

CHAPTER XIII.

AN ACT for the relief of "The Minister, Elders, and Deacons of the True Reformed Dutch Church in the City of New York," and their grantees.

Preamble. WHEREAS the society of christians denominated "The Minister, Elders, and Deacons of the True Reformed Protestant Dutch Church in the City of New York," a large portion of whom are natives or residents of this state, have heretofore purchased, regulated, and improved, for burial purposes, certain lands in Bergen county, now known as the New York Cemetery; and whereas they have been advised that they should be authorized by the laws of this state to purchase, hold, and convey said land,—therefore,

Title declared valid. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the title to the land conveyed to "The Minister, Elders, and Deacons of the True Reformed Protestant Dutch Church in the City of New York," by John

A. Van Blarcom and wife, by deed dated August fourteenth, eighteen hundred and fifty, and recorded in Bergen county clerk's office, in Liber N, four of deeds, pages six hundred and forty-four, six hundred and forty-five, and six hundred and forty-six, and by Jacob Brinkerhoff and others, by deed dated October first, eighteen hundred and fifty-five, and recorded in said clerk's office, in Liber Q, four of deeds, pages four hundred and fifty-two, four hundred and fifty-three, and so forth, be and the same is hereby declared to be as good and effectual in law in said corporation and their grantees, as if the said corporation had first been fully authorized to purchase, hold, and convey said land; and that said corporation may purchase, hold, and convey for cemetery purposes, land in said county to an amount not exceeding ten acres, including the two tracts above specified, and may make all needful and proper by-laws, rules, and regulations for the government, control, and improvement of said cemetery; and all conveyances for lots in said cemetery, hereafter to be made, shall be executed under the common seal of said corporation, and signed by their president.

2. *And be it enacted*, That the eighth and tenth sections of the act entitled "An act authorizing the incorporation of Rural Cemetery Associations," approved March fourteenth, eighteen hundred and fifty-one, be and the same are hereby extended to said corporation and said cemetery. Provisions of former act extended.

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

Approved February 7, 1860.

CHAPTER XIV.

AN ACT to change the name of St. Stephen's Church at Milburn.

Name changed. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That St. Stephen's Church at Milburn, now known as the St. Stephen's Church at Milville, shall be hereafter known and designated as the St. Stephen's Church at Milburn; that the legal rights and liabilities of the church shall remain the same as if the name had not been changed.

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

Approved February 7, 1860.

CHAPTER XV.

AN ACT to incorporate "The Burlington County Lyceum of History and Natural Sciences."

Preamble. WHEREAS, it is represented to the legislature that a number of persons have formed a society at Mount Holly, in the county of Burlington, for the collecting of statistics of

history, and the encouragement and cultivation of the sciences, by the name of "The Burlington County Lyceum of History and Natural Science," as a society devoted entirely to the advancement of useful learning, and in order that the purposes thereof may be better carried into effect—therefore,

Members incorporated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That all such persons as now are members of said society, according to its rules heretofore adopted, or that hereafter may become members of the same, agreeably to its rules and regulations, be and they are hereby incorporated into a society by the name of "The Burlington County Lyceum of History and Natural Sciences," and by that name shall have perpetual succession, with power to have a common seal and change the same at pleasure, to make contracts relative to the said institution, to sue and be sued, and by that name and style be capable in law of purchasing, taking, holding and conveying any estate, real or personal, for the use of said corporation.

eneral powers.

Admission of members.

2. *And be it enacted,* That the society shall consist of active members, correspondents, honorary and life members; all candidates for admission shall be elected under such rules and upon such terms as the society shall establish; but members only shall have the right of voting, of holding offices and of transacting business.

Society may establish by-laws.

3. *And be it enacted,* That the society may establish by-laws and orders for its government and regulation, and for the preservation and application of the funds thereof; *provided,* the same be not repugnant to the constitution and laws of the United States or of this state.

Proviso.

Officers of society.

4. *And be it enacted,* That the officers of the society shall be a president, two vice presidents, a corresponding secretary, a recording secretary, a treasurer, a librarian and four curators, with such other officers as the society may deem advisable, whose respective duties may be assigned by the by-laws of the said society, and they shall be elected at the last stated meeting of the society in December of each year;

and if any office shall become vacant, it may be supplied by a special election until the annual election next ensuing; and until the next annual election for officers in the month of December, A. D., one thousand eighteen hundred and sixty, the present officers are hereby vested with power to perform the duties prescribed by the existing rules of the society.

Corporation not dissolved for failure to elect on day prescribed.

5. *And be it enacted*, That if the annual election for officers shall not be held at the stated day, the said corporation shall not be thereby dissolved, but the officers shall continue in office until a new election.

Approved February 7, 1860.

CHAPTER XVI.

A supplement to the act entitled "An act to incorporate the Lambertville Iron Company," approved March fifteenth, eighteen hundred and fifty-nine.

Corporate name changed

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of the corporation created by the act to which this is a supplement be changed to the name of "The Lambertville Manufacturing Company."

Directors of corporation.

2. *And be it enacted*, That so much of said act as requires that the number of directors shall consist of seven, be repealed, and it is hereby provided that the number of directors of said company shall consist of five, and that the first direc-

tors of said company shall be Ingham Coryell, Samuel D. Stryker, Liscomb R. Titus, Charles A. Skillman and Thomas B. Carr, and the survivors of them, instead of the seven directors named in the act to which this is a supplement; which said directors hereby named shall hold their office until the first Monday in February, Anno Domini eighteen hundred and sixty-one, or until others are legally chosen; and said company shall have power and authority to manufacture articles other than those made of iron, or of which iron and steel form the principal ingredient.

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

Approved February 7, 1860.

CHAPTER XVII.

A supplement to an act entitled "An act to incorporate the Resolution Fire Company of Trenton," passed December twenty-eight, eighteen hundred and twenty-four.

WHEREAS by resolutions passed at a regular meeting of "The Resolution Fire Company of Trenton," held October second, eighteen hundred and forty-eight, it was resolved that all the rights and privileges of the said Resolution Fire Company be extended and transmitted to the Good Will Fire Company of Trenton, Preamble.

New Jersey State Library

Corporate name changed

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the corporate name of this company be changed to "The Good Will Fire Company of Trenton, New Jersey."

Number of members and amount of capital stock may be increased.

2. *And be it enacted*, That the said company may increase the number of its members to one hundred and fifty, and may increase their capital stock to five thousand dollars.

Part of former act repealed.

3. *And be it enacted*, That all provisions of the act to which this is a supplement, inconsistent with this act, be and the same are hereby repealed.

Approved February 7, 1860.

CHAPTER XVIII.

A further supplement to the "Act to incorporate the Trenton City Bridge Company," passed March eighth, eighteen hundred and forty-two.

Capital stock may be increased.

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 Trenton City Bridge Company to convene a meeting of the stockholders of said company, giving the same notice thereof as is required to be given prior to the annual elections; and that said stockholders, or a majority thereof, voting according to the rule and in the ratio prescribed for the election of directors, may determine at said

meeting, or at any adjourned meeting, to increase the capital stock of said company, by the creation of two thousand additional shares of stock, of twenty-five dollars each, and if they so determine, the same shall be deemed to be increased accordingly; and the said directors may from time to time procure subscriptions for, or dispose of, the additional shares so created, at not less than their par value, and may receive payment therefor upon the same terms and installments as are prescribed with regard to the original stock; and such additional shares 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.

Directors to file assent.

2. *And be it enacted*, That unless the directors of said corporation shall, within six months hereafter, file their assent to this act, in writing and under the seal of said corporation, in the office of the secretary of state, this act shall be deemed to be void.

Act, when to take effect.

3. *And be it enacted*, That this act shall take effect immediately after the passage of a like supplement by the legislature of Pennsylvania.

Approved February 7, 1860.

CHAPTER XIX.

AN ACT to regulate dockage and excursion parties at and to Cliffwood Dock, in Monmouth county.

Rates of dockage.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That dockage hereafter to be

charged for the use of Cliffwood Dock, in the harbor of Keyport, Monmouth county, shall be at the same rate as now by law established for the dock of the Keyport Dock Company, at Keyport.

Penalty for landing passengers without permission.

2. *And be it enacted*, That when a steamboat, with or without a barge or barges attached, employed in making an excursion of pleasure, shall stop at Cliffwood dock, and passengers be permitted to go on said dock, without a written consent first obtained from the owner of said dock, or from the person in charge authorized to collect dockage, the master and owners of such boat shall be subject to a penalty of one hundred dollars, to be sued for before any justice of the peace.

Penalty for injuring trees, etc.

3. *And be it enacted*, That any one of an excursion party entering on any land in the township of Matavan, without the permission of the owner, and injuring the trees, or injuring or taking away the fruit or crops growing on said land, shall, besides indictment and personal action for trespass, incur a penalty of ten dollars.

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

Approved February 8, 1860.

CHAPTER XX.

A supplement to the act entitled "An act relative to the public streets in the town of Millville, in the county of Cumberland.

Preamble.

WHEREAS, some of the land owners have declined giving

their consent to the location of some of the streets, or parts of streets, marked and established on the map made by Thomas H. Pascall, as mentioned in the act to which this is a supplement, filed in the clerk's office of the county of Cumberland, whereby some of the said streets have failed to become public highways; therefore, for the purpose of better carrying into effect the intention of said act—

Meeting for assessment of damages.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of Millville township may apply to the court of common pleas of the county of Cumberland, at the ensuing May term of said court, who shall appoint six of the surveyors of the highways of said county, who shall meet in the said town of Millville on such day as the said court shall appoint, a copy of which appointment shall be served on each of said surveyors at least six days prior to the time of their meeting; and one or more of the said township committee shall sign and set up advertisements at three of the most public places in the said town, setting forth the time and place of meeting of said surveyors, and that they will meet for the purpose of assessing the damages of all such land owners as have not consented to the filing of the map made by Thomas H. Pascall, and the establishment of any of the streets marked thereon as public highways.

Assessment how made.

2. *And be it enacted*, That the said surveyors, or a majority of them, shall proceed as surveyors of the highways are empowered to do when appointed to lay out a road, and shall make an assessment of the damages of the owner of any land or real estate, which may be taken for that purpose, will sustain by the establishment of any of said streets, or parts thereof, who have not consented in writing to the filing of said map; and shall, at least thirty days before the next term of said court, after their appointment, make a return of the particular streets, or parts of streets, intended to be established, and designating the name thereof, as stated on said map, together with the assessment of damages by

them made, but it shall not be necessary to annex to said returns any map of the said streets.

Parties dissatisfied may have review.

3. *And be it enacted*, That if the said township committee, or any owner of land or real estate taken as aforesaid, shall be dissatisfied with the assessments of the said surveyors, or any of them, they may proceed to have a review thereof, as is authorized in the case of laying a highway by the laws of this state; and it shall be the duty of the said township committee to provide for the payment of said assessments as in other cases.

Returns and assessments to be filed and recorded.

4. *And be it enacted*, That when the said returns and assessments shall be approved by the said court, they shall order the same to be recorded in the road book of said county, and filed in the clerk's office with the aforesaid map, and thereupon as well, the streets or parts of streets, as marked and established on said map, where the land owners have consented thereto, as the streets or parts of streets established and designated by said surveyors, and where damages have been assessed to the said land owners, shall be, and hereby are declared to be public highways, and as such, after the payment of the said damages, be opened, kept and repaired as other highways are required to be.

Proceedings in case returns and assessments are not approved by the Court.

5. *And be it enacted*, That in case the court shall not approve the said returns and assessments, they may, upon the application of the said township committee, or of any of the land owners, appoint six of the chosen freeholders of said county to review the proceedings of the said surveyors and of the freeholders appointed to review the assessments, and such proceedings shall be thereupon had in regard to the notices and meetings of said freeholders as is hereby directed in regard to the notices and meetings of the surveyors, and the said freeholders shall, when met, proceed as in cases of laying roads, and they, or a majority of them, may as they shall judge best, establish any of said streets, or parts of streets, and make a new assessment of the damages, and make such a return as the surveyors are herein authorized to make; and the assessments by them made shall be final and

conclusive, and their returns, when approved, recorded and filed as aforesaid, shall establish the said streets in like manner as the return of the surveyors, if approved, would have done.

6. *And be it enacted*, That the same fees shall be allowed and paid for proceedings under this act, as in other cases of laying roads; and this act shall take effect immediately. Fees.

Approved February 8, 1860.

CHAPTER XXI.

A supplement to an act entitled, "An act to incorporate Trustees of Religious Societies," 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 the first, second, third, fourth, fifth, sixth, seventh and eighth sections of the act to which this is a supplement, be extended to religious societies or congregations of Jews within this state. Provisions of former act extended.

Approved February 9, 1860.

CHAPTER XXII.

AN ACT authorizing and requiring the sum of one thousand dollars to be raised by tax in school district number seven, in the township of Independence, in the county of Warren, for the purpose of enabling the trustees of said district to procure a lot of land therein and to build a school house thereon, for the use of said district.

Trustees may raise money by tax.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of enabling the trustees of school district number seven, in the township of Independence, in the county of Warren, to procure a lot of land in said district and to build a school house thereon for the use of said district, the assessor of said township shall at the same time that township taxes are next assessed therein, assess on the estates of the inhabitants of said district, as bounded on the first day of April last past, and on all lands liable to be taxed therein, a tax of the sum of one thousand dollars, and that the collector of said township shall collect the same; which said money shall be assessed, levied and collected in the same manner as township taxes are or may be assessed, levied and collected; and it shall be the duty of the said collector to pay over all moneys collected by virtue of this act within thirty days after the collection thereof, to the town superintendent of public schools of said township, to be by him paid out for the purposes contemplated by this act, upon the order and certificate of the trustees of said district at the time of payment, or a majority of them; *provided*, that a majority of the legal voters in said school district shall concur therein, at an election to be held in said district, at the house of John P. Merrill, on the second Monday of March, eighteen hundred and sixty, between the hours of one and four o'clock in the afternoon of said day, notice

Proviso.

of which election shall be given by the trustees posting up notices of such election in three of the most public places in said school district.

Trustees authorized to procure lot and build school house.

2. *And be it enacted*, That the present or future trustees of said district, or a majority of them, are hereby authorized to procure, by gift or purchase, a suitable lot of not exceeding one acre of land, in said district, and upon the same, or upon the same and land now belonging to said district, to construct and build or contract with any person or number of persons, for the construction and building of such school house as they may deem suitable and sufficient for the use of the public school in said district, for the use of said school, and to appropriate said money to be raised by tax as aforesaid, or any required part thereof, for the payment of the cost and expense of procuring such lot or building, said school house and other structures appurtenant thereto, and furnishing material therefor; and it shall be the duty of the said town superintendent to pay out the whole or any part of said money to any person or persons upon the order of said trustees, or a majority of them, and their certificate that such person or persons has or have conveyed land, performed labor, or furnished materials for such purpose to the amount or of the value specified in such order.

Unexpended moneys, how to be appropriated.

3. *And be it enacted*, That if any of said money to be raised by tax as aforesaid shall remain unexpended for the purpose contemplated by this act, on the first day of May, in the year of our Lord one thousand eight hundred and sixty-one, such unexpended money shall then be appropriated and paid by the town superintendent of said township for the support of public schools in said district, upon the order of the trustees thereof, in the same manner as other moneys raised for the support of public schools are paid out in said district.

Boundaries of district not to be altered.

4. *And be it enacted*, That no alteration shall be made in the boundaries or extent of said school district, by the town superintendent or otherwise, before the first day of May, in

the year of our Lord one thousand eight hundred and sixty-one.

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

Approved February 9, 1860.

CHAPTER XXIII.

AN ACT to repeal a part of the "Act to provide for the incorporation of insurance companies," approved April fifteenth, eighteen hundred and forty-six.

Supplement to former act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the supplement to the said act, approved February fifteenth, eighteen hundred and forty-eight, be and the same is hereby repealed.

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

Approved February 9, 1860.

CHAPTER XXIV.

AN ACT to incorporate the Camden Rolling Mill Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Alexander T. Wilson, David Longnecker, Samuel Fisk, junior, John Hood, Charles S. Garrett, Daniel A. Hall, Charles E. French, Samuel D. Elfreth, Isaac Kelly, and their associates and successors, are hereby made and created a body politic and corporate in law, by the name of "The Camden Rolling Mill Company," for the purpose of manufacturing iron and other commodities and articles of which iron forms a constituent part, and for the transaction of such business as may be properly connected therewith; and may raise by subscription, a capital of one hundred thousand dollars, in shares of fifty dollars each, with the privilege of increasing it as hereinafter provided; and that the mills and manufactories of the said company shall be located in the city of Camden, county of Camden, but it may, nevertheless, be lawful for said corporation to manufacture or procure the raw material used by said mills or manufactories, at such points or places as the said corporation shall deem most advantageous.

Names of corporators.

Amount of capital stock.

2. *And be it enacted*, That the said corporation may purchase, use, hold, possess, and enjoy any such real estate, machinery, goods, effects, and chattels whatsoever, as shall be necessary and expedient to said corporation to carry on its business; and, whenever it shall see fit, the said corporation may sell, mortgage, lease, and otherwise dispose of the same at pleasure.

What property company may hold.

3. *And be it enacted*, That it shall and may be lawful for the associates named in the first section of this act, or a majority of them, at such time and place as they may select, to open books of subscription to the capital stock of said corpora-

Commissioners to open books of subscription.

tion; and whenever the sum of one hundred thousand dollars shall have been subscribed, and at least twenty thousand dollars actually paid in, and an affidavit thereof, made by two or more of the directors of said corporation, shall be filed in the office of the secretary of state, it shall and may be lawful for the said corporation to commence and carry on its said business under the provisions of this act.

Capital stock may be increased.

4. *And be it enacted*, That the said corporation may, by a vote of the stockholders thereof, from time to time, increase its capital stock until it amounts to the sum of three hundred thousand dollars; and it shall be lawful for the directors of the said corporation to call for and demand of the stockholders, respectively, all such sums of money as are by them subscribed, at such times, and in such proportions, as the said directors shall see fit, under the pain of forfeiture of their shares, and all previous payments thereon, to the said corporation, the said stockholders being notified at least thirty days' previous to the time of payment of each installment; and at each increase of capital, an affidavit thereof shall be filed in the office of the secretary of state, as before provided; and the capital stock of said corporation shall be deemed personal estate, and be transferable upon the books of said corporation; and no part of the said capital stock shall be at any time, or upon any pretence whatever, divided among the stockholders for dividends, neither shall it be withdrawn or refunded to the stockholders until all debts and liabilities of the company are fully paid, and an affidavit thereof, and of the amount of capital proposed to be withdrawn or refunded to said stockholders, filed in the office of the secretary of state; and all stockholders may, in all questions submitted to them, and in all elections, be entitled to one vote for every share he or she holds in the stock of said corporation, which vote may be cast in person or by proxy; and all matters before said stockholders shall be decided by a majority of votes so cast.

Election of directors.

5. *And be it enacted*, That the stock, property, and affairs of the said corporation shall be managed by not less than

three, nor more than nine, directors, one of whom the said directors shall appoint their president; and the said directors shall be stockholders in said company, and shall hold their offices for one year and until others shall be chosen to fill their places; they shall be elected at the annual meeting of the stockholders, to be held on the second Tuesday of March, at such hour of the day, and at such place, as the by-laws of the said corporation shall direct; and until such annual election shall take place, the associates named in this act, with such others, being stockholders, as they shall appoint, shall be the directors of the said corporation; a majority of the directors shall, on all occasions, when assembled at such place as the by-laws shall prescribe, constitute a board competent to transact business, and all questions before them shall be decided by a majority of votes: and in case any vacancy shall occur in the board of directors, by death, resignation, or failure of the stockholders to elect the full number authorized by this act, the remaining directors for the time being, or a majority of them, shall have power to fill such vacancy by the appointment of any stockholder. Vacancies.

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 company, setting forth the amount of the capital stock paid in, the amount of money due to and from the corporation, as nearly as the same can be ascertained, and shall accompany the same by an oath or affirmation that the same is correct, to the best of their knowledge and belief. Annual statement to be made.

7. *And be it enacted*, That dividends of so much of the profits as the directors may think advisable may be declared soon after the settlement of the books, on the first days of January and July in every year, and to be paid to the stockholders, or their legal representatives, at any time, on demand, after the expiration of thirty days from such declaration. Dividends.

8. *And be it enacted*, That in case it shall happen that an election of directors shall not be made upon the day desig- Corporation not dissolved for failure to elect on day prescribed.

nated for that purpose, the said corporation shall not be deemed dissolved, but the stockholders may proceed to hold an election on any other day, ten days' notice being given of the time and place of such election, in at least one newspaper published in the city of Camden.

Property to be taken at valuation.

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

Books of accounts and transfers to be kept.

10. *And be it enacted*, That regular books of account shall be kept in the office of said company, to which books any stockholder may have free access, at all reasonable times, for the purpose of inspection; and that books of transfer of stock shall also be kept, and shall be evidence of the ownership of said stock, in all elections and other matters submitted to the decision of the stockholders of said corporation.

General powers, &c.

11. *And be it enacted*, That the corporation hereby created shall possess the general powers, and be subject to the restrictions and liabilities set forth in "An act concerning corporations," approved upon the fourteenth day of February, eighteen hundred and forty-six, so far as the same are applicable.

Act may be amended.

12. *And be it enacted*, That the legislature may alter, amend, or repeal this act whenever, in their judgment, the public good requires it.

Approved February 14, 1860.

CHAPTER XXV.

AN ACT to incorporate the "Excelsior Iron Manufacturing Company," of Trenton.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Thomas P. Johnston, Orrin Waterman, James S. Lynch, J. Harris Cogill, James L. Gihon, Edward T. Green and Joseph D. Hall, and such other persons as may hereafter be associated with them, and their successors and assigns, shall be and they are hereby constituted a body corporate and politic, in fact and in name, by the name of "the Excelsior iron manufacturing company of Trenton," for the purpose of carrying on a general manufacing of all articles of which iron or steel forms the principal ingredient.

Amount of capital stock

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

Commissioners to receive subscriptions.

3. *And be it enacted*, That the persons named in the first section, or any four of them, shall open books to receive subscriptions to the capital stock of said corporation, at such time or times, in the city of Trenton, in this state, as they may think proper, giving notice thereof, for at least two weeks previously, by publishing the same in one of the newspapers published in the said city; and the said books shall be kept open two days at least, and five dollars per share shall be paid on each share of the stock subscribed at the time of subscription, and if more than the amount to which the capital by this act of incorporation is limited, shall be so

subscribed, the said persons named in the first section or a majority of them shall make an equitable distribution of said stock among said subscribers; and it shall be lawful for the said company to commence their said business and to carry it on, whenever the sum of twelve thousand dollars, in cash, shall have been paid in; and it shall also be lawful for the directors of the said company, if it be necessary so to do, to call and demand of the stockholders all sums of money by them subscribed, to be paid in installments of five dollars on each share, and at intervals of not less than thirty days, between each payment, under a penalty of a forfeiture of all previous payments, if any such installment be not paid within thirty days after the call and demand shall have been made.

What property company may hold.

4. *And be it enacted*, That the said corporation may rent or purchase and hold, such water privileges, machinery and effects as may be needed for carrying on their said business; and may purchase and hold such real estate, as may be required for the purposes of said corporation, not exceeding ten acres, and may dispose of the same and all other real estates that they may in any way become seized of.

Election of directors.

5. *And be it enacted*, That the business of the said company shall be managed by seven directors, being stockholders, one of whom shall be president, who shall hold their offices for one year; and that the said directors shall be chosen on the second Monday of January in every year, at such time and place as shall be directed by the by-laws of said corporation, and public notice shall be given of time and place of every such election, not less than ten days previously, by publishing the same in two of the newspapers published in the city of Trenton; and every stockholder shall be entitled to one vote for each and every share of stock that he may hold, and the persons having the greatest number of votes, being stockholders, shall be declared elected directors; and the directors chosen at one election shall be capable of serving by virtue thereof, until another election shall have been held; and the said directors shall have power to elect a general superintendent to oversee the business affairs of said

corporation, and shall appoint such clerks as may be deemed necessary, and give them such compensation as a majority of the said directors shall determine; and the said directors shall have power to make by-laws for their own government; *provided*, the same be not inconsistent with the provisions of this act, or with the constitution of the United States, or of this state. Proviso.

6. *And be it enacted*, That the first directors shall be the persons named in the first section of this act, who shall hold their office until the second Monday of January, Anno Domini, one thousand eight hundred and sixty-one, or until others are legally elected. First directors.

7. *And be it enacted*, That this act shall continue and be in force for the space of thirty years; *provided*, that the said corporation shall commence its operations within eighteen calendar months from the date of the passage of this act. Limitation. Proviso.

Approved February 14, 1860.

CHAPTER XXVI.

AN ACT to incorporate the America Hose Company, No. 2, of the City of Trenton.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William McDowell, James Madison Drake, William H. Booz, George W. Brindley, Names of corporators.

James C. Wayland, Joseph W. Margerum, Charles T. Girton, George A. Smith, John R. Leigh, Abner Warner, John R. Beatty, David B. Fairbrother, Henry K. Hideweiler, Charles J. Hankinson, William P. Conard, John Robbins, Benjamin Skirm, Samuel Mulford, Charles C. Yard, Marcus Marks, Samuel I. Lewis, Thomas Mullneix, Edward S. Pullen, Asa B. Warner, John C. Rumpf, George W. Heston, James Harding, Peter F. Anderson, James B. Ellis, F. F. Patterson, George Moll, Richard R. Rogers and Miles Stitt, and all persons, not exceeding sixty in number, as now are or shall hereafter become members of the America Hose Company of the City of Trenton, be and the same are hereby constituted and declared to be a body corporate and politic, in fact and in law, by the name of "The America Hose Company, No. 2, of the City of Trenton," and by such name they shall have succession, and be persons in law, capable of sueing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts of judicature whatever; and that they and their successors may have a common seal, make, enter into and execute any contracts or agreements touching or concerning the objects of said incorporation, and shall have full power and authority to make, form, and adopt such form of constitution, and such by-laws and regulations for their government, not inconsistent with the constitution and laws of this state or of the United States, or the ordinance of the common council of the city of Trenton, as they shall think proper.

General powers.

2. *And be it enacted*, That the capital stock of said company shall not exceed the sum of three thousand dollars, which shall be applied to the purchase and holding real estate, to the procuring, maintaining and repairing such hose carriage, hose, ladders, buckets, fire-hooks, carriage house or other property, and such implements, machines and apparatus, and to such other incidental expenses as shall to the said company appear best calculated to secure the property of their fellow citizens from injury and destruction by fire.

Amount of capital stock.

3. *And be it enacted*, That the said company shall have power to elect annually, or oftener if necessary, a president out of their own body, and such other officers and assistants as they shall deem necessary for conducting their affairs according to their constitution and by-laws; and the said president shall keep in his custody the common seal of the said company, and at the expiration of his term of office shall deliver it over to his successor; and in their corporate name may institute suits for the recovery of all fines, debts and arrearages due the said company. Officers of corporation.

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

Approved, February 14, 1860.

CHAPTER XXVII.

AN ACT to incorporate the Hoboken and Weehawken Horse Railroad Company, and to confirm the grants therein mentioned.

WHEREAS, John H. Bonn, Nicholas Goelz, Peter Mechler, Jacob Schweitzer, of North Bergen; and William Hexamer and Charles Spielmann, of Hoboken, on the twenty-third day of November, Anno Domini, eighteen hundred and fifty-nine, pursuant to the act approved February twenty-fifth, eighteen hundred and fifty-two, entitled "A supplement to the act entitled 'An act to authorize the Preamble.

establishment and to prescribe the duties of companies for manufacturing and other purposes,' approved March second, eighteen hundred and forty-nine," which supplement extended the original act to such persons as might associate themselves into a company for the transportation of goods, merchandize or passengers, did make a certificate in writing, under their hands and seals, setting forth as prescribed in said original act, which certificate was duly proved or acknowledged, and on the twenty-sixth day of November, Anno Domini, eighteen hundred and fifty-nine, recorded in the clerk's office of the county of Hudson, and by which certificate they assumed the name of the Hoboken and Weehawken Horse Railroad Company; and whereas, an ordinance of the mayor and common council of the city of Hoboken, approved January fourth, eighteen hundred and sixty, entitled "An ordinance to authorize, license and permit the Hoboken and Weehawken Horse Railroad Company to lay tracks and run cars thereon, in the city of Hoboken," ordained that it should be lawful for, and license and permission was thereby given to, the Hoboken and Weehawken Horse Railroad Company, and their successors, to lay a double track of iron rails in the city of Hoboken, with proper turn-outs, to connect with any other railroad or roads, and to run railroad cars thereon in the streets in said ordinance mentioned, upon certain conditions and stipulations therein mentioned—therefore,

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said John H. Bonn, Nicholas Goelz, Peter Mechler, William Hexamer, Charles Spielmann and Jacob Schweitzer, and their successors, and such others as shall hereafter become stockholders in said corporation shall be, and they and their successors are hereby made and declared to be a body corporate and politic, in fact and in law, by the said name of the Hoboken and Weehawken Horse Railroad Company, from the day of the date of the recording of such certificate; and that the said making and recording of said certificate shall be construed in all courts

and places as effectual to create said persons a body corporate, and as such shall continue for the term of thirty years, and be capable of purchasing, holding, selling and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient for the objects of said corporation; *provided however*, that nothing in this act shall be construed to release said company from its obligations heretofore contracted, but all debts and liabilities thereof, and all rights of property, and all franchises and powers to them given or granted, shall be and remain the property of this corporation. Proviso.

2. *And be it enacted*, That the capital of said company shall be three hundred thousand dollars, instead of one hundred thousand dollars mentioned in said certificate, and the whole capital shall be divided into shares of ten dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation shall by their by-laws direct; that the original stockholders of the said company shall, on surrender of their old stock, receive credit on account of any new stock they shall subscribe for, to the amount paid on the old stock. Amount of capital stock.

3. *And be it enacted*, That Samuel Westcott, Garret Van Horn, John H. Bonn, Nicholas Goelz, Peter Mechler, Jacob Schweitzer, William Hexamer and Charles Spielmann, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said company, at such time or times, and place or places, and to be paid in at such times, in such manner, and in such installments as they, or a majority of them, may think proper, thirty days' previous notice having been first given, by publishing the same in one or more newspapers published in the county of Hudson; and in case of failure by any stockholder, after having received thirty days' notice, to pay his or her installment or installments at the time and place mentioned and appointed for the payment thereof, such stockholders, if it shall so be provided by the by-laws, shall incur a forfeiture of his or her shares, and all previous payments, to the use of said company. Commissioners to receive subscriptions.

First directors

4. *And be it enacted*, That the said Samuel Westcott, Garret Van Horn, John H. Bonn, Charles Spielmann, Nicholas Goelz, Peter Mechler, Jacob Schweitzer, William Hexamer, and as many other persons, if any, as they, or a majority of hem, may think proper, shall be and are hereby appointed the first board of directors, to serve until the second Saturday in January next, and until others shall be elected in their stead; and that the board of directors shall consist of such number as may be prescribed by the by-laws of the company.

Annual election of directors.

5. *And be it enacted*, That there shall be an annual election of directors on the second Saturday of January next, and on the second Saturday of January of each year thereafter, at such hour of said day, and such place, and upon such notice as shall be ordained by the by-laws, or otherwise appointed by said company; and that at such election every share of stock shall entitle the holder thereof to one vote, which vote may be given in person or by proxy; and the board of directors shall appoint the judge of such elections; but if it should happen that an election of directors should not be held at the time so appointed for the holding thereof, or at the time appointed for the holding of any subsequent annual election, the said company shall not for that cause be deemed to be dissolved, and such election shall be held at such other time and place as the board for the time being shall or may appoint, and the directors for the time being shall continue in office until new ones shall be elected in their stead, and every board of directors, as soon as conveniently may be after their election, shall appoint from their number a president, a secretary, and a treasurer of said company, to serve until the then next annual election of directors, and until others shall be appointed in their stead; that the said president shall preside at all meetings of the board, except in cases of his absence, when any other of the directors present may be chosen president pro tempore, who shall have such power as the by-laws of the corporation shall prescribe.

Directors to make by-laws.

6. *And be it enacted*, That the board of directors, or a majority of them, shall have power to make, prescribe, and to

alter such by-laws, rules and regulations of the business, stock, property, estate and effects of said corporation, as to them shall appear needful and proper, and not contrary to the laws or constitution of this state, or of the United States, and shall have power to appoint such officers, clerks and servants, as to them shall seem necessary, and to establish and fix such salaries thereto as to them shall seem proper.

Company authorized to construct road

7. *And be it enacted*, That it shall be lawful for the said company to take and appropriate, in the manner hereinafter mentioned, all lands, rights, privileges and property, necessary for carrying into effect the objects of this act, upon making payment therefor, and damages to the owners thereof, and that the said corporation be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct, maintain and operate a horse railroad, from some point in the city of Hoboken, at or near the present ferry gates, through such streets of said city as by said ordinance are designated, or may hereafter by the mayor and council of the city of Hoboken be designated and allowed, through the township of Weehawken, and through that part of the township of North Bergen which lies north of the northerly line of the present village of West Hobohen; *provided however*, that the said railroad shall not, north of Eighth street in said city, be constructed in the township of Weehawken, easterly of the easterly line of Washington street, or what would be the easterly line of Washington street, if the same were continued in a straight line northerly; nor shall the said road exceed thirty feet in width, except in such places where from the depth of excavation or the height of the embankment it is necessary to take more land, in which cases so much land as may be necessary for the purpose, and no more, shall be taken; and it shall be lawful for the said president and directors, their agents, engineers and superintendents, and others in their employ, to enter at all times upon all lands for the purpose of exploring, leveling, surveying and laying out the route of such railroad, and of locating the same, and to make and

Proviso.

erect all necessary works, buildings and appendages thereof, doing no unnecessary damage to private property, and when the route and location of said railroad shall have been determined upon, and a survey thereof deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, use, occupy and excavate any such lands, and to erect embankments and all other necessary works thereon, and to lay rails, and to do all other things which may be suitable and necessary for the completion or repairs of the said railroad, and to carry into full effect the objects of this act, subject to such compensation and upon such terms as are hereinafter provided for.

Road not to approach within certain distance of high water mark.

8. *And be it enacted*, That the said railroad shall not approach to within one hundred and fifty feet of high water mark on the Hudson river, without first having obtained in writing, the consent of the owner or owners of the property lying along the river at that point.

Proceedings when company and owners cannot agree.

9. *And be it enacted*, That if the said company, or its agent or agents, cannot agree with the owner or owners of such required land, rights, privileges and property for the use or purchase thereof; or if, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land, rights, privileges and property 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 said company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners if known, and their residence if the same can be ascertained, to one of the judges of the inferior court of common pleas of the county of Hudson, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown or out of this state, to make publication thereof as he shall direct, for any time not less than ten days, and to assign a particular time and place

for the appointment of the commissioners hereinafter named, at which time and place, upon satisfactory evidence to him of the service or publication of such notice as aforesaid, he shall appoint under his hand and seal three disinterested, impartial and judicious freeholders, residents of this state, commissioners to examine and appraise the said land, rights, privileges and property, and assess the damages, upon such notice, not less than ten days, to be given to the persons interested, or otherwise, as shall be directed by the judge making the appointment of commissioners; and it shall be the duty of said commissioners (having first taken and subscribed an oath or affirmation before some person duly authorized to administer the same, faithfully and impartially to examine the matter in question, and make a true report according to the best of their skill and understanding,) to meet at the time and place appointed, and to proceed to examine and view the said lands, rights, privileges and property, the said commissioners at the same time taking into consideration all the benefits to be derived from or in consequence of said railroad, as the case may be, to the said owner or owners, and to make a just and equitable appraisement of the value of the same, and an assessment of the damages to be paid by the said company, which report shall be made in writing, under the hands and seals of said commissioners, or any two of them, and filed within twenty days thereafter, together with the aforesaid description of the lands, rights, privileges and property, and the appointments and oaths or affirmations aforesaid, in the clerk's office of said county, to remain of record therein, which report, or in case of an appeal, the verdict of a jury and the judgment of the court, and a copy thereof certified by the clerk of said county (the damages and costs assessed and adjudged being first paid as hereinafter mentioned), shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said lands, rights, privileges and property; and either of the judges of the said court shall, on application of either party, on reasonable notice to the other, tax and allow such costs,

fees and expenses to the judges of the said court, commissioners, clerks, and others persons performing any of the duties prescribed in this section, as he shall think equitable and just, and to order and direct by whom the same shall be paid.

Parties aggrieved may appeal.

10. *And be it enacted*, That in case the said company, or owner or owners of the said lands, rights, privileges and property, shall be dissatisfied with the report made by the said commissioners named in the preceding section of this act, the party so aggrieved may appeal to the circuit court of the said county of Hudson, at the first term after filing of the said report, by proceeding in the form of petition to said court, which proceedings shall vest in said circuit court full right and power to direct a proper issue for the trial of the said controversy between the said parties, and order a jury to be empanneled and sworn as in other cases, and a view of the premises to be had if either of the parties desire it, and the issue to be tried at the next term of said court to be holden in said county, upon like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the jury to assess the value of the said land, rights, privileges and property, and the damages sustained, and if they shall find a greater sum than the commissioners have awarded, or the company have offered to the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded thereon; and if the said appeal shall be applied for by the owner or owners, and the jury shall find the same or a less sum than the commissioners awarded or the company offered, then the said costs shall be paid by the said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the court shall direct, but such application shall not prevent the company from taking the said land, rights, privileges and property, upon filing the said report; *provided*, that in no case whatever shall said company enter upon or take possession of the lands, rights, privileges and property of any person or persons for the purpose of actually constructing said railroad or

Proviso.

of making any erections or improvements whatever, or otherwise appropriating said lands to the use of the company, until they have paid the party or parties entitled to receive the same the amount found by the said commissioners as the value of the said lands, rights, privileges and property, or damages in case the report of the commissioners is not appealed from, or if the same is appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the party or parties entitled to receive the amount assessed by the commissioners in case there shall be no appeal, or the amount found by the jury 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 payment of the amount assessed, or found as aforesaid, into the circuit court of the county of Hudson, shall be deemed a valid and legal payment; and further if the party or parties entitled to receive the amount assessed by the commissioners, may, upon tender thereof being made, receive the same without being debarred thereby from an appeal from the report of the commissioners.

Railroad may cross any road or highway, &c

11. *And be it enacted*, That the said horse railroad may cross any road or highway, or turnpike or plank road, and with the consent of the township committees of the townships of Weehawken and of North Bergen, may use for the purposes of such railroad any road or highway; *provided however*, said company shall in each case restore such road or highway, or turnpike or plank road, to such state and condition as not to impair its usefulness; and said company may purchase, or lease or use, for a consideration, with the consent of the owners thereof, any such turnpike or plank road, or any part thereof, and use and occupy the same after such purchase or lease, or consent, for the purpose of said horse railroad, keeping, however, such purchased or leased turnpike or plank road in good condition for ordinary travel.

Proviso.

Rates for transportation of passengers and freight.

12. *And be it enacted*, That the said company are hereby authorized to demand and receive such sum or sums of money for the transportation of persons and of every species of pro-

perty whatsoever thereon, as they from time to time shall think reasonable and proper; *provided*, that they shall not charge more than five cents per mile for each passenger, and eight cents per ton per mile for the transportation of every species of heavy merchandise and goods as usually weighed by the ton, in the carriages of the company, and for dry goods and packages, such reasonable rates as shall be fixed by the board of directors; *provided, however*, that the said company shall be regulated, in their charges for passengers carried in Hoboken, by the ordinance aforesaid.

Proviso.

Proviso.

What real estate may be held.

13. *And be it enacted*, That the said company may purchase, have, hold, and occupy such real estate, at or near the commencement and termination of said road, and at such points along the line of said road, as may be necessary for the convenient transaction of business, not exceeding one acre in each place, and may erect and build thereon depots, warehouses, and such other buildings and improvements as they may deem expedient for the safety of their property and the necessary uses appertaining to their business.

Company may issue bonds.

14. *And be it enacted*, That for the purpose of improving their property, and to enable them to raise money to carry into effect the objects of this act, the said Hoboken and Weehawken Horse Railroad Company are authorized to issue their bonds, bearing an interest not exceeding seven per centum per annum, and to sell and dispose of the same to any person or corporation, at any rate not less than ninety per centum of their value, without the same being invalidated thereby, or any person or any corporation being liable to any penalty therefor; and, to secure the payments of such bonds, the said company shall have power to convey or pledge, by way of mortgage, trust, or otherwise, the whole or any part of the property, franchises, or chartered rights of said company; and such conveyance, pledge, or any foreclosure, sale, or other lawful sale by virtue thereof, shall fully and completely transfer to and vest in the grantee or purchaser all the property, franchises, and chartered rights of said company, free from all incumbrances and debts that were not liens on such property prior to the recording or registry of said mortgage.

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

16. *And be it enacted*, That the said ordinance of the said the mayor and council of the city of Hoboken be and the same is hereby confirmed and declared valid and effectual, to grant to the said company the rights, privileges, and franchises therein given and granted, and that the same shall be so construed in all courts and places; *provided, however*, that nothing herein contained shall prevent the said the mayor and council of said city, with the consent of said company, from passing and approving an ordinance, and they are authorized to pass and approve an ordinance, altering the said terms, conditions, and stipulations in said ordinance contained. Proviso.

17. *And be it enacted*, That nothing herein contained shall be construed to prejudice the rights now vested in the Bergen Turnpike Company, but the said company hereby incorporated may not exercise not only the powers hereinbefore given, but by and with the consent and mutual contract of said company and the Bergen Turnpike Company, purchase, lease, or use, for a consideration, and thereby and thereunder hold, possess, enjoy, and exercise all the franchises and powers given and granted to said last mentioned company in and by an act entitled "A further supplement to an act entitled 'An act for establishing a turnpike road from the town of Hackensack to Hoboken, in the county of Bergen,'" approved March fifth, eighteen hundred and fifty-eight, (for which purpose, said Bergen Turnpike Company are hereby authorized to sell, lease, or transfer said powers and franchises, or so much thereof as are necessary or convenient;) and in case of such purchase, lease, consent, or contract aforesaid, also receive and demand such sum or sums of money, for the transportation of persons and of every species of property on all or such parts of said railroad as shall be constructed pursuant to the last mentioned franchises, as hereinbefore, by the twelfth section of this act, are allowed.

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

Approved February 14, 1860.

CHAPTER XXVIII.

A further supplement to an act entitled, "An act to incorporate the Deckertown and Newton Turnpike Company," passed the twenty-seventh day of January, eighteen hundred and fourteen.

Company authorized to abandon part of road.

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 the president, directors and company, or owner of the Deckertown and Newton Turnpike Company, to abandon all and every part of the remainder and residue of the road laid out and constructed under the act to which this is a further supplement and not abandoned by the president, directors and company under a former supplement to said act, passed February fourth, Anno Domini eighteen hundred and thirty-one, which said residue and remainder of said road not abandoned as aforesaid, crosses the Wallkill river and drowned lands near James Bessetts, and lies between the forks of the road near once the residence of the late Gideon Gould, deceased, in the township of Wantage, and the forks of the road near the house of Robert Owen, in the township of Vernon; *provided*, that the

Proviso.

said president, directors and company, or the said owners of said road shall, within three months after the passage of this act, file or cause to be filed in the office of the clerk of the county of Sussex, their assent and determination to abandon said remainder and residue of said road, under their hands and seals, and give or cause to be given a notice thereof to the town committee in each of the aforesaid townships through which the said road runs, as aforesaid, and which act of abandonment shall be recorded in the records of roads in said clerk's office.

Road abandoned to be public road.

2. *And be it enacted*, That all and every part of said residue and remainder of said road as aforesaid, when abandoned as aforesaid, shall be discharged from the operation and effect of the said act, and it shall not be lawful for the said president, directors and company, or owners of the Deckertown and Newton Turnpike Company to erect any toll-gate thereon, nor exercise any control or authority over the same, but the said road shall thereafter be deemed a public highway, and shall be worked and managed as other highways, and the bridge or bridges over said stream be repaired and built as other bridges within this state.

Part of former act repealed.

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

Approved February 14, 1860.

CHAPTER XXIX.

AN ACT to incorporate trustees for the management and care of the fund for the support of the Episcopate of the Diocese of New Jersey.

Names of trustees.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles S. Olden, of Princeton, Mercer county; Daniel Dodd, of Newark, Essex county; Denning Duer, of Weehawken, Hudson county; Thomas P. Carpenter, of Camden, Camden county; John Kean, of Union township, Union county; William N. Wood, of Morristown, Morris county; Anthony Q. Keasbey, of Newark, Essex county, and their successors, being members of the Protestant Episcopal Church, be and they hereby are constituted a body corporate, by the name of "the Trustees of the Episcopal Fund of the Diocese of New Jersey," and by that name shall have perpetual succession, and exercise and be clothed with the powers and privileges enumerated in the first section of the act concerning corporations, approved February fourteenth, eighteen hundred and forty-six; and shall be capable of taking and holding by gift, grant or bequest such property as may be necessary for the purposes of the corporation;

Proviso.

provided, the yearly value thereof shall not exceed the sum of eight thousand dollars.

Objects of incorporation.

2. *And be it enacted*, That the object of said corporation shall be the management and care of the fund already provided, together with that which may be hereafter contributed or acquired, and any accumulation accruing thereon, for the support of the Episcopate of the Protestant Episcopal Church in the Diocese of New Jersey, and the appropriation of the income of the fund for that purpose, according to the directions to be from time to time given by the convention of the said church in the said diocese.

3. *And be it enacted*, That the management of the affairs and concerns of the said corporation, shall be, and hereby is, vested in seven trustees, who shall be citizens of the state and members of the Protestant Episcopal Church; the persons named in the first section of this act to be the first trustees, a majority of whom shall constitute the necessary quorum for the transaction of business; they shall hold their first meeting at the call of the trustees first named in this act, and shall appoint a president, secretary and such other officer and officers as they may deem necessary, and no act of the trustees shall be valid unless authorized by a resolution adopted at a regular meeting by the concurring vote of a majority of the whole number, and entered by the secretary in a book of minutes, to be kept as a record of their proceedings, which book shall be open to the inspection of the members, for the time being, of the convention of said church in the diocese. Officers of Corporation.

4. *And be it enacted*, That the trustees shall conform to such instructions as may be given to them by the convention, not inconsistent with the purpose and design of the contributors to the fund, touching the disposition of the income of the fund; *provided*, such instructions be entered on the journals of the convention, and a certified copy of the resolution or resolutions, containing the same, be furnished to the trustees. Trustees to conform to instructions given by convention. Proviso.

5. *And be it enacted*, That a statement of the proceedings of the trustees, exhibiting the condition of the funds entrusted to their charge, together with an account of the receipts and disbursements, signed by the trustees, or by a majority of them, shall be made to each annual diocesan convention, immediately after the organization thereof. Annual statement to be made.

6. *And be it enacted*, That the trustees may provide by-laws for the removal of a trustee for good cause; and on such removal, may, by a resolution, declare the place vacant. Removal of trustees.

7. *And be it enacted*, That all vacancies occurring in the board of trustees, shall be filled by the diocesan convention at their next annual meeting thereafter. Vacancies.

Approved February 14, 1860.

New Jersey State Library

CHAPTER XXX.

AN ACT to repeal a part of an act entitled "A supplement to the act entitled 'An act concerning inns and taverns,' approved April seventeenth, eighteen hundred and forty-six," which supplement was approved March fifteenth, eighteen hundred and fifty-nine.

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, "A supplement to the act entitled 'An act concerning inns and taverns,' approved April seventeenth, eighteen hundred and forty-six," which supplement was approved March fifteenth, eighteen hundred and fifty-nine, as relates or applies to the townships of Belleville and Bloomfield, in the county of Essex, be and the same is hereby repealed.

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

Approved February 14, 1860.

CHAPTER XXXI.

AN ACT to authorize the Trustees of School District Number Three, Freehold township, to use public money to build a school house in said district.

Preamble.

WHEREAS the Trustees of School District Number Three, in

the township of Freehold, in the county of Monmouth, by prudence and careful management, have been enabled to keep up a school, conducted by a competent teacher, all the time for a period of several years, and after paying all necessary expenses in maintaining said school, have accumulated a surplus fund of some four hundred dollars, for which they at present have no use for school purposes, and are desirous of using the same to erect a school house in said district—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Trustees of School District Number Three, in the township of Freehold, in the county of Monmouth, be and they hereby are authorized to use the surplus school money in their hands, or so much thereof as will be necessary, to erect a suitable school house in the said district. Trustees authorized to use money for erection of school house.

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

Approved February 14, 1860.

CHAPTER XXXII.

AN ACT to authorize the Board of Chosen Freeholders of the county of Gloucester to assemble at their annual meeting at ten o'clock, a. m.

1. BE IT ENACTED *by the Senate and General Assembly of* Annual meetings of board.

the State of New Jersey, That the board of chosen freeholders of the county of Gloucester shall hold a stated meeting at the place of holding the court of common pleas in and for such county, at the hour of ten in the forenoon of the second Wednesday in the month of May, annually.

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

Approved February 14, 1860.

CHAPTER XXXIII.

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

Part of former act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the proviso in the fifth section of the act to which this is a supplement, which provides that no stockholder shall have more than twenty votes, although he or she may have a greater number of shares, shall be and is hereby repealed.

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

Approved February 14, 1860.

CHAPTER XXXIV.

A further supplement to an act entitled, "An act to incorporate the Pleasantville and Atlantic Turnpike Company," approved February third, 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 act to which this is a supplement, as requires the majority of the directors of said company to be citizens of this state, and the president and treasurer thereof to be citizens of this state, and resident in the county of Atlantic, be and the same is hereby repealed. Part of former act repealed.

Approved February 15, 1860.

CHAPTER XXXV.

A supplement to an act entitled, "An act to incorporate the Hoboken and Hudson River Turnpike Company," approved March sixteenth, eighteen hundred and fifty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Hoboken and Hudson Company authorized to extend road.

River Turnpike Company are hereby authorized and empowered to extend their turnpike road from the point where it now terminates, at Bull's ferry, northerly over the public road, according to the most recent survey of said public road, to a point opposite Tillou's dock, said turnpike road to be built at least the width that the said public road is now laid out, to be built in the same manner, to be subject to the same regulations, and managed in all things according to the act to which this is a supplement; *provided*, that such part of said public road as shall be used for said turnpike shall be first vacated according to law.

Proviso.

Time for completion of road

2. *And be it enacted*, That said turnpike company shall build such part of said turnpike as shall run over that part of said public road which is not yet opened, within one year from the passage of this act; and said company shall keep that part of said public road between Bull's ferry and Tillou's dock, now opened, in good repair, at their own expense, from the time it is vacated until they build their turnpike upon it.

No toll to be taken in certain cases.

3. *And be it enacted*, That all residents of Hackensack township shall at all times have a right to travel over that part of said turnpike between Bull's ferry and Tillou's dock without payment of toll.

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

Approved February 15, 1860.

CHAPTER XXXVI.

AN ACT to incorporate the Little Falls Water Power and Manufacturing Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, that Robert Beattie, Alexnader P. Fonda, Huain Anderson, John Brush, Elias Smith Higgins and William Beattie, and the survivors of them, and all such persons as may be hereafter 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 Little Falls Water Power and Manufacturing Company," for the purpose of improving the water power on Passaic river, at Little Falls in the county of Passaic, 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 "the Little Falls Water Power and Manufacturing Company," to be located in the townships of Acquackanonk, Wayne and Manchester in the county of Passaic; 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 two hundred and fifty thousand dollars, with privilege to increase the same to five hundred thousand dollars. Names of corporators.

2. *And be it enacted*, That the said incorporation, by their Corporation may hold real estate.

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 said corporation shall not exceed the sum of five hundred thousand dollars, which shall be divided into shares of one hundred dollars each; but as soon as seventy-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 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 to whom the same shall be required to be made.

Payment of instalments.

Stock transferable.

4. *And be it enacted*, That the capital stock of this company shall be deemed personal estate, and transferable upon the books of said corporation 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 corporation.

Commissioners to receive subscriptions.

5. *And be it enacted*, That Robert Beattie, Alexander P. Fonda, Huain Anderson, John Brush, Elias Smith Higgins and William Beattie, 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 Passaic, of the time and place of the opening of such books, and also as soon as seventy-five 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.

Election of directors.

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 first Monday of April 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 directors chosen as above, shall be filled by such person or persons as a ma-

jority 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.

Books of account to be kept.

7. *And be it enacted*, That the directors shall at all times keep or cause to be kept at their principal manufactory proper books of account, 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.

8. *And be it enacted*, That on the first Monday of April 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.

9. *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 future day.

General powers.

10. *And be it enacted*, That the corporation hereby created, shall possess and enjoy the several 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.

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

Approved February 15, 1860.

CHAPTER XXXVII.

AN ACT to incorporate the Belvidere Gas Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James M. Ribble, Alfred Thomas, Israel Harris, William R. Brokaw, Samuel S. Clark, Phineas B. Kennedy, and Abraham B. Randolph, and all and every person or persons who shall or 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 Belvidere Gas Company;" and by the said name the said corporation shall have power and authority to manufacture and sell gas, for the purpose of lighting the streets, buildings, manufactories, and other places situated in the town of Belvidere, in the county of Warren, and for such other purposes as by the said corporators and their successors may be thought proper; to enter into, execute, and enforce contracts, agreements and covenants in relation to the objects of this corporation, and shall be capable of taking and holding any estate, real or personal, necessary to give effect to the specified objects 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 it 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 that no private lands shall be in any way injured without permission first obtained in writing from the owner or owners thereof.

Names of corporators.

General powers.

Proviso.

2. *And be it enacted*, That the said corporation shall be empowered to lay down their gas pipes, to erect gas posts, burners, and reflectors in the streets, alleys, lanes, avenues, and roads of the town of Belvidere, and to do all things ne-

Corporation authorized to lay down pipes

cessary to supply the town of Belvidere and the township of Oxford, and the dwellings, stores, streets, manufactories, and other places therein, with a sufficient quantity of illuminating gas; *provided*, that the public avenues of travel shall not at any time be unnecessarily obstructed by the laying of the said pipes or the erection of the said posts and fixtures, and shall not be rendered less commodious to the public, but shall be left in as good condition as they were 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 James M. Ribble, Alfred Thomas, Israel Harris, William R. Brokaw, Samuel S. Clark, Phineas B. Kennedy, and Abraham B. Randolph, are hereby appointed commissioners for receiving subscriptions for the sum of twenty thousand dollars, to constitute the capital stock of said corporation, in shares of twenty-five dollars each; the said commissioners, or a majority of them, shall open books for the purpose, at such time, and at such place in this state as they shall designate by an advertisement, to be previously inserted for at least three weeks in at least one public newspaper published in the said town of Belvidere, and shall continue the same open, at the same place or places, until the whole amount of capital stock is subscribed, or at their discretion to close the same and re-open them at such times and places in this state as they, or a majority of them, may think proper, giving public notice thereof as aforesaid; and the sum of ten per centum of each share so subscribed shall be paid by each subscriber, at the time of subscription, to the said commissioners, and the amount so received by them shall be by them paid over to the directors of said corporation, to be appointed as hereinafter directed; and all the power of the said commissioners shall cease and determine on the appointment of such board of directors; and the said board of directors, when appointed, shall have power from time to time, under the foregoing regulations, to open the books for the further subscription of stock, until the whole stock shall have been subscribed, and shall also be authorized to call upon the said subscribers for the payment of further

instalments, in such sum or sums, at such time or times, and under such 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 affairs of the said corporation shall be vested in seven directors, to be selected from the stockholders, three of whom shall be residents of the town of Belvidere; and the said directors shall choose by a plurality of votes, a president from their own number; as soon as conveniently may be after five 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 second Monday in April thereafter, upon which day in each and every year it shall be the duty of the board of directors to convene the stockholders by public notice as aforesaid, when a new board of directors shall be elected by a plurality of the votes of the said stockholders, which said directors shall hold their offices for one year, and until others are elected; the voting to be by ballots of the stockholders, or their proxies, allowing one vote for each share which any stockholder shall have held in his, her, or their own name or names, at least thirty days before the said day hereinbefore fixed for said election: vacancies occurring by death or otherwise in the said board of directors shall be filled by appointment of the board for the unexpired term or terms.

Corporation not dissolved for failure to elect on day prescribed.

5. *And be it enacted*, That if at any time the stockholders shall fail to elect a new board of directors on the day hereinbefore appointed, the corporation shall not be thereby dissolved, but a new election shall be held as soon as conveniently may be, in accordance with the foregoing provision, and the by-laws of the corporation; the directors for the time being shall constitute a board, and a majority of them shall constitute a quorum for transacting business.

Stock transferable.

6. *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; the stock and transfer books shall at all times be open to the inspection of stockholders.

Penalty for injuring works.

7. *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, pipe, cock, machine, or structure whatever, 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 convicted thereof, shall be punished by fine not exceeding two 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, by civil suit, for damages, 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 accounts to be kept.

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

Works to be erected within ten years.

9. *And be it enacted*, That the company hereby incorporated shall erect their gas works and put the same in operation within ten years after the passage of this act; and if said company shall fail to fufill the provisions and requirements of this section, then all the rights, privileges, and powers granted by this act shall be forfeited, and said act shall be void and of no effect.

Limitation.

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

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

Approved February 15, 1860.

CHAPTER XXXVIII.

AN ACT to prevent target firing in certain portions of the county of Bergen.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any military or other company, or any assemblage of persons exceeding three in number, to come into that part of Bergen county, in this state, included in Fort Lee school district number two and Bull's Ferry half district in the township of Hackensack, for the purpose of firing at any target or of shooting at any mark, nor shall it be lawful for any number of persons exceeding three, to assemble for the purpose of shooting at any target or mark within the limits above stated, without permission in writing from a justice of the peace in one of said districts. Target firing not lawful within certain limits.

2. *And be it enacted*, That no person or persons shall keep or maintain, or cause or suffer to be kept or maintained, within the limits of said school districts, any target or shooting grounds, where firing or shooting at a target or any other mark may or shall be practiced; neither shall any person or persons harbor, receive, or entertain within the limits aforesaid, or permit to be harbored, received, or entertained on their premises, within said limits, any military company or other company of persons exceeding three in number, coming within either of said districts for the purpose stated in section one, or that may be engaged in firing or shooting at a target or other mark in said limits, without permission in writing from a justice of the peace in one of said districts. No shooting grounds to be kept without permit from justice.

3. *And be it enacted*, That no permission shall be given by any justice of the peace, as stated in the foregoing sections, except to military companies of this or some other state, duly organized and commissioned according to law, and permission Justice to keep record of permits.

shall only be given upon legal proof being made that such military company is organized and commissioned according to law; and every justice in said districts shall keep a record of all permits granted by him as aforesaid, which record shall always be open to the inspection of any person in said districts.

Penalty for violating provisions of act.

4. *And be it enacted*, That any person or persons who shall violate any of the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not exceeding one hundred dollars.

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

Approved February 15, 1860.

CHAPTER XXXIX.

AN ACT regulating the public printing.

Current printing.

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

Journal of Senate.

2. *And be it enacted*, That John Simerson, of Belvidere, Warren county, New Jersey, be employed to print the journal of the senate and appendix thereto, and the proceedings of

joint meeting, with an index for the current year, in as compact a form as a proper execution of the work will admit.

3. *And be it enacted*, That James S. Yard, of Freehold, New Jersey, be employed to print the minutes and appendix of the house of assembly, with an index thereto for the current year; and that both the journal of the senate and minutes of the house of assembly shall be printed in every way to correspond in compactness and manner of execution and size of page, with a running head line, specifying the day and date of the month, as per sample of journal of the Vermont house of representatives of eighteen hundred and fifty-two, now on file in the office of the secretary of state, of this state. Minutes of House of Assembly.

4. *And be it enacted*, That Andrew Mead, of Paterson, New Jersey, be employed to print the laws which shall be enacted at the present sitting of the legislature, in as condensed a form as a proper execution of the work will admit of, on large octavo pages, trimmed as directed by the secretary of state, and bound as per sample, filed with the secretary of state, and in all other respects, namely: printing, binding and paper to correspond with the sample of the laws of eighteen hundred and fifty-eight, now on file in the office of the secretary of state. Laws.

5. *And be it enacted*, That before the treasurer shall pay for the printing hereby directed, the secretary of state shall audit the bills and certify to him in writing that the work has been executed in all respects as herein directed. Bills to be audited.

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

Approved February 15, 1860.

CHAPTER XL.

AN ACT in relation to what shall be considered a vacancy in the board of trustees of public schools.

Vacancy, how created and filled.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any trustee of any school district in this state shall depart, or has heretofore departed from said district, with the intention of being absent therefrom for the space of six months or more, and has not returned, his office of trustee shall be declared vacant, and the same shall be filled by an election according to law.

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

Approved February 15, 1860.

CHAPTER XLI.

AN ACT to incorporate "the Warren County Farmers, Mechanics and Manufacturers' Association.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That James M. Ribble, Philip Mow-

rey, William P. Robeson, John C. Bennet, Samuel L. Shinner, Elijah Allen, William R. Sharp, Joseph Anderson, Philip H. Hann, Aaron O. Bartow, Isaac Wildrick, James K. Swayze, John Hoff, Nelson Vliet, and John H. Blair, of the county of Warren, and their associates and successors, shall be and they are hereby constituted a body politic and corporate, by the name of "the Warren County Farmers, Mechanics, and Manufacturers' Association," for the purpose of improving the breed of stock, also agricultural, horticultural, and manufacturing arts of the state.

Society may establish 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 of the United States.

Proviso.

Corporation may 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 liable to taxation.

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 whatsoever; *provided*, that such personal estate shall not exceed in value the sum of five thousand dollars.

Proviso.

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

Approved February 15, 1860.

CHAPTER XLII.

A supplement to the act entitled, "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.

Companies may hold buildings, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That such persons as are described in the first section of the act to which this is a supplement, shall be further competent to acquire by any mode of lawful purchase, conveyance or transfer, any building or buildings, built and erected or in course of erection, with the lands and premises thereto appurtenant, and to hold, use, enjoy, convey or mortgage the same for the uses of such association described or referred to in said act.

General powers.

2. *And be it enacted*, That with and in addition to the powers by said act conferred, such association shall have, use and enjoy the several powers enumerated in an act entitled, "An act to incorporate societies for the promotion of learning," approved April sixteen, eighteen hundred and forty-six.

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

Approved February 15, 1860.

CHAPTER XLIII.

A supplement to the act entitled, "An act to create the county of Union."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Woodbridge, in the county of Middlesex, beginning at the corner of lands of Walter Fuller, on the Rahway river, adjoining lands of Aaron Wilkinson, and following the boundary line of said lands to the road known as the New Blazing Star road; thence running southwesterly along said road to the road leading to Woodbridge; from thence to the stone bridge over the south branch of the Rahway river, at or near the six roads; thence in a northwesterly direction to the road running in front of the house of Miss B. Bramhall; thence along said road to a small bridge about three hundred yards from the house of said Bramhall; thence to the head of Milton pond, to a stone or monument erected as the boundary line, dividing the counties of Middlesex and Union; thence along said division line to the place of beginning, be and the same is hereby attached to and made a part of the county of Union, and shall be subject to all the laws which the county of Union now is and hereafter may be subject to; and the said line shall hereafter be a part of the boundary line between the counties of Union and Middlesex. Boundaries of territory annexed to Union county.

2. *And be it enacted*, That all the territory in the township of Woodbridge lying north of the said described line, is hereby annexed to and shall form a part of the township of Rahway, in the county of Union; and the inhabitants thereof shall be subject to all the laws which the inhabitants of the said township of Rahway now are or hereafter may be subject to, and shall be entitled to all the benefits and privileges Territory annexed to Rahway.

which the inhabitants of the said township of Rahway now are or hereafter may be entitled to.

Town committees to settle and adjust claims and demands.

3. *And be it enacted*, That the town committees of Woodbridge and Rahway shall meet on the Monday next after the annual town meeting in those townships, at the Mansion House in Lower Rahway, at ten o'clock in the forenoon, and then and there in writing and signed by a majority of those present, shall adjust and settle all claims and demands that may be found due and owing by the township of Woodbridge, in proportion to the taxable property and ratables as taxed by the assessor in the last annual assessment, within the respective limits of the township of Woodbridge as it remains after the passage of this act, and of that portion of the same, annexed by this act to the township of Rahway; and the inhabitants of the township of Rahway shall pay their just proportion of such debts, and all the property of every kind whatsoever now belonging to the township of Woodbridge shall continue to be the sole property of the township of Woodbridge, as the same shall remain after the passage of this act; and if the persons comprising either of the said township committees should neglect or refuse to meet as aforesaid, those assembled may proceed to make the said adjustment and settlement; and the adjustment and settlement of a majority shall be final and conclusive; and if they are not able to finish the said adjustment and settlement on the day of meeting, they shall have power to adjourn their said proceedings to a future time, not exceeding twenty days.

Settlement of paupers.

4. *And be it enacted*, That the paupers in the township of Woodbridge immediately before the passing of this act, shall be supported by the township within the territorial limits of which their legal settlement was at the time they became paupers.

Expiration of terms of officers.

5. *And be it enacted*, That all the judges, justices, and other officers within the limits of the territory hereby annexed to the township of Rahway, shall continue to hold and exercise their respective offices within the county of Middlesex until the second Monday in April next; and all the courts

in the said county of Middlesex shall continue to have and exercise jurisdiction within the limits of the territory hereby annexed to the township of Rahway, until the second Monday of April next, in the same manner as if this act had not been passed.

Actions and other legal proceedings not to be affected.

6. *And be it enacted*, That all actions, suits, appeals, prosecutions, and other legal proceedings pending in any court, or before any tribunal having jurisdiction within the county of Middlesex, shall not be affected by the passage of this act, but the same shall and may be prosecuted to the end thereof in the same manner and before the same courts and tribunals, as if this act had not been passed; and all judgments obtained, or that may hereafter be obtained, in the supreme court or in any court in the county of Middlesex, in any suit or proceeding commenced before the second Monday in April next, shall have the same force and effect within that part of the township of Woodbridge which is hereby annexed to the township of Rahway, as if this act had not been passed; and writs of execution, and other legal process, may be issued thereon, and be directed to the sheriff or other lawful officer of the said county of Middlesex, who is hereby authorized and directed to execute the same, in the same manner as by law he would be required to do if this act had not been passed, and upon such judgment or judgments, a writ or writs of error, and all other legal process may issue, directed to the proper officer aforesaid, and be executed within the said territory in the same manner as if this act had not been passed.

Persons residing in territory annexed to vote in Union county

7. *And be it enacted*, That all persons residing within the said territory hereby annexed to the township of Rahway, who, if this act had not been passed, would have been entitled to vote at ensuing elections in the county of Middlesex, and at the next annual meeting in the township of Woodbridge, shall be and they are hereby declared to be entitled to vote at all ensuing elections in the county of Union, and at all ensuing town meetings in the township of Rahway, until they become disqualified according to law.

Act, when to take effect.

8. *And be it enacted*, That this act shall take effect on the second Monday in April next.

Approved February 16, 1860.

CHAPTER XLIV.

AN ACT to incorporate the Citizens' Fire Insurance Company in the county of Essex.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles Heath, Samuel W. Baldwin, Charles Williams, Lowell Mason, junior, Theodore C. Elliot, Simeon Harrison, William A. Howell, James R. Sayre, junior, Samuel D. Condit, David Oakes, John C. Bailey, Francis P. Sanford, Charles A. Lighthipe, Samuel Smith, Samuel U. Dodd, Andrew Anderson, Stephen W. Tichenor, George A. Halsey, Aaron B. Baldwin, William C. Heath and their associates, shall be and they are hereby created a body corporate and politic, in name and in fact, by the name and style of "The Citizens' Fire Insuance Company," to be located in the town of Orange, in the county of Essex, and by that name shall be known in law,

General powers.

and shall have power to sue and be sued, and to defend and be defended in all courts of law or equity, and to 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 purposes of this corporation, and the same to grant, demise, alien and dispose of at pleasure for the benefit of the said corporation, and to have a common seal, and alter and renew the same at pleasure, and to make and execute such by-laws and regulations as shall seem necessary and expedient for the government of the said corporation; *provided*, the same be not contrary to the laws of this state or of the United States. Proviso.

2. *And be it enacted*, That the capital stock of the said company shall be fifty thousand dollars, divided into shares of fifty dollars each, with the privilege of increasing the same to two hundred thousand dollars at any time during the continuance of this charter; and that the present owners of stock in a certain company known as "The Citizens' Fire Insurance Company," located at the said town of Orange, and formed 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 company at the date of the passage of this act; and that from that time all the property, both real and personal, of the said company, shall vest in and be deemed and taken as belonging to the company chartered by this act, their successors and assigns, and with the same remedies at law and equity, in respect thereto, as if the original company and subscription had been made under this act. Amount of capital stock

3. *And be it enacted*, That the capital stock may be increased at any time by the directors of said company, to such amount as they may determine, not exceeding the amount provided for in the second section of this act, and they shall open books of subscription for said increased stock, after giving twenty days' previous notice in at least two newspapers published in the said county of Essex; and the persons who shall then own the stock of said company, shall have the privilege for five days after the opening of said books of sub- Capital stock may be increased.

scription for said increased stock, in proportion to the stock then owned by such subscriber; 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 thereof given as aforesaid.

Annual election of directors.

4. *And be it enacted*, That the business, property, affairs and concerns of the said company shall be managed by a board of twenty directors, who shall be stockholders, and of whom a majority shall be citizens of this state, and of whom five shall be a quorum for the transaction of business; the said directors shall be elected annually, on the second Monday in January in each year, at such hour of the day, and at such place in the said town of Orange as the directors for the time being shall appoint, by a notice published for at least ten days in two or more of the newspapers printed and circulating in the said county of Essex; and they shall be elected by ballot, and by a majority of the votes of the stockholders and their proxies present at such election, allowing one vote for every share of the said stock; the said election shall be held under the direction of two stockholders to be previously appointed for the purpose by the directors for the time being; the said directors shall hold their office for one year, and until others shall be elected in their stead, and no longer; and if any of the said directors shall die or refuse to serve, or neglect to act in their 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 annual election; and in case said election shall not be held on the day hereinbefore provided, it may be held on some subsequent day, to be appointed by the said directors, and of which due notice shall be given as aforesaid; and the first board of directors of the said company shall be composed of Charles Heath, Samuel W. Baldwin, Charles Williams, Lowell Mason, junior, Theodore C. Elliott, Simeon Harrison, William A. Howell, James R. Sayre, junior, Samuel D. Condit, David Oakes, John C. Bailey, Francis P. San-

First directors.

ford, Charles A. Lighthipe, Samuel Smith, Samuel U. Dodd, Andrew Anderson, Stephen W. Tichenor, George A. Halsey, Aaron B. Baldwin, William C. Heath, and they shall continue in office until the first annual election to take place on the second Monday in January, Anno Domini eighteen hundred and sixty-one, and until others are chosen in their stead.

Officers of corporation.

5. *And be it enacted*, That the said directors, as soon as may be convenient after their acceptance of this charter, as hereinafter provided, and their successors at each annual election, at their first meeting after such election, shall proceed to choose by ballot, from among their own number, a president and one vice president; the said president, or in his absence the vice president, shall preside at all meetings of the board during his term of office, but the said directors may choose, viva voce, a president pro tempore, to perform all the duties of the president in the event of the absence or disability of both the president and vice president; and the said directors shall also have the power to appoint a secretary, a treasurer, and such other officers and agents as they may deem necessary, and to allow such officers and agents, including the president and vice president, such compensation for their services as to the said directors may seem 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 and other buildings, and all kinds of personal property, against loss or damage by fire, and also to insure vessels, goods, wares and other property, against every description of casualty incident to marine and inland transportation, upon such terms and conditions as shall be contained in the policies of insurance; and all policies or contracts so made and subscribed by the president, or such other officer as may be designated by the board of directors, and countersigned by the secretary, whether with or without the corporate seal, shall be binding upon the said company, according to the tenor and meaning of said policies or contracts.

Company may hold real estate.

7. *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 upon mortgage, to secure the payment of any debt which may be contracted with them, and also to proceed, either at law or in equity, for the recovery of the moneys thereby secured, and to purchase at sales made under such proceedings, or otherwise to take and receive any real estate in payment or toward satisfaction of any debt previously contracted with or due to said company, and the said real estate to mortgage, sell, exchange or otherwise dispose of.

Semi-annual dividends may be made.

8. *And be it enacted*, That the capital stock of said company shall be deemed personal property, and may be assigned or transferred in accordance with the by-laws; and that it shall be lawful for the directors to make semi-annual dividends to the stockholders, or their legal representatives, of so much of the profits of the company as to the said directors may seem advisable.

Former company merged in present corporation.

9. *And be it enacted*, That the said "The Citizens' Fire Insurance Company," formed under the provisions of the said act entitled "An act to provide for the incorporation of insurance companies," and the supplements thereto, shall, on the passage of this act and the acceptance of the same by the said directors, signified by their certificate, to be sealed with their corporate seal and signed by their president and secretary, and filed in the office of the secretary of state, be deemed and taken as merged in the corporation created by this act; 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.

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

Approved, February 16, 1860.

CHAPTER XLV.

AN ACT to change the name of the "Anti-Pedo Baptist Society meeting, in the town of Salem, in the state of New Jersey," incorporated by certificate dated July third, seventeen hundred and eighty-six, and recorded in Salem county clerk's office, July seventeenth.

Corporate name changed

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of the "Anti-Pedo Baptist Society, meeting in the town of Salem, in the state of New Jersey," is hereby changed to "the First Baptist Church, Salem, New Jersey."

Title of lands confirmed.

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

Approved February 16, 1860.

CHAPTER XLVI.

AN ACT to authorize the secretary of state to purchase a further supply of Gifford's index of the pamphlet laws of the state and the statutory constructions.

Preamble. WHEREAS, by joint resolution approved February sixth, eighteen hundred and fifty-one, the secretary of state was authorized to subscribe for five hundred copies of "an alphabetical and chronological index of the pamphlet laws of New Jersey from the revolution to the present period, with the constructive decisions of the supreme court, together with a synopsis of the new constitution and constructive decisions thereon," and which five hundred copies were delivered to the said secretary of state; and whereas, the said number of copies have been distributed, and but one copy thereof now remains in the library, and the librarian is unable to furnish copies to persons entitled to the same —therefore,

Purchase of books authorized. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the secretary of state be, and hereby is authorized to procure from the executors of Archer Gifford, deceased, such number of copies of said book as they may have to dispose of, not exceeding three hundred copies, at two dollars and fifty cents per copy in sheets.

Treasurer authorized to pay amount of purchase money. 2. *And be it enacted*, That the treasurer of this state pay to the executors of said Archer Gifford the price of two dollars and fifty cents per copy for such numbers of said book as they may furnish, not exceeding three hundred copies, upon the certificate of the secretary of state, that the same have been duly delivered to him.

Approved February 16, 1860.

CHAPTER XLVII.

AN ACT to incorporate the Young Men's Literary Association of Lumberton.

Preamble. WHEREAS, the persons hereinafter named, and others have formed themselves into an association under the name of the "Young Men's Literary Association of Lumberton," the objects of which are the mutual improvement of its members, the establishment of a reading room and library for the benefit of the public, and with a view to advance the interest of learning generally; and whereas, the said association is desirous of an act of incorporation for the purpose aforesaid—therefore,

Names of corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Parker C. Worth, George F. Burroughs, Anson S. Taylor, Samuel Phifer, George T. Cox, Joseph H. Voorhees, James C. Fairburn, James Kerr, and all and every other person or persons who are or may become their associates or their successors, shall be, and are hereby incorporated by the name of the "Young Men's Literary Association of Lumberton," and by that name shall be a body corporate and politic, and shall be capable in law to hold by donation, purchase or otherwise, and also to lease and convey real and personal estate, so far as the same may be needed for the purpose of carrying out the objects for which the said association is incorporated.

Association may make by-laws. 2. *And be it enacted*, That the said association 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 association, 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 said asso-

Proviso. ciation; *provided*, such constitution, by-laws and regulations shall not be repugnant to the constitution and laws of this state and the United States.

Property not to be taxed. 3. *And be it enacted*, That no state, county, city or other public assessments, taxes or charges whatsoever, shall at any time be levied or imposed upon the said association, or upon the estates, real or personal, which may become vested in them under this act.

General powers. 4. *And be it enacted*, That this 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 is applicable.

Public act. 5. *And be it enacted*, That this act shall be deemed and considered a public act, and shall go into effect immediately.

Approved February 16, 1860.

CHAPTER XLVIII.

Supplement to an act entitled "An act to incorporate the Belvidere and Bridgeville Railroad Company," approved March the twentieth, Anno Domini, eighteen hundred and fifty-seven.

Time for completion of road extended. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time granted for the build-

ing and completion of the said railroad shall be, and is hereby extended to the fourth day of July, in the year of our Lord eighteen hundred and sixty-five.

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

Approved February 16, 1860.

CHAPTER XLIX.

A further supplement to the act entitled "An act to revise and amend the charter of the city of Newark."

No railroad to be constructed within the city limits without permission of common council.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any person or persons or corporation to construct any passenger or other railroad for cars or carriages, to be drawn by horses or horse power within the limits of the said city of Newark, without the permission and consent of the common council of the said city of Newark first had and obtained, which permission and consent the said common council are hereby empowered to give any person or persons or corporation who shall be authorized to construct such railroad by any laws of this state; *provided always*, that no such permission or consent shall ever be given by the said common council until a majority of the owners of the lands in front of any such railroad, and along which the same may be intended to be run

or be constructed, shall first consent, in writing, to the laying and constructing thereof, and which said consent in writing of said land owners shall also be first filed in the clerk's office of said city.

Railroads to be subject to police regulations.

2. *And be it enacted*, That said railroads, when constructed, shall be subject to such general and police regulations of the said common council as now exist, or hereafter may be ordained or established in regard to the same, or in regard to horse railroads in general in said city.

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

Approved February 16, 1860.

CHAPTER L.

A further supplement to the act entitled "An act to incorporate the Freehold and Jamesburg Agricultural Railroad Company," approved the twenty-first day of March, eighteen hundred and fifty-one.

Time for completion extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time at which the said Freehold and Jamesburg Agricultural Railroad Company shall be required to complete their railroad, be and the same is hereby extended four years from the fourth day of July, eighteen hundred and sixty, that is to say, till the fourth day of July, eighteen hundred and sixty-four.

2. *And be it enacted*, That the said company, instead of terminating their railroad at a point on the line of the railroad running from Trenton to New Brunswick, at or near the depot at Dean's Pond, as is required by the act to which this is a further supplement, are hereby authorized, at their option, to terminate the same at any other suitable and convenient point on the line of the said railroad running from Trenton to New Brunswick, as the same shall be re-located and straightened. Termination of railroad.

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

Approved February 16, 1860.

CHAPTER LI.

A further supplement to the act entitled "An act against usury," approved April tenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That upon all contracts hereafter made in the township of Acquackanonk, in the county of Passaic, in this state, for the loan of, or the forbearance or giving day of payment, for any money, wares, merchandise, goods, or chattels, it shall be lawful for any person to take the value of seven dollars for the forbearance of one hundred dollars for a year, and after that rate for a greater or less Seven per cent interest allowed in Acquackanonk.

sum, or for a longer or shorter period, anything contained in the act to which this is a supplement to the contrary notwithstanding; *provided*, that one of the parties to such contract shall, at the making thereof, reside, or be actually located, within the limits of said township, or out of this state.

Proviso.

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

Approved February 21, 1860.

CHAPTER LII.

AN ACT to incorporate the Union Industrial Home Association for destitute children of Trenton, New Jersey.

Preamble.

WHEREAS, a number of females, inhabitants of the city of Trenton, in this state, have formed an association or society, assuming the name of "the Union Industrial Home Association for destitute children of Trenton, New Jersey," the object of which is to provide and sustain a home for destitute children, and to afford them the advantages of moral, religious and useful training; and whereas, it is apprehended that the objects of the said association will be promoted by an act of incorporation—therefore,

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Mrs. Caroline E. Roney, wife of G. G. Roney, Mrs. Elizabeth H. Clark, wife of David

Clark, Mrs. Mary D. James, wife of Henry B. James, Mrs. Kate Dill, wife of John R. Dill, Miss Rebecca S. Potts, Miss Mary E. Beatty, Mrs. Elizabeth Street, wife of Rev. A. K. Street, Mrs. Fannie H. Darrah, wife of J. E. Darrah, Mrs. Margaret H. Wilson, wife of Samuel K. Wilson, Mrs. Sallie Gause, wife of Dr. O. B. Gause, Mrs. Huldah M. Tyler, wife of B. O. Tyler, Mrs. Eliza J. Hunt, Mrs. Julia Darrow, wife of Rev. G. R. Darrow, Mrs. Hannah W. Sterling, wife of James S. Sterling, Miss Catharine L. Beatty, Mrs. Amanda Bond, wife of Oliver J. Bond, Mrs. Emma Forst, wife of D. P. Forst, Mrs. Elizabeth Jones, wife of Joshua Jones, and their associates, are hereby constituted a body politic and corporate in fact, name and law, by the name of "the Union Industrial Home Association for destitute children of Trenton, New Jersey, and by that name they and their successors shall have perpetual succession, power to sue and be sued, plead and be impleaded, answer and be answered unto in all courts and places whatsoever; to make a common seal, and the same to change at pleasure, and to purchase, take, have, hold, receive, and enjoy any lands, tenements or hereditaments, in fee simple or otherwise, and any goods, chattels, legacies, donations, annuities, or other personal property of what kind or quality soever, by gift, grant, devise, bequest or otherwise, and the same to grant, convey, assign, sell, or otherwise dispose of for the purposes of the said corporation; subject however to the condition hereinafter contained; *provided always*, that the net yearly income of such estate shall at no time hereafter exceed in value the sum of ten thousand dollars, nor be applied to any other purposes than those for which this corporation is founded. Proviso.

2. *And be it enacted*, That the property, affairs and concerns of the said corporation shall be managed and conducted by eighteen managers, to be elected as follows, to wit: on the first Monday in January next, there shall be an election from the members of the said association, residing in the said city of Trenton, of eighteen managers, and at the first or subsequent meeting of said managers after said election, the Election of managers.

members elected shall proceed to divide themselves into three equal classes, one of which shall go out of office at the expiration of one year, and another at the expiration of two years, and another at the expiration of three years, and on the first Monday of January in each year thereafter there shall be elected six persons as managers, who shall hold their offices for three years, and until others shall be elected in their stead, which election shall be held under the direction of the managers for the time being, at such place and upon such notice as they shall think expedient, and in case any vacancy shall happen in the said managers, by death, removal, resignation or otherwise, such vacancy may be filled by the said board for the remainder of the term, or until the next election; *provided*, no person shall vote at any such election other than the regular members of the said corporation, who shall have subscribed their names to its constitution, and paid at least one dollar during the year next preceding such election for the use of the said corporation, or shall have paid twenty-five dollars at one time, which shall constitute her a life member, and a majority of such members voting at any such election shall be required for the election of such managers, and the persons named in the first section of this act shall constitute the first managers of the said corporation.

Proviso.

Officers of association.

3. *And be it enacted*, That the said board shall, as soon as conveniently may be after the passage of this act, and after every annual election, choose by ballot from their own number a president and a vice president, a secretary and a treasurer, and the duties and powers of the said officers, the qualifications of membership, and of all officers of the said corporation, shall be defined by the constitution and by-laws of the said corporation; *provided*, that the treasurer shall enter into such security as by the by-laws of the said corporation shall be required.

Proviso.

Objects of association.

4. *And be it enacted*, That the object of the said corporation shall be to provide and sustain a home for destitute children, and to afford them the advantages of moral, religious and useful training.

5. *And be it enacted*, That in all cases where a child shall have been surrendered by its natural or other legal guardians to the care and management of the society, by any instrument or declaration in writing, it shall be lawful for the said board of managers at their discretion to place such child or children with such persons as may desire to adopt them, or at service in some suitable employment, and with some proper person or persons; *provided*, that in all such cases the indenture shall contain the same covenants required by the twelfth section of the act for the settlement and relief of the poor, and any additional covenants which may hereafter be required by statute, and shall be approved of by the mayor or one of the justices of the peace of the city of Trenton, which approval shall be signified on said indenture by the signature of such mayor or justice.

Society may place children at service, &c.

Proviso.

6. *And be it enacted*, That in case of the death or legal incapacity of a father, or of his imprisonment for crime, or of his abandoning and neglecting to provide for his family, the mother shall be deemed the legal guardian of her children for the purpose of making such surrender as aforesaid; and if in any such case the mother be also dead, or legally incapable of acting, or imprisoned for crime, the mayor or one of the justices of the peace of the city of Trenton shall be, by virtue of his office, the legal guardian for the like purpose; and so in all cases where it cannot be ascertained by diligent inquiry, that there is within the state any parent or other person legally authorized to act in the premises, the said mayor or any justice of the peace aforesaid shall be ex officio such guardian for the same purpose; and such guardianship shall extend as well to children already in the Home of said society as to those who may be hereafter offered for admission or received therein; and in either case, whether such surrender be made by the mother, or by the mayor, or by a justice of the peace of said city, and whether before or after admission into the Home it shall be deemed a legal surrender for the purposes, and within the true intent and meaning of the fifth section of this act; but no surrender by a mother, as provided

Surrender of children to society.

by this section, shall be valid without the approval of the mayor or one of the justices of the peace of the said city, signified on such surrender by the signature of such mayor or such justice.

Board of counsellors.

7. *And be it enacted*, That there shall be a board of counsellors, consisting of six male members, whose duty it shall be to advise the board of managers of said corporation from time to time in regard to the business of the association; four counsellors shall be a quorum for the transaction of business; no purchase, or sale, or lease, or mortgage, or other incumbrance of real estate shall be taken or made by said corporation without the approval of a majority of the board of counsellors, duly certified in writing by the secretary of said board.

Election of board of counsellors.

8. *And be it enacted*, That Stacy G. Potts, John R. Dill, James T. Sherman, John A. Roebling, Daniel P. Forst and Isaac Stevens, shall compose the first board of counsellors, and shall act until the next annual meeting of said association or corporate body, and until their successors shall be elected; and on the first Monday in January next the said association shall elect six male members, residents of the city of Trenton, as a board of counsellors, and at the first or subsequent meeting of such board of counsellors after said election they shall proceed to divide themselves into three equal classes, one of which shall go out of office at the expiration of one year, another at the expiration of two years, and another at the expiration of three years; and at the same time of the election of managers, and subject to the same regulations, there shall be elected two male members as counsellors, who shall hold their office for three years, and until others shall be elected in their stead; and in case any vacancy shall happen in the said counsellors by death, removal, resignation or otherwise, such vacancy may be filled by the board of managers for the remainder of the term.

Property not liable to taxation.

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

10. *And be it enacted*, That the husband of any married person, who is or may be a member or officer of the said corporation, shall not be liable to the said corporation for any loss occasioned by the neglect or misfeasance of his wife, or upon any subscription or engagement of his wife; but shall be accountable to the said corporation for any money received from his wife belonging to said corporation. Accountability of husbands of members.

11. *And be it enacted*, That this act be and is hereby declared a public act, and that it shall be lawful for the senate and general assembly of this state at any time hereafter to amend, repeal or modify this act, as they shall think proper. Public act.

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

Approved February 21, 1860.

CHAPTER LIII.

AN ACT to incorporate the Hamilton Square Cemetery Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William D. Sinclair, William H. West, and John C. Sinclair, and their associates, be and they are hereby constituted a body politic and corporate in law, by the name of "the Hamilton Square Cemetery Company," with the general powers and privileges of a corporation. Names of corporators.

Corporation 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 two acres, situate in the township of Hamilton, in the county of Mercer, and to hold, occupy, and improve the same, 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 purpose of burial, subject to such conditions, regulations, and restrictions as may be established by the said corporation.

Members of corporation.

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 any lot, or if there be more than one proprietor of any lot, then such person as the majority of such 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 three managers; the first board shall be composed of the persons above named as corporators, whose term of office shall continue until the first Monday in February, eighteen hundred and sixty-one, 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 three managers shall be held, who shall hold their offices for one year and until others are chosen in their stead.

General powers.

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 authorizing the incorporation of rural cemetery associations," approved March fourteenth, 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 February 21, 1860.

CHAPTER LIV.

AN ACT to incorporate the Harmony Mutual Insurance Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Anthony Reckless, James H. Peters, John W. Stout, Joseph W. Borden, William V. Conover, Joseph Shepherd, Joseph G. Mount and others, their 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 Harmony Mutual Insurance Company, to be located at Red Bank, in the county of Monmouth, in the state of New Jersey, and shall have power to insure dwelling houses and other buildings, and all kinds of personal property, against loss or damage by fire; and in addition to the real estate which the said corporation is allowed to hold, they may hold all such real estate as shall be bona fide mortgaged to the corporation by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its business, or purchased at sales, on judgment or decrees which shall have been obtained for such debts.

Names of corporators.

General powers.

2. *And be it enacted*, That all persons who shall at any time hereafter be insured in or with said association, shall, while they so continue so insured, be deemed and taken to be members of the said corporation; and that the property and concerns of said corporation shall be conducted and managed by seven directors, to be chosen by ballot, by and from among the members, who shall hold their offices for one year, and until others are chosen; and that the election for directors shall be held on the fourth Tuesday of May in every year, at the office of the company, or such other place, as a majority of the directors shall previously designate, public notice of which election shall be given by the secretary of the cor-

Election of directors.

poration, in a newspaper printed and published in said county of Monmouth, at least two weeks previous to the time of holding such election; and if any of the said directors shall die, refuse to serve or neglect to act in their said office for the space of two months, then, and in every such case, the remaining directors shall have power to fill such vacancy or vacancies until the next annual election; *provided*, that the persons named in the first section of this act shall be directors until others are chosen in their stead.

Proviso.

Notes may be taken for premiums.

3. *And be it enacted*, That it shall and may be lawful for the officers of said corporation to take notes or obligations from the members for the amount, either in part or the whole of the premium of insurance, in proportion to the amount insured, and to loan such portion of their money on hand as may not be immediately wanted for the purposes of said corporation.

Election of president.

4. *And be it enacted*, That at the first meeting of the directors held after the organization of said corporation, and at every annual meeting of the directors in each year thereafter, they, or a majority of them, shall choose from among themselves one person for president who shall continue in office until the next annual meeting, and until another shall be appointed in his place.

Policies of insurance.

5. *And be it enacted*, That all policies of insurance which shall be made by said corporation, in pursuance of this act, shall be made on such terms and conditions, and for such periods of time, and confined to such persons as shall be from time to time ordered and prescribed by the by-laws, rules and regulations of said corporation; for losses sustained to a greater amount than they have funds on hand to discharge, 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 lawful representatives, according to the amount of each member's insurance; *provided*, that such assessment shall not exceed the amount of the note or obligation given by each member, which rates or assessments shall be approved by a majority

Proviso.

of the directors, and notice in writing shall be given to each member, or his lawful representatives, of the assessment and amount by him, her or them required to be paid; and each and every member, or his lawful representatives, so notified, shall pay the same to the said corporation within sixty days after such notification, and in default thereof shall forfeit all right or claim to any policy 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.

Directors may call meetings.

6. *And be it enacted*, That three or more directors shall have power to call a meeting of the directors, by giving notice in a newspaper printed and published in said county, at least ten days before the time of said meeting.

Assignment of policies.

7. *And be it enacted*, That if any person insured by the said corporation shall convey, mortgage or assign the property insured, it shall be lawful for such person to assign to the purchaser, mortgagee or assignee, the policy of insurance; but the corporation shall not be bound by such policy after such assignment, until the consent for such transfer of the policy by the president or secretary of the corporation.

Assignee not prejudiced, &c.

8. *And be it enacted*, That any such assignee of any such policy of insurance shall not be prejudiced in his rights therein, by any default or act of any prior holder of such policy.

Actions may be maintained for losses.

9. *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 or them, from said corporation, if payment is withheld for more than sixty days after the amount of such losses or damages shall have been ascertained, and the president or secretary of said corporation notified thereof.

Public act.

10. *And be it enacted*, That this act shall take effect immediately, and shall be recognized by all or any courts as a public act.

Approved February 21, 1860.

CHAPTER LV.

AN ACT to incorporate the Morristown, Hanover and Pequannock Canal Company.

Style of incorporation and general powers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all persons who may become subscribers in the manner hereinafter mentioned, and their successors and assigns, shall be and are hereby incorporated by the name of "the Morristown, Hanover and Pequannock Canal Company;" and by that name shall be a body corporate and politic in law, and shall and may sue and be sued, plead and be impleaded, in all courts and places, and shall have power and authority to purchase, receive in donation, possess, enjoy, and retain, demise, grant, alien, and sell all such lands, tenements, and hereditaments, waters, streams, and water privileges, rights, goods, chattels, and effects of every description whatsoever, as may be necessary for carrying into effect any of the provisions of this act; and that the said company shall have perpetual succession and power to make and use a common seal, and the same to change and renew at pleasure, and to make and ordain such by-laws and regulations in relation to its canal and other property and concerns, as the board of directors, or a majority of them, shall deem necessary and proper, and the same to alter, annul and re-enact at pleasure; *provided*, the same be consistent with this act and the constitution and laws of this state and of the United States.

Proviso.

Commissioners to receive subscriptions.

2. *And be it enacted*, That George T. Cobb, William C. Baker, Andrew B. Cobb, William G. Lathrop, Ephraim Marsh, William H. Talcott and Augustus W. Cutler, shall be commissioners for receiving subscriptions for the sum of two hundred thousand dollars, to constitute the capital stock of said

company, in shares of twenty-five dollars each, and they, or a majority of them, shall open books for that purpose, at such times and places as they, or a majority of them, shall designate, by public advertisements inserted in the newspapers printed at Morristown, in the county of Morris, for at least thirty days immediately preceding the time or times appointed for that purpose, and continue the same open from time to time until the said stock, or sixty thousand dollars thereof, shall be subscribed; the sum of five dollars shall be paid to the commissioners at the time of subscribing, on each share, and the amount received by said commissioners shall be paid over by them to the directors of said company, to be appointed as hereinafter mentioned, immediately after their appointment, and entering upon the execution of their offices; and the directors, when appointed, shall have power to call in and require payment of the residue of such capital stock in such installments and at such times as they may deem expedient, giving thirty days' notice in the newspapers aforesaid, of the demand of each installment; and no installment of more than five dollars shall be required to be paid at one time.

Election of directors.

3. *And be it enacted*, That the management of the concerns of the said company shall be vested in seven directors, to be selected by the stockholders, and the directors shall choose by a plurality of votes from among themselves a president; and as soon as conveniently may be after the said capital, or sixty thousand dollars, shall have been subscribed, the said commissioners, or a majority of them, shall call a meeting of the stockholders by giving notice as aforesaid, at such time and place as they may designate in said notice, to elect the first board of directors, who shall hold their offices until the first Monday in April, eighteen hundred and sixty-one, and the subsequent elections of directors shall be holden annually on the first Monday in April, at such place as the directors, or a majority of them, shall appoint, upon like notice as aforesaid to be given by said directors, or a majority of them; and in case it shall so happen at any time that an election of directors shall not be made when, by this act it ought to be

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made, the said corporation shall not thereby be deemed to be dissolved, but the directors last appointed shall continue in office until others are chosen; and the directors, or a majority of them, may order an election to be held at such time and place as they may see fit, giving notice thereof as aforesaid; all elections for directors shall be by ballot, and each stockholder shall have as many votes as he shall hold shares of the capital stock.

Property not liable to taxation.

4. *And be it enacted*, That the amount expended in the construction of the canal or raceway authorized by this act, shall not be subject to any state, county, township or other public taxes, assessments or charges whatsoever.

Company authorized to construct canal.

5. *And be it enacted*, That it shall be lawful for the said company to make, construct and complete a canal or artificial navigation, commencing at or near Morristown, in the county of Morris, and running through the townships of Hanover and Pequannock, to the Morris canal, so as to intersect the same at the most convenient and accessible point in the township of Pequannock, in said county, with all such locks, planes, works, devices, wharves, toll houses and offices necessary for the use of said canal; and it shall be lawful for the said company, by its president and directors, or any agents, engineers, superintendents, contractors, or other person or persons by them employed, to enter from time to time, and at all times, upon all lands for the purpose of exploring the route of said canal, and locating the same and the several works above specified, doing to the same no unnecessary damage, and when the route of said canal shall have been fixed upon, and its several works located by the directors, or a majority of them, and a survey thereof made and deposited in the clerk's office of the county of Morris, then it shall be lawful for them and their agents, contractors, and other persons by them employed, to enter upon, take possession of, and use all and singular such lands, water and streams as may be necessary for said canal, subject to the provisions hereinafter contained.

6. *And be it enacted*, That where lands, waters and streams that may be necessary and useful for said canal shall not be made a free gift by the owner or owners thereof to the said company, then the said company shall pay to the owner or owners thereof a just compensation, to be mutually agreed upon, and in case of disagreement as to the value of such lands, waters or streams, then it shall be the duty of any judge of the court of common pleas of the county of Morris, not in any way interested, upon the application of either party, and upon six days notice in writing given to the other party, to appoint three disinterested and judicious persons commissioners to assess the price and value of such lands, waters and streams, which said commissioners shall cause six days notice in writing to be given to both parties of the time and place of their meeting; and having met and been duly sworn honestly and faithfully to execute the duties of such appointment, shall proceed to view the lands, water and streams in question, and to hear the parties and their witnesses, if desired, which witnesses the commissioners, or any one of them, shall have authority to swear, and shall thereupon make such decision and award as to them shall seem just and equitable, which decision and award shall be in writing, under the hands of the commissioners, or two of them, and be transmitted, together with a description of the lands, water, and stream or streams, the price or value of which shall be fixed by said decision and award to the judge who appointed them, and the said judge shall file the same, together with all papers relating to the application and proceeding, in the clerk's office of said county, there to remain as a public record, whereof said parties shall be entitled to take copies, from which decision and award either party may appeal to the circuit court of the county of Morris by petition, to be filed in the office of the clerk of said court, at any time within thirty days after such decision and award shall be filed as aforesaid, and the said circuit court shall have full power to hear and determine the matters in dispute between the parties in relation to said decision and award, and in case

Proceedings when company and owners cannot agree.

Parties aggrieved may appeal.

either party shall demand it, a venire facias shall be awarded by said court to assess the value of said lands, water, stream or streams, and all damages sustained by the owner or owners thereof by reason of the said canal, and the same notice of trial shall be given and proceedings had as in other cases of trial by jury, if the appeal is brought by the owner or owners, and if the sum awarded in the said circuit court shall be greater than that found by the commissioners, then the costs of such appeal shall be recovered by said owner or owners of the said company; but if the sum awarded in such court be the same or less than that found by the commissioners, then the company shall recover the costs of the said appeal of such owner or owners; if the appeal is brought by the company, and the sum awarded in the said circuit court shall be the same or greater than that found by the commissioners, then the said owner or owners shall recover the costs of such appeal of the said company; if the sum awarded in said court shall be the same or less than that found by the commissioners, then the costs shall be paid by the owner or owners, and shall be deducted out of the sum so awarded, and judgment shall be given in the said circuit court in all cases for the damages awarded, and costs, agreeably to the provisions of this section, and execution issue accordingly; and upon payment or tender of the sum so found by the commissioners or jury, with all costs, if any, the said corporation shall be deemed to be seized and possessed of, and may occupy and use said lands, water, stream or streams for the purposes of said canal.

Proceedings in case owners are under age.

7. *And be it enacted*, That in case the owner or owners of any such lands, water, stream or streams as hereinbefore mentioned, shall be a feme covert, under age, non compos mentis, out of the state, or under any other legal disability, then and in such case the value of such lands, water, stream or streams, and damages, shall be ascertained by commissioners, in manner as aforesaid, to be appointed on the application of said company, or the lawful guardian of such owner or owners; and the amount of any award made in favor of

such owner or owners shall be paid into the court of chancery of this state, for the use of such owner or owners, subject to the order of said court.

Proceedings to be at the cost of the company.

8. *And be it enacted*, That all proceedings under this act to ascertain the value of any lands, water, stream or streams to be used by the said company, except proceedings on appeals before provided for, shall be at the expense of and paid by the said company.

Company may enter upon lands and take materials.

9. *And be it enacted*, That it shall be lawful for said directors and their superintendents, agents and engineers, laborers and workmen, with carts, wagons and other carriages, and with beasts of draught and burden, and all necessary tools and implements, to enter upon all lands contiguous to the route of said canal, doing as little damage thereto as possible, and repairing all breaches they make in the enclosure thereof, and to take and carry any stone, gravel, clay, sand or earth there, being most conveniently situated, and most suitable for making or repairing said canal, or its locks, planes or other devices thereto belonging; and the price or value of all such materials and damages occasioned by the taking thereof shall be agreed upon, or otherwise ascertained, and paid or tendered to be paid, in the manner hereinbefore provided for in relation to the water, lands, stream or streams necessary for said canal.

Duties and powers of president and directors.

10. *And be it enacted*, That the presdient and directors, or a majority of them, shall have power to elect and employ all engineers, treasurers, collectors, toll-men, clerks, agents, artificers, workmen, servants, laborers and officers whatsoever, necessary in their judgment for conducting the affairs of the said company, and to dismiss them and elect others at their pleasure, and also shall have power to charge and collect tolls and rates for the passage of all boats, goods, draught-cattle, wares, produce, merchandise and passengers whatsoever, upon the canal or upon its banks, and to make, enact, and at pleasure to change and re-enact such tolls and rates, and also rules and regulations for the levying and collection of the same, as to them may seem proper; *provided*, the company shall at no time charge more than three cents per ton

Proviso.

per mile, on the passage of coal, lime, gypsum, iron ore and stone, and a proportionate charge upon other articles, contemplating their bulk, weight and value; and a card thereof shall be put up in open and public view, at every place where toll shall be required to be paid.

Annual statement to be made.

11. *And be it enacted*, That at the general meeting of said stockholders, to be held annually agreeably to this act, a general statement of the affairs of the company shall be made out and exhibited by the president and directors, or a majority of them; and the said president and directors, or a majority of them, may, as often as shall appear to them expedient, declare and pay such dividend of the net proceeds of the company as they may think proper.

Stock transferable.

12. *And be it enacted*, That the stock of said company shall be deemed personal property, and shall be transferable on the books of the company, in such manner as the by-laws shall ordain.

Company to make and repair bridges.

13. *And be it enacted*, That when said canal shall cross any public road or farm, it shall be the duty of said company, at their proper expense, to make good and sufficient bridges across said canal, and to keep the same in repair, so as to prevent any inconvenience in the use of said roads or farms, by reason of said canal crossing the same.

Rights of persons to action for damages not impaired.

14. *And be it enacted*, That nothing in this act shall be taken to impair the right of any person to an action against the company for damages to his or her lands and tenements or hereditaments, or water rights, by the erection of said canal, where such person hath not been agreed with by the company, or his or her damages, right and estate satisfied and vested in said company, under the provisions of this act.

Canal to be a public highway.

15. *And be it enacted*, That the said canal when completed, shall forever thereafter be esteemed a public highway, free for the transportation of all goods, commodities, produce and passengers whatsoever, on payment of the tolls and conforming to the rules and regulations made or authorized by this act.

Waters of Rockaway river may be connected with canal.

16. *And be it enacted*, That it shall be lawful for said company, by means of a raceway or canal, to connect the waters

of the Rockaway river with the said canal; *provided*, that the waters so taken from the Rockaway river, and all waters taken from the Passaic river, or any of its tributaries, by said company, or its successors or assigns, be not in any way mingled with or emptied into the Morris canal, but shall be returned into said tributaries or into the Passaic river, above the great falls of the Passaic; and for that purpose the said company are hereby vested with the same authority and right to enter upon all lands for the purpose of exploring the route of said raceway or canal, and locating the same and taking possession of, appropriating and using all lands useful and necessary for the same, and taking and using such materials for constructing and repairing said raceway or canal, as are contained in this charter in relation to said canal from Morristown to the Morris canal, and the value of all such lands, materials and damages occasioned by the construction of said raceway or canal, shall be agreed upon or otherwise ascertained and paid for, in the same manner as is hereinbefore provided for; and the said raceway or canal shall in all things be subject to the same restrictions and provisions, and the company be entitled to all the rights and privileges in relation to the same as are herein mentioned in respect to said principal canal; and that the provisions of the fourteenth section of this act shall be so construed as to extend to damages sustained, not only by the erection of said canal or raceway in the first instance, but also by the subsequent operations of said company, their successors and assigns, as the same from time to time may arise, anything in this act contained to the contrary thereof notwithstanding. Proviso.

17. *And be it enacted*, That this act shall be null and void unless said company shall complete and open the said canal for the passage of boats, within ten years from the passage of this act; and that the funds of the said company shall at no time be used in any banking operations. Time for completion of canal.

18. *And be it enacted*, That nothing contained in this act shall be so construed as to affect the chartered rights or priv- Chartered rights of other companies not to be affected.

ileges of any company or incorporation heretofore authorized or created by the legislature of this state.

Act may be amended.

19. *And be it enacted*, That it shall be lawful for the legislature at any time hereafter to alter, modify or amend this act, as the public good may require.

Public act.

20. *And be it enacted*, That this act shall be deemed and taken as a public act, and shall at all times be recognized as such in all courts and places whatsoever, and shall be in full force and effect from and after the time of its passage.

Approved February 21, 1860.

CHAPTER LVI.

AN ACT to incorporate the Patent Package Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Henry E. Richards, Luther Spencer Goble, Daniel F. Tompkins, Adolphus W. Waldron, Oscar L. Baldwin, and such other persons as may hereafter be associated with them, and their successors, shall be and are hereby constituted and made a body politic and corporate, in fact and in law, by the name and style of "the Patent Package Company," for the purpose of carrying on the business of manufacturing patent packages, cans or boxes, composed wholly of wood or of metal, or of a combination thereof, and by their said corporate name shall be able and capable in law

General powers.

to acquire, purchase, receive, have, hold, and enjoy any and all letters patent or any part thereof, issued or to be issued for any and all improvements in the mode of manufacturing said patent packages, cans or boxes, and any invention, or any part thereof, or any machine for the same purpose, for which a patent has been or shall be granted for or in the United States or elsewhere, and the said inventions and improvements and machines, or any part thereof, and the said letters patent issued or to be issued, or any part thereof, in any specific territory, or in the whole United States or elsewhere, to assign, sell, and dispose of, and to license any person or persons, body politic or corporate, to use and practice the said inventions in any place or places whatsoever, and to receive or not, as they shall choose, on all such sales or licenses, or any price or prices, rent or royalty, revenue or income, that they may choose; and to make any and all contracts, agreements and deeds for the purpose of acquiring or disposing by assignment or license, or in any other way, of all and any part of said inventions, improvements, machines and letters patent, and to manufacture any and all such machines as may or shall be made in pursuance of such letters patent issued or to be issued, and of carrying on and transacting business incident to or connected with the manufacture of said patent packages, cans or boxes; and by their said corporate name they and their successors shall have all the powers and privileges, and be subject to such limitations and restrictions, as are specified and contained in the act entitled, "An act concerning corporations," approved February fourteenth, one thousand eight hundred and forty-six, and the act supplementary thereto and amendatory thereof, so far as the same are applicable, except as otherwise granted in and by this act of incorporation; and this act shall continue in force thirty years.

Amount of capital stock

2. *And be it enacted*, That the capital stock of said company shall be fifty thousand dollars, with the privilege of increasing the same to one hundred thousand dollars, and shall be divided into shares of one hundred dollars each, which

shall be deemed personal property, and be transferable on the books of the company only in such manner as the said corporation shall by its by-laws direct.

Commissioners to receive subscriptions.

3. *And be it enacted*, That it shall be lawful for the aforesaid corporators (hereinafter constituted the first directors of this company,) to receive subscriptions to the capital stock, by opening books or otherwise, and as soon as three hundred shares of the said capital stock shall have been subscribed and paid in cash, it shall and may be lawful for the said company to commence its said business; and it shall be lawful for the directors of said company, whenever any shares of said capital stock shall be subscribed for, to call in, collect and demand from the stockholders of said company respectively, all such installments due by them on such shares of stock so subscribed for, at such time and in such proportion as they, the directors, shall deem proper, under penalty of forfeiture of the shares and all previous payments made thereon; *provided however*, that such stockholders shall be notified personally, by written notice, or by advertisement in one of the daily papers published in the city of Newark, county of Essex, at least thirty days previous to the time of such installments becoming due.

Proviso.

Election of directors.

4. *And be it enacted*, That the stock, property and concerns of said company shall be managed by not less than five, nor more than nine directors, a majority of whom shall be residents of this state, and one of whom shall be appointed president; said directors shall always be stockholders in said company, and shall hold office until the next annual meeting of stockholders and election for directors, and until others shall have been duly elected in their places, the number of directors to be fixed from time to time by the stockholders, at their annual meetings; that the first annual meeting of stockholders and election for directors of said company shall be held on third Tuesday in January, one thousand eight hundred and sixty-one, and on the third Tuesday of January annually thereafter, at such place and hour as the by-laws may direct; and in case any vacancy occurs, by reason of death,

resignation, or otherwise, the remaining directors shall have power to fill such vacancy; and the first directors of this company shall be Henry E. Richards, Luther Spencer Goble, Daniel F. Tompkins, Adolphus W. Waldron snd Oscar L. Baldwin, who shall hold their offices until the third Tuesday in January, one thousand eight hundred and sixty-one, and until others shall have been duly elected to their places. First directors.

5. *And be it enacted*, That in case at any time an election should not be made on the day specified in this act, the corporation for that cause shall not be deemed to be dissolved, but it may and it shall be lawful to hold such election at such other day, hour and place, and upon such notice to stockholders as shall be prescribed by the ordinances and by-laws of said corporation. Corporation not dissolved for failure to elect on day prescribed.

6. *And be it enacted*, That the legislature may alter, amend, or repeal this act whenever in their judgment the public good requires it. Act may be amended.

Approved February 21, 1860.

CHAPTER LVII.

AN ACT to authorize the Trustees of the Mount Zion African Methodist Episcopal Church of Trenton to sell a certain lot of land.

WHEREAS, the Mount Zion African Methodist Episcopal Church of Trenton own a certain lot of land fronting about Preamble.

thirty feet on the northerly side of Hanover street, in the city of Trenton, which they have used for nearly sixty years as a burying ground, and the common council of said city having lately prohibited them from further using said lot for that purpose; and whereas they are desirous of selling said lot, to enable them to raise money to purchase another lot for a burying ground, to which they can remove those interred in the above named lot, and there being doubts whether they can make a good title to said land without a special act for that purpose—therefore,

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 Mount Zion African Methodist Episcopal Church of Trenton, or their successors in office, or a majority of them, be and they are hereby authorized to sell and convey said lot used as a burying ground as aforesaid, with the appurtenances thereto belonging, and upon the payment of the purchase money by the purchaser or purchaser 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 take effect immediately.

Approved February 21, 1860.

CHAPTER LVIII.

A further supplement to the act entitled "An act to incorporate the Sussex Mine Railroad Company," approved March ninth, eighteen hundred and forty-eight.

Number of directors may be increased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the Sussex Mine Railroad Company, and the said company is hereby authorized and empowered, to increase the number of their directors to eleven, and for that purpose the present board of directors of said company may and they are hereby empowered forthwith to elect two additional directors of said company, who shall be elected in like manner, and hold their offices for the same time, as if chosen to fill vacancies in said board, caused by resignation or otherwise; and at each annual election of directors of said company hereafter, the number of directors of said company to be voted for and elected may be eleven, instead of nine.

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

Approved February 21, 1860.

CHAPTER LIX.

AN ACT to authorize the trustees of the Methodist Church, at High Point, in the county of Monmouth, to sell their house of worship, and the lands pertaining thereto.

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 High Point, in Middletown township, Monmouth county, are hereby authorized and empowered to sell, either at public or private sale, the house of worship known as the High Point Chapel, together with the lot of land on which the same is erected, and to execute and deliver to the purchaser or purchasers thereof a good and sufficient deed for the same, under the hands and seals of the said trustees, by which said purchaser or purchasers, his or their heirs and assigns, shall hold the said house and lot of land to their own use, free and clear, and absolutely discharged from all trusts whatsoever, upon which the same was held as aforesaid by the said trustees; *provided*, that nothing herein contained, shall interfere or in any way impair, the reversionary rights of the original grantors of the above described premises.

Proviso.

Proceedings under act to be recorded.

2. *And be it enacted*, That the said trustees shall cause to be entered in their book of records a correct statement of all their proceedings under this act, of the moneys received for the sale of the said house and lot, and of the expenses attending the same; and that the proceeds arising therefrom shall be held or disbursed for the use and benefit of the said church.

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

Approved February 22, 1860.

CHAPTER LX.

AN ACT to incorporate the Upper Freehold and Millstone Turnpike Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the subscription books of the capital stock of the Upper Freehold and Millstone Turnpike Company, shall be opened by Nathaniel S. Rue, Michael Taylor, Richard Ridgway, John B. Robbins, William P. McMichael, William M. Smith, John A. Forman, Horatio Ely, Joel Parker, John R. Haley and William D. Davis, or a majority of them, who are hereby appointed commissioners to receive subscriptions to the said stock, at such times and places as they or a majority of them may direct; giving notice thereof, at least twenty days prior to the opening of said books, by publishing the same in a newspaper published in this state. Commissioners to receive subscriptions.

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

3. *And be it enacted*, That at the time of subscribing for said stock, two dollars shall be paid upon each share subscribed for to the commissioners, or any of them; which money shall be paid over to the treasurer of the company, as soon as one shall be appointed, and the residue of the subscriptions shall be paid in installments, at such times and Payment of instalments.

places, and to such persons as the president and directors of the company shall, from time to time direct, and give public notice thereof, in manner aforesaid; and upon failure of the payment thereof, as so directed, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay the said installments, or any of them, to and for the use of said company; *provided*, that if the number of the 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 by them subscribed for as aforesaid; *provided also*, that no subscription for less than six shares of said stock shall be reduced by such apportionments; *provided also*, that the stockholders shall upon request have the right to pay the stock subscribed, except the first installment, by work upon said road, they doing the work as cheaply as it otherwise can be done, under such regulations, at such time and upon such notice by either party, as the directors may determine.

Proviso.

Proviso.

Proviso.

Act void if shares are not subscribed for in certain time.

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

Election of directors.

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

and until others are elected, of which election the said commissioners or a majority of them shall be judges; and at the expiration of that term of one year, 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 annual election as aforesaid, the said 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 Monmouth, who shall hold his office for one year and until another shall be elected, and receive such compensation for his services as a majority of the said directors shall direct, and shall be the presiding officer at all meetings of said directors, and shall have the casting vote when they shall be equally divided; he shall have charge of the seal of the company, and shall appoint the judge or judges of all elections of 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 in the county of Monmouth, and all officers, agents, superintendents, and other servants that may be required to transact the business of the company, with such compensation as they may determine upon, and may exact from them such security for the due performance of their respective trusts as they may think expedient; they shall regulate the tolls and

have the superintendence and direction of all receipts and disbursements and all other affairs of the company, and may make and enforce such ordinances and by-laws as they may think expedient for regulating the 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 directors of the preceding year to exhibit to the stockholders a full and complete statement of the affairs of the company during said term.

Special meetings 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 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 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.

Charter not defeated for failure to elect on day prescribed.

10. *And be it enacted*, That if from any cause any election hereinbefore named shall not be had at the time specified by this act, the same may be made at any other time, on notice as aforesaid; and that until such election be had, the officers of the preceding year shall continue to hold their respective offices until others be elected in their stead; and that this charter shall not be defeated or avoided by reason of the irregularity or want of such election.

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, not less than two nor more than four rods wide, from the village of Smithville, in the county of Monmouth, to the village of Fillmore, in said county, which turnpike road shall be con-

structed on and along the public highway leading from the village of Smithville to the said village of Fillmore, by way of Gloryhole Mills, and that the width of said turnpike road shall be governed by the width of the public road upon which it may be made; *provided*, that before the said company shall construct the said turnpike road aforesaid, along the highway aforesaid, they shall pay to the respective owners of the lands over which the said highway selected for constructing said turnpike upon 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 said 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 stone, gravel, or other material from his or her lands for the constructing or maintaining of said turnpike road; *provided also*, that the said company shall have power to take only the right of way over the lands whereon the said road is to be constructed, paying damages which the owners will sustain thereby; and the commissioners hereafter named, if appointed, shall have power to assess damages for the right of way only. Proviso. Proviso.

12. *And be it enacted*, That the said turnpike road shall be constructed at least thirty-two feet in breadth along the middle, as near as may be, of the said highway, and shall be sufficiently arched and drained to make and keep the same dry, and at least sixteen feet six inches thereof shall be sufficiently bedded and faced with stone or gravel, to make a solid, firm, and even road at all seasons of the year; and it shall be so graded that in its progress no part of said road shall rise above an angle of four degrees with the plane of the horizon; and the said company shall make good and sufficient bridges along the line of said road, not less than twenty feet in breadth, and whenever the said road, in passing over low ground, shall be raised so much at the margin or side as to render carriages passing thereon liable to overset, the said Description of road.

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 carts, wagons, and other carriages, and with beasts of burden and draught, and all necessary materials, tools, and implements, to enter upon all lands contiguous or near to the route of said road, doing as little damage thereto as possible, repairing any breach they may make in the enclosures thereof, and to make all ditches and underdrains across and through such lands necessary for properly draining said road; and that when 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, or to one of the judges of the court of common pleas of the county of 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 this state to make publication thereof as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint under his hand and seal, three disinterested, impartial, and judicious freeholders, commissioners to examine and appraise 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 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 proceed to view and examine the said lands or materials, and make a just and equitable estimate or appraisement of the value of the same and assessment of damages to be paid by the said company for such land 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 oaths or affirmations aforesaid, in the clerk's office of the county of Monmouth, 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 cost, 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 the said road in a workmanlike manner, accord-

ing to the several directions in the twelfth section, and the true intent and meaning of this act, it shall and may be lawful for the said company to erect gates or turnpikes across the said road, not exceeding four in number, and to demand and receive toll for traveling each mile and all fractions over half a mile of the said road, not exceeding the following rates, to wit:

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

And it shall and may be lawful for the toll-gatherers to stop persons riding, leading or driving any horses, cattle, mules, calves, sheep or hogs, or carriages of burden 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 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 militia man 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.

Milestones or posts to be erected.

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 said stone or post is from Smithville; 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."

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 and deface any of the printed rates of toll or directions, or shall cut, break down or destroy, or otherwise injure any gates, turnpikes or bridges that shall be erected pursuant to this act, or shall forcibly pass the same without having paid the legal toll at such gates or turnpikes, such person shall forfeit and pay the sum of twenty dollars, besides being subject to an action for damages for the same, to be recovered by the said company by action of debt, or other proper action, in any court of competent jurisdiction, with costs of suit; and if any person with his or her carriage, team or horse, turn out of the said road to pass a gate or gates, on private grounds adjacent thereto, and again enter on 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 injuring works.

17. *And be it enacted*, That if any toll-gatherers shall unnecessarily delay or hinder any traveler passing at any of the gates and turnpikes, or shall receive more toll than is by this act established, 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 taking illegal tolls.

18. *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 road free and clear for other carriages or persons on horseback to pass; and if any person shall offend against this provision, such person shall forfeit and pay the sum of ten dollars to any person who shall be obstructed in his or her passage and will sue for the same, and Penalty for obstructing passage.

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 said county of Monmouth, who may be disinterested, the said justice shall immediately appoint, by writing, under his hand and seal, three of the township committee of the township wherein the cause of complaint arose, or if it be on the line of any two townships, of either of said townships, which three persons being disinterested in said road, or a majority of them, on notice being given to the keeper of the nearest gate or turnpike, shall meet at such time and place as the said justice may appoint, and having taken an oath or affirmation to act impartially, shall proceed to view and examine said road so complained of, and 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, 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 the same, in an action of debt, with costs of suit; and the justice shall be allowed for his services fifty cents, and the persons appointed, one dollar each, to be paid by the company; and it shall be the duty of the persons so appointed, or a majority of them, on application 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 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 persons making the complaint; and in case three of the township committee aforesaid are not disinterested, then the said justice shall appoint in the same manner above prescribed, one or more respectable freeholders in the township 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 void if road is not completed in certain time.

20. *And be it enacted*, That if the said road is not commenced within three and completed within five 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 the fourteenth day of February, one thousand eight hundred and forty-six, so far as the same are applicable.

When toll may be demanded.

21. *And be it enacted*, That whenever the said company shall have completed any two consecutive miles of said road, according to the directions and the 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.

Corporation may use public roads.

22. *And be it enacted*, That the said corporation may use any portion of the main public roads 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 three-fourths of the owners of such lands shall refuse their consent, then and in that case such road shall be first vacated according to law.

Approved February 22, 1860.

CHAPTER LXI.

AN ACT to incorporate the Hudson City and North Bergen Horse Railroad Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Abraham Collerd, C. V. Van Wagenen, William O. Davy, James Montgomery, junior, Evan Griffith, John Van Vorst and Charles G. Sisson, and such other persons as may hereafter be associated with them, their successors and assigns, be and are hereby created a body corporate and politic, in fact and in law, by the name of "the Hudson City and North Bergen Horse Railroad Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient for the object of this incorporation.

Amount of capital stock.

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

Commissioners to receive subscriptions.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times, and place or places as they, or a majority of them, shall think proper, giving at least twenty days' notice of the same in some newspaper circulated in Hudson; and at the time of subscribing ten per centum shall be paid for each share subscribed for, to the commissioners, or some one of them; and as soon as ten thousand dollars of the capital stock shall be subscribed, such commissioners shall give like notice of 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 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 election of said corporation, shall, as soon as may be after every election, choose out of their number a president; and in case of the death, resignation, or removal of the president or any director, such vacancy may be filled for the remainder of the term for which they were elected, by 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 prescribe.

Duties and powers of directors.

4. *And be it enacted*, That four directors of said corporation shall be a quorum for the transaction of all business of said corporation, and shall have power to call in the capital stock of the said company by such installments and at such times as they may direct; and in case of the non-payment of said installments, or any of them, to forfeit the share or shares upon which such default shall arise; and to make and prescribe such by-laws, rules, and regulations, as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate and effects of said corporation, and shall have power to appoint such officers, clerks, and servants, as to them shall seem necessary, and to establish and fix such salaries thereto as to them shall seem proper.

Corporation not dissolved for failure to elect on day prescribed.

5. *And be it enacted*, That in case it shall happen that an election of the 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 offices until others shall have been chosen in their stead.

Company authorized to construct road.

6. *And be it enacted*, That the president and directors of said company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct a railroad from some point at or near the Five Corners, in the city of Hudson, along the Bergen woods' road and Summit avenue, to some point at the northerly boundary line of said city, said road not to exceed sixty feet in width, except in such place where, from the depth of the excavation, or the height of the embankment, it may be necessary to take more land for the slope and protection of the side banks of said railroad, in which case so much land as may be necessary for the purpose, and no more, shall be taken; and it shall be lawful for 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, and of locating the same, and to make and erect all necessary works, buildings, and appendages thereof, doing no unnecessary injury to private or other property; and when the route of such railroad shall have been determined, and a survey thereof filed in the office of the clerk of Hudson county, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen, or other persons in their employ, to enter upon, take possession of, hold, have, occupy and excavate any such lands, and erect embankments, bridges, and all other works necessary to lay rails, and do all other things which shall be suitable or necessary for the completion or repair of said road, subject to such compensation as is hereafter provided; *provided always*, that the payment, or tender of payment, of all damages for the occupancy of lands through which the said railroad may be laid out, be made

Proviso.

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 of said road, unless the consent of the owner or owners of said lands be first had and obtained; *and provided also*, that in constructing said railroad through any of the streets or avenues of the city of Hudson, the consent of the common council of said city shall be first obtained; the said work shall be done under the inspection of the commissioner of streets or other proper officers of said city, and shall not unnecessarily interrupt the public travel during the progress of said work, and shall restore the streets or avenues to their former good condition, without unnecessary delay; *and provided further*, that horse power, and no other, shall be used by the company in running their cars or carriages in said city. Proviso. Proviso.

7. *And be it enacted*, That when the company or its agents cannot agree with the owner or owners of such required land or materials, for the use or purchase thereof, or when, by reason of the absence or legal incapacity of such owner or owners, no such agreement can be made, a particular description of the land and 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 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 person 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 the notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, non residents in the county in which the lands or materials Proceedings when company and owners cannot agree.

in controversy lie, commissioners to examine and appraise the said land or materials, and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice making such appointment, to be expressed therein, not less than six days; and it shall be the duty of said commissioners, (having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in controversy, and to make a true report according to the best of their skill and understanding,) to meet at the time and place appointed, and to proceed to view and examine the said land or materials, and to make a just and equitable estimate or appraisement of the value of the same, and assessment of damages, as shall be paid by the company for such land or materials, and damages aforesaid, which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land 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 said company to have, hold, use, occupy, possess and enjoy the said land or materials, or of the said owner or owners to recover the amount of the said valuation, with interest and cost, 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 company.

Parties aggrieved may appeal.

8. *And be it enacted*, That in case the said company, or the owner or owners of the land or materials, shall be dissatisfied with the report of the commissioners named in the preceding section, and shall apply to the justice of the supreme court at the next term after filing of the said report, the court shall have power, upon good cause shown, to set the same aside, and thereupon to direct a proper issue for the trial of the said controversy, to be formed between the 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 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 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; but such application shall not prevent the company from taking the said land, upon filing the aforesaid report, the value and damages being first paid, or upon a refusal to receive the same, upon a tender thereof, or the owner or owners thereof being under any legal disability, the same being first paid into the court of chancery.

What real estate company may hold.

9. *And be it enacted*, That the said company may purchase, have and hold real estate at the commencement and termini of their road, and the different intermediate depots upon the line of the same, not exceeding one acre at each place, and may erect and build thereon houses, ware-houses, stables and

other buildings and improvements as they may deem expedient for the safety of the property and the construction of the carriages and other necessary uses, and take and receive the rents, profits and emoluments thereof, and shall have the privilege and authority to erect, build and maintain over such streams as the road may cross, such piers, bridges and other facilities as they may deem expedient and necessary for the full enjoyments of all the benefits conferred by this act.

Dividends.

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

Penalty for injuring works

11. *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 in any of their necessary works, bridges or carriages, such person or persons so offending shall forfeit and pay to the said company the sum of fifty dollars, to be by them recovered in any court of competent jurisdiction in an action of debt, and further shall be liable for all damages.

Act void if road is not completed within certain time.

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

State tax to be paid.

13. *And be it enacted*, That on the first day of January, after the railroad and its appendages, or any part thereof, shall be finished so as to be used, the president and treasurer of said company shall file, under oath or affirmation, a statement of the amount of the cost of said road, including all expenses, and the amount of all purchases made by virtue of this act, in the office of the secretary of this state, and annually thereafter, a like statement of all further costs and expenses from year to year; and the president and treasurer of said company shall also, under oath or affirmation, make a statement to the legislature of this state of the net proceeds of said road, on the first day of January after it shall be used, and annually thereafter; and as soon as the said railroad or any part thereof shall be put in operation, the said

corporation shall pay to the treasurer of this state, a tax of one-half of one per centum on the amount expended by said company for said road, which shall in like manner be paid annually thereafter on the first Monday in January in each year; *provided*, that no other tax or impost shall be levied or assessed upon the said company. Proviso.

14. *And be it enacted*, That this act shall continue in force for and during the term of twenty-five years, and that the legislature may at any time, alter, modify or repeal the same. Limitation.

Approved February 22, 1860.

CHAPTER LXII.

Supplement to an act entitled, "An act to establish public schools."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the township of Monroe, in the county of Camden, are hereby authorized, required and empowered, at their annual town meetings, to raise by a poll tax of not less than one nor more than three dollars on each tax payer in said township, as a portion of the sum required to be raised for the support of public schools. Inhabitants authorized to raise money by tax.

2. *And be it enacted*, That if at the annual district school meetings hereafter held in the said township of Monroe, any money shall be ordered raised in addition to the money ap- Additional tax for district schools.

propriated to said district, that a portion of the same shall be raised by a tax on the poll of each taxable inhabitant of such school district, not exceeding two dollars nor less than one dollar, as a majority of said inhabitants present at such meeting shall order, and that the amount so ordered to be raised shall be certified in writing by the trustees of such school district, or by a majority thereof, to the assessor of such township of Monroe.

Assessment and collection of taxes.

3. *And be it enacted*, That it shall be the duty of the assessor and collector of said township to assess and collect such poll taxes so ordered raised, at the same time as the township taxes are assessed and collected.

Collector to pay over tax.

4. *And be it enacted*, That it shall be the duty of the township collector to pay over said poll taxes so collected to the superintendent of said township, for the use and benefit of the public schools, on or before the twentieth day of October, in each and every year.

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

Approved February 22, 1860.

CHAPTER LXIII.

A further supplement to the act entitled, "An act to establish public schools."

Additional tax authorized in Mantua.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of the town-

ship of Mantua, in the county of Gloucester, are hereby authorized and empowered, at their annual town meeting, to raise by poll tax, in addition to that now required by law, of not less than fifty cents, nor more than three dollars, on each tax payer in said township, a further sum in addition to the amount now required and authorized by law for the support of public schools.

Tax, how assessed and collected.

2. *And be it enacted*, That it shall be the duty of the assessor and collector of said township to assess and collect such poll tax so ordered raised, at the same time and in the same manner as the township taxes are assessed and collected.

Collector to pay over taxes

3. *And be it enacted*, That it shall be the duty of the township collector to pay over said poll taxes so collected to the town superintendent on or before the twentieth day of November, in each and every year.

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

Approved February 22, 1860.

CHAPTER LXIV.

A further supplement to an act entitled, "An act to incorporate the Somerville and Easton Railroad Company," passed February twenty-sixth, eighteen hundred and forty-seven.

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 Central Railroad Company of New Jersey to extend their

railroad from some point in their track in the city of Elizabeth, to some point or points on New York bay, in the county of Hudson, at or south of Jersey City; and for that purpose, in its construction and completion, maintenance, use and enjoyment, all and every provision of the act entitled, "An act to incorporate the Somerville and Easton Railroad Company," and of the several supplements thereto, shall extend and be applicable to the railroad now authorized to be constructed, in every respect as if the same had been originally authorized under the said act to which this is a supplement.

Company to construct bridges.

2. *And be it enacted*, That the said railroad company shall construct a suitable bridge over any navigable water that they may cross, with a pivot draw with two openings, each of seventy-five feet in width, at right angles to the main channel, located at a point convenient for navigation; and for the safety of persons navigating the said river or water, the said company shall cause to be kept a red light at each outer side of said draw, and a white light on each inner side of said draw, which shall be lighted every evening before it grows dark, and kept lighted till daylight; and shall keep or cause to be kept at such bridge, a careful person or persons to open such draw for the free passage of vessels with standing masts; and for each and every wilful neglect to light the said lamp or lamps for one night, or to open said draw, the company shall forfeit and pay the sum of fifty dollars, to be recovered, with costs, in any court having jurisdiction thereof, by any person who shall sue for the same, within six months from the time of such neglect.

Early morning and evening trains to be continued.

3. *And be it enacted*, That it shall be the duty of said company, for the accommodation of commuters and the local travel, to continue their early morning and evening trains from and to Somerville and New York, at least as early in the morning as seven o'clock from Somerville, and as late in the evening from New York as four and a half o'clock.

Rights of shore owners not prejudiced.

4. *And be it enacted*, That nothing herein contained shall be construed to prejudice the claims of riparian shore owners, and that in constructing their said railroad in the county of Hud-

son, they shall not cross the Jersey City and Bergen Point plank road more than once, and shall not construct said road nearer than one thousand feet from a parallel line with the said plank road, except where it may cross the same.

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

Approved February 23, 1860.

CHAPTER LXV.

AN ACT to repeal part of a supplement to the act entitled, "An act for the more easy foreclosure of mortgages in this state," approved March eighteenth, eighteen hundred and fifty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the third section of the supplement to an act entitled, "An act for the more easy foreclosure of mortgages in this state," approved March eighteenth, eighteen hundred and fifty-eight, be and the same is hereby repealed. Part of former act repealed.

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

Approved February 28, 1860.

CHAPTER LXVI.

AN ACT for the relief of the Methodist Episcopal Church, at Moorestown, in the county of Burlington.

Preamble. WHEREAS, John Ireland, Paul Crispin, James Moore, Henry L. Robinson and Edwin Rapp, the trustees of the Methodist Episcopal Church at Moorestown, in the township of Chester, and county of Burlington, in this state, by their petition, have set forth that Edward Harris, by indenture bearing date the first day of September, A. D. eighteen hundred and fifteen, and of record in the clerk's office of the county of Burlington, at Mount Holly, in book D, two of deeds, page one hundred and sixty-six, &c., did convey unto James Stiles, Isaiah Toy, Joab Dobbins, Edward Harris and John Vanhorn, and to their successors in office, as trustees, forever, a certain lot of land in said village, in trust for the use of the members of the Methodist Episcopal Church in the United States of America, as particularly set forth in said indenture of conveyance, as reference being thereunto had will more fully appear; upon which said lot of land, the said trustees then, or shortly after, erected a house of worship for the members of said church, in which they have ever since continued to worship; and whereas, the said religious society, so worshiping in said house, was duly incorporated on the twenty-first day of August, A. D. eighteen hundred and fifteen, under and according to the act entitled, "An act to incorporate trustees of religious societies, passed the thirteenth day of June, A. D. seventeen hundred and ninety-nine, and a certerficate thereof recorded in the clerk's office of said county, in book B, two of deeds, page six hundred and three, of which society, so incorporated, the said petitioners, as successors of the said grantees of said lot of land, are the

duly elected or appointed trustees, and have recently purchased a larger and more eligible lot in said village for the use of said society, and are now engaged in erecting a commodious church edifice thereon, to aid in defraying the expenses of which they are desirous of selling the aforesaid lot, which was conveyed to James Stiles and others, trustees as aforesaid, but doubts are suggested as to the ability of said petitioners to make a good and valid title to the purchaser—therefore,

Trustees authorized to sell property.

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 John Ireland, Paul Crispin, James Moore, Henry L. Robinson and Edwin Rapp, trustees as aforesaid, and their successors in office, to sell, either at public or private sale, the aforesaid lot of land which was conveyed by said Edward Harris to James Stiles and others, trustees as aforesaid, and to execute and deliver to the purchaser or purchasers thereof, under their hands and seals, or under the hands and seals of a majority of them, a good and sufficient deed or deeds therefor; which deed or deeds of conveyance so executed, shall convey to and vest in the said purchaser or purchasers a good and valid title to his or their own use, in fee simple in said lot of land, with the appurtenances free and clear, and absolutely discharged of and from all trusts whatsoever; and the purchase money thereof shall or may be applied towards defraying the expenses of erecting the said new church edifice, or otherwise, as said religious society, or the trustees thereof may determine.

Approved February 28, 1860.

CHAPTER LXVII.

AN ACT to set off a new township from the townships of North Brunswick and Monroe, in the county of Middlesex, to be called the township of East Brunswick; and also a new township from the township of North Brunswick, to be called the township of New Brunswick.

Boundaries of township of East Brunswick.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all those parts of the townships of North Brunswick and Monroe, in the county of Middlesex, lying and being within the following limits, viz.: beginning at the mouth of Lawrence's brook, where it falls into Raritan river, thence southwesterly up the said Lawrence's brook to where Ireland's brook falls into said Lawrence's brook, and line of the township of South Brunswick; thence southeasterly up said Ireland's brook and line of South Brunswick to the township line of Monroe; thence southwesterly along the township line of South Brunswick and Monroe, to the line known as Bass' patent line; thence southerly and easterly along said Bass' patent to Manalapan river; thence northeasterly down Manalapan river to the mouth of the stream that drains the burnt meadows; thence up the stream thereof to Slab Bridge; thence a due east course to Machaponix river and the line of South Amboy; thence northerly down the Machaponix and South rivers to the mouth thereof at Raritan river; thence northwesterly up Raritan river to the mouth of Lawrence's brook and beginning, shall be and the same is hereby set off from the townships aforesaid, and established a separate township, to be called and known by the name of the township of East Brunswick.

Boundaries of township of New Brunswick.

2. *And be it enacted*, That all that part of the township of North Brunswick, in the county of Middlesex, lying and being within the following limits, viz: beginning at the mouth

of the mouth of Mile Run brook, where it falls into Raritan river; thence southeasterly up the said Mile Run brook to where it crosses George's road, and thence due east until it strikes Lawrence's brook, and thence down the said Lawrence's brook, following the several courses thereof, until it falls into the Raritan river; thence northeasterly up Raritan river to Mile Run brook and beginning, to be called the township of New Brunswick.

Inhabitants incorporated.

3. *And be it enacted*, That the inhabitants of said townships of East Brunswick and New Brunswick be, and they and their successors are, hereby constituted bodies politic and corporate, by the names of the "Inhabitants of the township of East Brunswick, in the county of Middlesex," and "Inhabitants of the township of New Brunswick, in the county of Middlesex," and shall and are hereby, in their corporate capacities, invested with and entitled to the same rights, powers, privileges, and authorities, and made subject to the same regulations, duties, and governments as by law are vested in and prescribed for the several townships in the county of Middlesex.

Town meeting in East Brunswick.

4. *And be it enacted*, That the inhabitants of said township of East Brunswick shall hold their first town meeting at the inn now kept by Stephen H. Barkalew, in said township, at the time appointed by law for holding the annual town meetings in other townships in the county of Middlesex.

Town meetings in New Brunswick.

5. *And be it enacted*, That the inhabitants of said township of New Brunswick shall hold their first town meeting at the court house, in the city of New Brunswick, at the time appointed by law for holding the annual town meetings in other townships in the county of Middlesex.

Town meetings in North Brunswick.

6. *And be it enacted*, That the inhabitants of the township of North Brunswick shall hold their next annual town meeting at the Red Lion tavern, on George's road.

Town committees to divide property.

7. *And be it enacted*, That on the first Tuesday of May next the town committees of the said townships of North Brunswick, East Brunswick, and New Brunswick shall meet at the inn kept by Saxon M. Tice, in the said new township

of East Brunswick, at ten o'clock in the forenoon of that day, and shall then and there proceed, by writing, signed by a majority of those present, to allot, divide, and assign to the said townships of East Brunswick and New Brunswick such proportion of all the real estate and personal property, and of all surplus moneys of the said township of North Brunswick then on hand, due or owing, arising from taxes on dogs, road taxes, taxes for the support of the poor, and for the education of children, as the taxable property and ratables of those parts of the townships of East Brunswick and New Brunswick which are taken off from the township of North Brunswick bears to the whole taxable property and ratables of the present township of North Brunswick, according to the last assessment, and the said townships of East Brunswick and New Brunswick shall be liable to pay a like proportion of the debts of the said township of North Brunswick, if any there shall be at that time; and that the said township committees shall then and there also proceed to make a distribution between the three townships of North Brunswick, East Brunswick, and New Brunswick of such poor persons as shall be chargeable upon said township of North Brunswick at or immediately preceding the time at which this act is to take effect; and that in the division and distribution of the said poor, the said three townships respectively shall be governed by the same laws, rules, and regulations by which they would have been governed had they heretofore existed as separate townships; and if, in relation to any such poor, it be uncertain to which of the said three townships they of right and law belong, then the said three committees shall divide the same between the said three townships according to the rule of proportion hereinbefore given; *provided*, that if any of the members of the said township committees, or either of them, shall neglect to attend at the time and place aforesaid, it shall and may be lawful for the members of said committees, or either of them, as shall attend, to proceed to such division of property and distribution of poor as is by the section prescribed,

Proviso.

and a decision of a majority of those present shall be final and conclusive.

Town committees of townships of Monroe and East Brunswick to divide property.

8. *And be it enacted*, That on the third Tuesday of May next the town committees of the said townships of Monroe and East Brunswick shall meet at the inn now kept by Mrs. Van Cleef, at Spottswood, in the said township of East Brunswick, at ten o'clock in the forenoon of that day, and shall then and there proceed, by writing, signed by a majority of those present, to allot, divide, and assign to said township of East Brunswick its just proportion of the property and surplus moneys of the said township of Monroe, upon principles similar to those prescribed in the preceding section for the division of the property between the townships of North Brunswick and East Brunswick, and also to make distribution of the poor in the manner prescribed in the preceding section for distributing the poor between the townships of North Brunswick and East Brunswick, the decision of the majority of the members of the said committees so convened, who shall attend such meeting, to be final and conclusive.

Election district of East Brunswick.

9. *And be it enacted*, That all that portion of the township of East Brunswick that is taken from Monroe township by this act, shall be an election district, and to be called the Spottswood election district of East Brunswick; and all inhabitants therein entitled to vote at all general and town elections, shall vote at a poll to be opened within said limits at all state and county elections.

First election.

10. *And be it enacted*, That the first election to be held under this act shall be held at the hotel kept by Mrs. Van Cleef, at the village of Spottswood, in said township of East Brunswick, and each election until otherwise ordered, at the annual town meeting of said township, and said election shall be conducted, in all respects, as elections are now conducted by the several townships of this state.

Mode of conducting elections.

11. *And be it enacted*, That there shall be elected at the annual town meetings in the township of East Brunswick, three judges and one clerk of election, to conduct the election in said election precinct, the polls to be opened at eight

o'clock in the morning and to be kept open until seven o'clock in the evening.

Votes to be canvassed and returns made.

12. *And be it enacted*, That the township committee of the township of East Brunswick shall provide a suitable election box for the use of said precinct election, and all persons voting at any election therein, shall vote by ballot, and the said judges of election shall forthwith, after closing the polls, proceed to canvass the vote taken at said election, and certify the result thereof in the same manner as returning officers are now required by law, and shall file their returns with the clerk of the county of Middlesex; and the said poll district at Spottswood shall be included in and constitute part of the third assembly district in the said county, in the manner and within the time now required of the election officers in this state, and subject to the same liabilities as such officers are now subject to.

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

Approved February 28, 1860.

CHAPTER LXVIII.

A supplement to the Act for the Settlement and Relief of the Poor.

Preamble.

WHEREAS, certain townships in this state have poor-houses located without their limits and within the limits of neigh-

boring townships, and in accordance with the laws of this state, all legitimate children born therein, of parents who have no legal settlement in this state, gain a legal settlement in the township where such poor houses are located, therefore

Settlement of the poor.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no person born of parents who have no legal settlement in this state, shall gain a legal settlement in any county, township, city or borough in this state by reason of such birth; but that the legal settlement of such persons shall be as though they had been born within the limits of the township from which their parents were legally entitled to relief.

Part of former acts repealed.

2. *And be it enacted*, That any part of the act, or the supplements thereto, to which this is a supplement, inconsistent with the provisions of this act be, and are hereby repealed.

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

Approved February 28, 1860.

CHAPTER LXIX.

A supplement to an act entitled "An act to incorporate the American Telegraph Company," approved March twenty-third, eighteen hundred and fifty-nine.

Substitute for section four of former act.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section four of the act to which this is a supplement be and the same is hereby repealed, and that the following be substituted in lieu thereof: "That there shall not be less than seven nor more than thirteen directors of said company, and they shall hereafter be chosen by the stockholders on the last Wednesday of January in each year; the directors shall annually choose out of their own number a president, and in case of the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year by the board of directors; and in case of the absence of the president, the board of directors may appoint a president pro tempore, who shall have such powers and functions as the by-laws of the said corporation shall provide; at all meetings of the stockholders each stockholder shall be entitled to one vote on each share of stock belonging to him, which vote may be given in person or by proxy; the directors may also choose out of their own number a vice president and executive committee, the power and duties of whom shall be prescribed by the by-laws."

Meetings of directors.

2. *And be it enacted*, That the meetings of the board of directors and stockholders of the said company heretofore held shall be deemed valid and effectual, notwithstanding any irregularity in the time, place or manner of holding the same.

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

Approved February 28, 1860.

CHAPTER LXX.

Supplement to an act entitled, "An act to authorize the inhabitants of the township of Westfield, in the county of Union, to vote by ballot at their township meetings."

Overseers of the highways 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 Westfield, in the county of Union, shall be elected by the legal voters of the several districts as they may be arranged from time to time by the township committee in the said township; and for the purpose of carrying this provision into effect it shall be the duty of the township committee of the said township to give public notice of the time and place of holding the first district road meetings under this act, and which meeting shall be held on the Saturday next previous to the annual town meeting in said township, 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, where and when the legal voters in the township residing in such road 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 road 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 of such road district; the moderator of each district meeting shall notify the township committee at their first meeting after such election, in writing, of the election of such overseer, and in case of the failure of any district to elect an overseer, or of the person so elected to accept of the appoint-

ment, the township committee shall fill such vacancy, and shall furnish a list of the names of said overseers of the highways so elected or appointed to the clerk of the township, and it shall be his duty to publish the same, with the names of the officers and proceedings of said first town meeting after the election of said overseers.

District road meetings.

2. *And be it enacted*, That all subsequent district road meetings in said township shall be called by the overseers of the respective road districts, upon notice posted up in some conspicuous place in such road district, at least ten days before the time of holding such meetings, and all such subsequent district road meetings shall be held on Saturday preceding the annual town meeting in said township, and should the overseer of any district fail to call such meeting, or the individual elected refuse to accept such appointment, or in case of a vacancy arising from another cause the township committee shall fill such vacancy, and cause the names of the persons so elected or appointed to be published as aforesaid.

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

Approved February 28, 1860.

CHAPTER LXXI.

A further supplement to the act entitled, "An act to incorporate the Hudson County Mutual Insurance Company."

Third section of former act amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the third section of the act entitled, "An act to incorporate the Hudson County Mutual Insurance Company," passed February eleventh, eighteen hundred and forty-two, be so amended that all the affairs, property, and concerns of the said company shall be managed and conducted by twenty-one directors, one-third of whom shall form a quorum, all of whom shall be residents of the state of New Jersey, but a majority of whom shall be residents of the county of Hudson, who shall hold their office for one year, and until others shall be chosen, and a majority of whom shall have qualified in their place.

Fourth section amended.

2. *And be it enacted*, That the fourth section of the said act be so amended as to authorize the officers and agents mentioned in said section to hold their offices until others have been chosen and qualified in their place.

Part of former act repealed.

3. *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 are hereby repealed.

Act, when to take effect.

4. *And be it enacted*, That this act shall take effect on the fifth day of March, eighteen hundred and sixty.

Approved February 28, 1860.

CHAPTER LXXII.

AN ACT to confirm certain deeds made by Joseph L. Cory, surviving executor of the last will and testament of Joseph Line, late of the township of New Providence, in the county of Essex, (now Union,) deceased.

Preamble. WHEREAS, it has been made to appear that Joseph Line, late of the township of New Providence, deceased, duly made and published his last will and testament, and duly executed, to pass real estate, and bearing date the eleventh of October, eighteen hundred and nineteen, and therein did appoint Joseph L. Cory and John Littell his executors, and the said John Littell having died shortly after, or before the proving of said will, the said Joseph L. Cory duly proved said will, and took upon himself the burthen of the execution thereof, and the said testator, in and by his said will, among other matters, did provide as follows: "Item —It is my will that the residue of my estate, both real and personal, not previously disposed of or bequeathed, be divided into three equal parts, the lands to be considered in quality and quantity, and to be left in trust in the hands and care of my executors, to be disposed of as follows, viz: the use and profits of one equal third part of the aforesaid residue so divided to be yearly and every year paid, on demand, to my daughter, Nancy Cory, the wife of Noah Cory, for her support during her life, and at her death to be divided equally among her children;" and whereas, by virtue of said devise to Nancy Cory and her children, there was duly set off to her of the said residue of the real estate of the said testator, the following named several tracts or lots of land, to wit: one lot of land in the township of Warren, in the county of Somerset, containing ten acres, one lot of land in the township of Westfield, containing

eleven acres, two lots of land in the township of Warren aforesaid, adjoining each other, and each containing six acres, two lots of land in the township of Morris, in the county of Morris, one of them containing three acres, the other containing four acres, and also the undivided two-thirds part of another lot of land in the township of Morris aforesaid, containing fifty-four hundredths of an acre; also one other lot of land, situate in the township of Westfield aforesaid, containing twenty hundredths of an acre, the metes and bounds of said several lots are particularly described in the several deeds of conveyance hereinafter mentioned; and whereas the said Nancy Cory enjoyed the use and profits of the said several lots of land during her life, pursuant to the devise in said will, and she departed this life on or about the third day of May, in the year one thousand eight hundred and fifty-five, leaving surviving her Hannah C. Marsh, wife of Nathan Marsh, Aaron Cory, Phebe W. Parkinson, wife of Aaron Parkinson, Eliza Ann Cory, and the said Joseph L. Cory, her children, also two grand-children, viz.: Alexander Cory and Sarah E. Robinson, wife of Rossitter Robinson, the children of her deceased son, Ezra Cory, the said children and grand children all being, at the time of the decease of Nancy Cory, of lawful age; and whereas the said Joseph L. Cory, as such executor as aforesaid, shortly after the decease of the said Nancy Cory, by and with the consent and approbation of said children and grand-children, and at their request, sold at public auction the land and real estate which was set off for the use of Nancy Cory during her life as aforesaid, under the apprehension and belief that by virtue of the said will of Joseph Line, deceased, he had a right to sell and convey in fee the same, and after such sale he, the said Joseph L. Cory, made deeds to the purchasers thereof, as follows, to wit: the lot of ten acres in the township of Warren was sold and conveyed to Wallace Vail, of the township of Plainfield, by deed recorded in the clerk's office of Somerset county, in book X, number two of deeds,

for said county, pages two hundred and thirty-four, &c.; the lot of land in the township of Westfield, of eleven acres, was sold and conveyed to Stephen O. Horton, of the township of Plainfield, by deed recorded in the clerk's office of Essex county, in book number two hundred and sixteen of deeds for said county, pages five hundred and thirty-four, five hundred and thirty-five, and five hundred and thirty-six; the two lots of land in the township of Warren, each containing six acres, were sold and conveyed to William F. Spencer, of the township of Warren, by deed recorded in the clerk's office of Somerset county, in book X, number two of deeds, for said county, pages three hundred and sixty-three, &c.; the three lots of land in the township of Morris were sold and conveyed to John H. Shueman, of the township of Morris, by deed recorded in the clerk's office of the county of Morris, in book L, five of deeds for said county, pages one hundred and forty-eight, one hundred and forty-nine, and one hundred and fifty; the lot of land in the township of Westfield, containing twenty hundredths of an acre, was sold and conveyed to Nathan Marsh, of the township of Westfield, and is unrecorded, which said several deeds were all duly executed and acknowledged by the said Joseph L. Cory, executor, as aforesaid, and are all dated the tenth day of November, eighteen hundred and fifty-five; and whereas it appears that the said several lots of land were sold for their full value, and that the said several children and grand-children of the said Nancy Cory received their share of the proceeds of said sale from the said executor, and released to him all claim and demand therefor, as devisees under said will, except Ann Eliza Cory, who it appears was then and now is a pauper on said township of Westfield, and supported by said township, her share of the proceeds of such sale was paid to the township committee of said township for her support; and whereas, it appears that the said children and grand-children all reside in the western states, except Hannah C. Marsh, Ann Eliza Cory, and Aaron Cory, the

latter having, since receiving his share of the proceeds of said sale, departed this life, leaving minor children, and deeds cannot be obtained from the parties by reason of their remoteness from this state, and the legal disability of Aaron Cory's children, and Hannah C. Marsh, one of the children of Nancy Cory, deceased, together with her husband, having petitioned for legislative aid in the premises, —therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the several deeds above mentioned, made by the said Joseph L. Cory, executor of the last will and testament of Joseph Line, deceased, to Wallace Vail, to Stephen O. Horton, to William F. Spencer, to John H. Shueman, and to Nathan Marsh, shall be and the same are hereby declared to be valid and effectual in law, and shall be deemed and taken to convey to and vest in the said several purchasers, their heirs and assigns, at the time of the delivery of the said several deeds to the said several purchasers, all the estate, right, title, and interest which the said children and grand-children of the said Nancy Cory, deceased, had therein at the time of the aforesaid sale by said executor. Deeds made valid.

Approved February 29, 1860.

CHAPTER LXXIII.

A supplement to an act entitled "An act to Incorporate the city of Hudson," approved April eleventh, eighteen hundred and fifty-five.

First section of former act amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of an act entitled "An act to incorporate the city of Hudson," approved April eleventh, eighteen hundred and fifty-five, be amended by inserting after the words "to wit," the words following: "beginning at a point in the centre line of the New Jersey railroad, where the westerly boundary line of Jersey city crosses the same; thence, north, thirty-one degrees east, to the centre of the culvert or bridge on the turnpike leading from Jersey City to North Bergen; thence, north, thirty-three degrees east, to a point in the easterly line of the turnpike road leading from North Bergen to Hoboken, from which point the spire of Trinity Church, New York, bears south forty-three degrees, forty-five minutes east, and the spire of the Presbyterian church, Jersey City, bears south twenty-three degrees east; thence, along the easterly line of the said Hoboken turnpike to the bridge on the same at the foot of the hill; thence, along the southerly side of the Hoboken embankment on the southerly side of said turnpike, to a point from which a line bearing due north would pass through a point formed by the intersection of the centre line of the said Hoboken turnpike and the centre line of the ditch forming the westerly boundary of the lands of the late John G. Costar, or of the same produced; thence, due north, to the last described point; thence, northerly along the centre line of the ditch forming the westerly boundary of the lands of the late John G. Costar, until it intersects

the centre line of Tenth street, situated in Hoboken; thence, westerly, to a point formed by the intersection of the centre line of the Paterson plank road with the centre line of Palisade Avenue; thence, along the middle of the Paterson plank road to its intersection with Paterson Avenue; thence, along the centre of the same to the Secaucus road; thence, westerly along the centre of the same, to Penhorne's creek and the middle thereof; thence, down the middle of said creek to the middle of the Hackensack river; thence, down the middle of said river, its several courses, to the middle of the New Jersey railroad; thence, south-easterly along the middle of line of the New Jersey railroad, its several courses, to the place of beginning, shall be and hereby is created into, designated and known as the city of Hudson."

Section second amended.

2. *And be it enacted*, That the second section of said act be amended by inserting after the words, "shall hold their offices for one year," the words following: "and a recorder, who shall hold his office for three years;" and after the word "election," the words "each and every year, and a recorder every three years."

Third section amended.

3. *And be it enacted*, That the third section of said act be amended by striking out the word "annually," immediately following the word elected, and by striking out the word "three" preceding the words "judges of election," and inserting the word "six" in the place thereof, and by striking out the words "a clerk, who shall be clerk of election," and inserting the words, "two clerks, who shall be clerks of election."

Fourth section amended.

4. *And be it enacted*, That the fourth section of said act be amended to read as follows: "That the city election shall be held on the second Tuesday in April in each year, and for the purpose of said election, the city shall be divided into two election districts, as follows: commencing at a point in the easterly boundary of Hudson City, where the brook leading down the hill, through the property belonging to H. A. Booraem, crosses the same; thence, following the said brook, the various courses thereof, until it strikes the centre line of

Palisade Avenue; thence, along the centre line of Palisade Avenue to its intersection with the centre line of Morris Avenue; thence, along the centre line of Morris Avenue, to its intersection with the easterly line of the property belonging to E. R. V. Wright; thence, westerly, to the most southerly corner of the property belonging to Smith Benedict, said property lying upon the easterly side of the Bergen Wood's road, near its intersection with Summit Avenue; thence, along the southerly line of the said property, to the Bergen Wood's road; thence, westerly in a direct line, to where the centre line of the Paterson and Hudson river railroad crosses the centre line of Penhorne's creek; and all that part of said city lying north of said line, shall be known as the Northern Election District, and all that part of said city lying south of said line, shall be known as the Southern Election District of the city of Hudson; and the said election shall be held at such places in each of said districts as the common council shall designate; and the election shall be held and conducted by the judges of election, three from each district, and by the clerks of election, one from each district, all of whom shall be residents of the districts they respectively represent, at the same hours, in the same manner, and under the same regulations in all things as prescribed by law for state elections for members of the legislature, except that the returns of the election shall be made to the city clerk within forty-eight hours after the closing of the polls, which returns shall be full, true and correct copies of the original statement of the result of such election, made by said judges, and shall be signed by the three judges of each district respectively, with their own hands, and attested by the clerk of each district respectively; and the city clerk shall, when he receives said returns, immediately file the same in his office as an official paper, and the same shall thereupon be plenary evidence of the election of the persons therein certified to be chosen."

Seventh section amended.

5. *And be it enacted*, That the seventh section of said act be amended by striking out the words, "at the place therein appointed," and inserting the words, "at the place

therein appointed," and by striking out the words "and the clerk of election aforesaid, shall be the clerk of such elections," and inserting the words, "and the clerks of election aforesaid, shall be the clerks of such elections," and by striking out the words "in the name of the clerk of election aforesaid," and inserting the words "in the name of the clerk of election of the district wherein such person may vote or offer to vote."

Eighth section amended.

6. *And be it enacted*, That the eighth section of said act be amended by striking out the words, "and the clerk of election," and inserting in the place thereof, the words "and the clerks of election," and by striking out the words "for the said city," and inserting the words "for their respective districts."

Twentieth section amended.

7. *And be it enacted*, That the twentieth section of said act be amended by adding after the last word thereof, the following: "The recorder shall have all power in criminal matters that justices of the peace in and for the several counties of the state now have, and shall have like powers as are given to the mayor, to cause to be arrested and committed, without process, any person guilty, or that he may have reason to believe guilty of any crime or misdemeanor, or breach of the peace, and to try all causes and complaints arising from the violation of any city ordinance; and the recorder is hereby empowered on oath, affirmation, or affidavit made according to law, 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 summons or of a warrant, as to him may seem advisable, against the person or persons so violating such ordinance, which process shall, when in the nature of a warrant, be returnable forthwith, and when in the nature of a summons, be returnable in five entire days, and that such process shall state what ordinance the defendant or defendants named therein has or have violated, and in what manner the same has been violated; and that on the return of such process, or at the time to which the recorder shall have adjourned the same, the said recorder shall proceed to hear testimony, and to determine and give judgment in the

matter, without the filing of any pleadings; and that the recorder 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 in all cases where the fine or penalty shall exceed twenty dollars, or where the punishment may be imprisonment, there may be a trial by jury, to be conducted as in cases now triable by jury in the courts for trial of small causes, and also an appeal, as in cases where appeal may now be had from judgment in courts for the trial of small causes; *and provided also*, that in all cases an appeal may be made to the common council for a remission of any penalty that may be inflicted or adjudged."

Proviso.

Proviso.

Twenty-second section amended.

8. *And be it enacted*, That the twenty-second section of said act be amended by adding to the said section the words following: "and the board of aldermen elected in the year eighteen hundred and sixty shall, at their first meeting after their election, divide themselves by lot into two equal classes one of which shall go out of office at the expiration of the first year, and the other at the expiration of the second year and that on the second Tuesday of April, in the year eighteen hundred and sixty-one, and every year thereafter, there shall be elected from said city four persons as aldermen, who shall hold their office for two years; and in case of the death, resignation, or other disability of any aldermen, a person shall be duly elected to fill the unexpired term."

Forty-first section amended.

9. *And be it enacted*, That the forty-first section of said act be amended by adding after the last words thereof, the following: "and such tax shall be in addition to any other tax or taxes authorized by this act, but the same shall not exceed, in any one year, two mills on a dollar of the actual value of the property assessed in said district."

Forty-second section amended.

10. *And be it enacted*, That the forty-second section said act be amended by adding to the first clause thereof after the words "in proportion to the benefit received," the words following: "*provided*, the common council may, by resolution passed by five concurring votes, and approved by the mayor, order any side walk to be refilled, or any s

walk, curb or gutter to be repaired, and in case the owner or owners thereof shall refuse or neglect to do the same for ten days after receiving due notice of such resolution, then the common council shall proceed to do the same, and the expenses thereof shall be assessed upon the real estate in front of which the particular work may be done, in proportion to the amount expended in front of each particular lot or parcel of land, and such assessment shall be a lien upon the property assessed, and collected and paid in the same manner as other assessments under the city charter;" and by striking out the words "in one or more of the city papers," and inserting in the place thereof "in a newspaper circulated in said city."

Forty-fifth section amended.

11. *And be it enacted*, That the forty-fifth section of said act be amended by inserting after the words "in one or more of the city papers," words following: "or in a public newspaper circulated in the said city."

Forty-seventh section amended.

12. *And be it enacted*, That the forty-seventh section of said act be amended by inserting after the words "by the supreme court upon certiorari," the words following: "*provided*, such certiorari be allowed at the term of the supreme court which shall be held next after the end of twenty days from the confirmation of the report of such commissioners."

Proviso.

Sixty-fourth section amended.

13. *And be it enacted*, That the sixty-fourth section of said act be repealed, and the following inserted in the place thereof: "that to enable the inhabitants of said city to raise a sum of money sufficient for the purchase of sites and the costs of erection of the school houses required by this act, the mayor and common council of the city of Hudson be, and are hereby authorized and empowered to raise, in the name of the mayor and common council of the city of Hudson, scrip, or certificates of debt, to be denominated on the face, "city of Hudson public school scrip," to an amount in the whole not exceeding twenty thousand dollars, bearing an interest of seven per cent. per annum, payable semi-annually; and the principal of said debt shall be payable at periods not less than one, nor more than ten years from date; and the

said mayor and common council may sell the same at public or private sale, at not less than the par value thereof, at such terms as the proceeds thereof may be required; and for the purpose of paying the said scrip and the interest thereon, as the same may become due, the said mayor and common council are hereby authorized to assess and collect a tax of one mill on a dollar of the actual value of property assessed, which tax shall be called public school tax, and shall be in addition to any other tax authorized by the provisions of this charter, and when collected the treasurer shall keep an account of the same, separate and distinct from other accounts; all scrip issued as aforesaid shall be signed by the mayor of the city of Hudson, and countersigned by the city clerk, who shall keep a record of all certificates issued or disproved of, and copies of said record shall be made and delivered to the treasurer of said city; all moneys received upon such certificates shall be received and deposited by the city treasurer in a bank of good credit in the state of New Jersey, and be made payable to the joint order of the treasurer and mayor of the city of Hudson."

Mayor and council to appoint officers.

14. *And be it enacted*, That the present mayor and common council of said city shall have power to appoint such officers, in addition to those now in office, as may be necessary for the purpose of conducting the first charter election under this amendment, and shall cause notice of the appointment of such officers, and of the places for holding the polls, to be published for at least seven days before the day of election, in a public newspaper circulated in said city.

Parts of former act repealed.

15. *And be it enacted*, That all such parts of said act to which this is a supplement as are inconsistent with any of the provisions of this act are hereby repealed, and that said act shall hereafter be taken and read as if the amendments and alterations by this act provided for had been originally made in said act.

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

Approved February 29, 1860.

CHAPTER LXXIV.

Supplement to the act entitled, "An act to authorize the inhabitants of the township of Galoway, Atlantic county, to vote by ballot at their town meetings."

Provisions of former act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act entitled, "An act authorizing the inhabitants of the township of Galoway, Atlantic county, to vote by ballot at their town meetings," approved March first, eighteen hundred and fifty-nine, be and the same is hereby extended to the townships of Weymouth, Hamilton and Mullica, in said county of Atlantic.

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

Approved February 29, 1860.

CHAPTER LXXV.

AN ACT to incorporate the Beverly Works of Beverly.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Roswell H. Fisher, John C.

Ginnings, Leonard Soby, Giles M. Kelly, Alfred Weston, their associates, successors, and all other persons who shall become stockholders in the corporation hereby created, be and they are constituted a body corporate and politic in law, by the name of "the Beverly Works," for the manufacture and sale of cutlery in all its branches, said manufacture to be carried on in the county of Burlington; and by that name shall have continued succession, shall be capable of sueing and being sued in any court of law or equity, shall have the power to make and use a common seal and alter the same at pleasure, and to purchase and hold, mortgage and convey any lands, tenements, goods and chattels whatsoever, necessary or expedient to the objects of said company.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said corporation shall be twenty-five thousand dollars, divided into shares of twenty-five dollars each, with liberty to increase the same, and the number of shares therein, to any amount not exceeding in the whole the sum of one hundred thousand dollars, which shares shall be deemed personal property, and shall be transferable in such manner as the said corporation by its by-laws shall direct; and which stock shall be subscribed, called for, and paid in at such times, and in such installments as the directors may from time to time appoint;

Proviso.

provided, that no installment shall be for more than five dollars on each share at any one time, or called in at intervals of less than one month.

First directors.

3. *And be it enacted*, That the property and affairs of the said company shall be managed and conducted by a board of directors, not less than three nor more than five in number, shareholders of said company, to be chosen annually, at such time and place in the county of Burlington, in such manner and upon such notice as the by-laws of the said corporation shall direct, who shall serve for one year and until others are chosen in their stead; and that Roswell H. Fisher, John C. Ginnings, Leonard Soby, Giles M. Kelly and Alfred Western shall be the first directors of said company under this char-

ter, to continue in office until others are elected or appointed in their stead.

4. *And be it enacted*, That the directors of said company shall choose out of their own number a president, and shall have power to appoint such officers, agents, clerks and other servants as they may deem expedient; they shall have power to adopt by-laws and rules for the government of said company, not inconsistent with this charter and the laws of this state and of the United States, to fill vacancies in their own board until the next annual election, to declare stock forfeited for non-payment of any installment or installments, giving at least thirty days previous notice of any call thereof in one newspaper published in the county of Burlington, said notice to be continued therein once each week, and to sell and issue stock in lieu thereof for the benefit of said company. Duties and powers of directors.

5. *And be it enacted*, That the first annual election of directors shall be held at the office of said company, in Beverly, on the third day of January next, between the hours of twelve o'clock, noon, and five in the afternoon of said day; or, in case of failure to hold such election, at such subsequent time and place as any two of said directors may appoint and thereof give notice; that all elections of directors shall be by ballot, of which two weeks notice shall be given immediately prior thereto, in some newspaper published in the county of Burlington; and if, from any cause, an election of directors shall not take place at the appointed time, it shall not work a forfeiture of this charter, but a new election may be held at any subsequent period upon like notice. Annual election of directors.

6. *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 annually 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. Annual statement to be made.

7. *And be it enacted*, That if the directors shall neglect or refuse to call annual meetings of the stockholders at the time prescribed by the by-laws of the company, or otherwise, such meetings may be called by any three stockholders; and also, Annual meetings, how called.

any special meeting of the stockholders may be so called by notice thereof, signed by said three stockholders, and published as hereinbefore directed.

Limitation. 8. *And be it enacted*, That this act shall take effect immediately and continue in force thirty years, and it shall be lawful for the legislature of this state at any time hereafter to amend, modify and repeal this act, as they may think proper.

Approved March 1, 1860.

CHAPTER LXXVI.

AN ACT to prevent fishing with seines, gill-nets or fikes in Long Pond or Greenwood lake, in the county of Passaic, state of New Jersey.

Seines, gill nets or fikes not to be used. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That after the passage of this act it shall not be lawful for any person or persons to set or haul any seine, gill-nets or fikes within the limits of the pond known as Long Pond or Greenwood lake, or its tributaries, situated in the township of West Milford, in the county of Passaic; *provided however*, this act shall not be construed to prevent fishing with a seine the meshes of which shall not exceed one-half inch in width or in size; *and provided further*, the net used shall not exceed three feet and a half in width, or forty feet in length.

Proviso.

Proviso.

Penalty for violating provisions of act. 2. *And be it enacted*, That any person or persons violating this act shall forfeit the sum of twenty dollars for each of-

fence, to be collected in an action of debt before any justice of the peace in the county of Passaic, half of the fine to go to the complainant, and half to the township of West Milford; and in any action for the recovery of the above penalty, the same may be commenced by warrant, and proceeded in as in other cases when the same is commenced by warrant, any law usage or custom to the contrary notwithstanding.

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

Approved March 1, 1860.

CHAPTER LXXVII.

AN ACT to set off a part of the township of Mansfield to the town of Hackettstown, in the county of Warren.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Mansfield, in the county of Warren, that lies north-east of the following described bounds, to wit: Beginning at a point on the Morris canal, on a line between the lands owned by William Asnum and John Osmun; respectively following that said line in a southerly direction to a white-oak tree on a line between said John Osmun and Aaron Sutton; thence, in a straight line, to the middle of the road leading from the village of Newburgh to Schooley's mountain springs; thence, Boundaries of tract set off.

following the middle of said road, to the Musconetcong bridge in said village, shall be set off from the said township of Mansfield, and shall become a part of the said town of Hackettstown, and shall be subject to the said town of Hackettstown in her corporate capacity.

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

Approved March 1, 1860.

CHAPTER LXXVIII.

AN ACT to incorporate the Masonic Hall Association of the city of Trenton, New Jersey.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jonathan S. Fish, David Naar, Joseph H. Hough, William R. Clapp, John Woolverton, Thomas J. Corson, Edward W. Scudder, Harper Crozer, William T. Nicholson, Andrew Dutcher, Elias Phillips, William W. L. Phillips, and James S. Aitkin, their successors, and such persons as now are, or hereafter may be, associated with them, shall be and hereby are ordained, constituted, and declared a body politic and corporate, in fact and in law, by the name, style, and title of "the Masonic Hall Association of the City of Trenton, New Jersey."

2. *And be it enacted*, That the object of said incorporation

shall be the erection of a masonic hall, and it shall be lawful for said corporation to use, or to lease and permit to be used, such parts of the hall or building or buildings to be erected by them, as shall not be necessary for holding their public and other meetings, and to promote the immediate objects of their incorporation, for the purpose of carrying on any trade or business therein not inconsistent with the laws of this state or the provisions of this charter. Objects of incorporation.

3. *And be it enacted*, That the capital stock of said association shall not exceed the sum of fifty thousand dollars, divided into shares of twenty dollars each, said shares to be deemed personal property, transferable in such manner as the by-laws of said incorporation shall direct. Amount of capital stock

4. *And be it enacted*, That the government of said corporation and the management and disposition of its stock, property, and concerns shall be vested in seven directors, chosen from among the stockholders in the manner hereinafter directed, who shall hold their office for the term of one year, and until others are elected; and in all cases the directors chosen at one election shall be capable of serving, by virtue thereof, until another election shall have been held; and should any vacancy or vacancies occur during the interval between the annual elections, by reason of death, resignation or otherwise, in such case the remaining directors, or a majority of them, may proceed to choose persons to fill such vacancy or vacancies; the said directors shall appoint from among themselves, a president, secretary and treasurer. Seven directors to be chosen.

5. *And be it enacted*, That the election for directors aforesaid shall be held annually on the second Tuesday of June, at such place in the city of Trenton as shall be directed by the by-laws of the said corporation; and public notice of such election shall be given in at least two newspapers, if two there are, printed in the city of Trenton, not less than five days previous thereto; and each stockholder shall be entitled to as many votes in person or by proxy as he, she or they shall hold shares of the capital stock of the said corporation. Election of directors.

6. *And be it enacted*, That in case it should at any time

New Jersey State Library

Corporation not dissolved for failure to elect on day prescribed.

happen that an election should not be held on the day that pursuant to this act it ought to be held, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day, in the manner aforesaid, as shall be prescribed by the laws of said corporation; and the following persons shall be commissioners to open books and receive subscriptions for the capital stock of said corporation, and to call the first meeting of the stockholders for the election of directors, namely, Jonathan S. Fish, William R. Clapp and David Naar.

Books of accounts to be kept.

7. *And be it enacted*, That the directors shall at all times keep or cause to be kept proper books of account, in which shall be regularly entered all the transactions of the said corporation, which books shall at all times be open to the inspection of the stockholders, or their legal attorney or attorneys; and further, that no transfer of stock shall be valid or effectual until such transfer shall be entered or registered in a book kept by the directors for that purpose.

Corporation may purchase land and erect buildings.

8. *And be it enacted*, That whenever the sum of twenty thousand dollars of the stock as aforesaid is subscribed, and ten dollars on each share paid in, the president and directors may purchase a lot or lots of ground, and proceed to erect thereon such buildings as may be deemed needful and proper for the purposes of the corporation; and that installments of the shares subscribed may be called in as the wants of the association may require; and any stockholder refusing or neglecting to pay the installments as required by the directors, after thirty days notice, his, her or their installments paid in may be forfeited to the association by order of the directors.

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

Approved March 1, 1860.

CHAPTER LXXIX.

AN ACT to extend the provisions of an act to prevent, horses, cattle, sheep and swine from running at large in the village of Plainfield, approved February twenty-sixth, eighteen hundred and fifty-eight.

Provisions of former act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act 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 the village of Plainfield, in the county of Union, and partly in the township of Warren in the county of Somerset, and to the township of Hohokus, in the county of Bergen, be and the same is hereby extended; and the provisions of said act shall hereafter apply and be in force throughout the entire limits of the township of Mannington in the county of Salem, and the township of Plainfield in the county of Union, and to the township of Morris in the county of Morris, and to the township of Piscataway in the county of Middlesex, and to so much of the township of Warren, in the county of Somerset, as lies within the following described boundaries: beginning at a point in Green Brook, directly in range with the house of Isaac F. Romdolph in the township of Plainfield, and the house of Richard Manning in the township of Warren, and running with Green Brook to Sebring's mill; thence, to the foot of the mountain, and along the foot of said mountain to the Green Valley mill; thence, running in a straight line to the house of Jeptha Clawson; thence, in a direct line to the house of Richard Manning, and from thence, in a straight line to the place of beginning.

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

Approved March 1, 1860.

CHAPTER LXXX.

AN ACT to prevent fishing with seines, baskets, nets or fikes in the Passaic river, between the mill dam at Little Falls and the mill dam at Chatham, in the counties of Essex, Morris and Passaic.

Penalty for using seines, &c., except at certain times.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That after the passage of this act it shall not be lawful for any person or persons to set or haul any seine, basket, net or fike within the limits of the Passaic river, between the mill dam at Little Falls and the mill dam at Chatham, in the counties of Essex, Morris and Passaic, except only between the first day of October, and the first day of May, yearly, and every year, under the penalty of ten dollars for each and every offence, to be recovered in an action of debt, before any justice of the peace in the county in which the offence was committed, with costs of suit, by any person who will sue for the same, the one-half thereof for his own use, and the other half for the use of the poor of the township in which the offence was committed.

Collection of fines and penalties.

2. *And be it enacted*, That in any action or suit for the recovery of any forfeiture, fine or penalty, given or created in and by this act, the same may be commenced by warrant or summons in the court for the trial of small causes, and

proceeded in as in other cases when therein commenced by warrant or summons, for the recovery of statutory fines, forfeitures or penalties, any law, usage or custom to the contrary notwithstanding.

3. *And be it enacted*, That all acts or parts of acts conflicting herewith, be and the same are hereby repealed. Parts of former act repealed.

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

Approved March 1, 1860.

CHAPTER LXXXI.

A further supplement to the act entitled "An act for the preservation of sheep," approved April fourteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act entitled "A supplement to an act entitled 'An act for the preservation of sheep,'" approved April fourteenth, eighteen hundred and forty-six, which supplement was passed March twenty-fourth, eighteen hundred and fifty-two, shall be extended to, and be of full force and effect within the township of Franklin, in the county of Warren, in this state. Provisions of former act extended.

2. *And be it enacted*, That the first, second, fifth and tenth sections, and all such other sections and parts of sections of Parts of former act repealed.

the act entitled "An act for the preservation of sheep," approved April fourteenth, eighteen hundred and forty-six, as are repugnant to or inconsistent with the provisions of this act, so far as relates to the township of Franklin, in the county of Warren, shall be and the same are hereby repealed.

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

Approved March 1, 1860.

CHAPTER LXXXII.

AN ACT to incorporate the Cape Island City Passenger Railway Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John West, Joseph Schellenger, Joseph Ware, William Townsend, Samuel R. Magonagle, Waters B. Miller, David Reeves, and such other persons as may hereafter be associated with them, their successors and assigns, be and are hereby created a body politic and corporate, in fact and in name, by the name of the "Cape Island City Passenger Railway Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels, whatsoever, necessary or expedient for the object of this incorporation.

Amount of capital stock.

2. *And be it enacted*, That the amount of capital stock of

said company shall be five thousand dollars, with the privilege to increase the same to the sum of ten thousand dollars, and shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation shall by their by-laws direct.

Commissioners to receive subscriptions.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times, and place or places, as they or a majority of them may think proper, giving at least twenty days notice of the same in the "Cape May Ocean Wave," a newspaper published in the city of Cape Island, and at the time of subscribing, ten per centum shall be paid for each share subscribed for, to the commissioners, or some one of them; and so soon as two thousand five hundred dollars of the capital stock shall be subscribed, such commissioners shall give like notice of a meeting of the stockholders to choose five 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 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 election of said corporation, shall as soon as may be after every election, choose out of their number a president, and in case of the death, resignation or removal of the president or any director, such vacancy may be filled for the remainder of the term for which they were elected 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 corporation shall prescribe.

Duties and powers of directors.

4. *And be it enacted*, That three directors of said corporation shall be a quorum for the transaction of all business of said corporation, and shall have power to call in the capital stock of the 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 needful and proper touching the management and regulations of the stock, property, estate and effects of said corporation, and shall have power to appoint such officers, clerks and servants as to them shall seem necessary, and to establish and fix such salaries thereto as to them shall seem proper.

Corporation not dissolved for failure to elect on day prescribed.

5. *And be it enacted*, That in case it shall happen that an election of the 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 offices until others shall have been chosen in their stead.

Company authorized to construct railway.

6. *And be it enacted*, That the president and directors of said company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a passenger railway through the principal streets of the city of Cape Island; *provided*,

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that in constructing the said railway or branches through any of the streets of the city of Cape Island, having first obtained the consent of the common council of said city, the said work shall be done under the inspection of the commissioner of streets, or other proper officers of said city, and shall not unnecessarily interrupt the public travel during the progress of said work, and shall restore the streets to their former

Proviso.

good condition, without any unnecessary delay; and *provided*

further, that horse power, and no other shall be used by the company in running their cars or carriages over said road.

Permission to be obtained to lay rails in streets.

7. *And be it enacted*, That nothing in this act shall be construed to authorize said company to lay down any railroad track in any of the streets of the city of Cape Island, without the authority of the common council of said city, and that the said common council shall direct by ordinance or resolution, through what streets the said track shall be laid; and by obtaining the authority as aforesaid, said company shall be authorized to put down one track in any of the streets so designated as aforesaid.

Streets to be kept in repair.

8. *And be it enacted*, That the said grantees shall cause said track to conform to the grade of the street as it now is, or as it shall be from time to time established or altered, and shall keep the surface of the streets inside the rails and for one foot outside thereof in good order and repair.

Rates of transportation.

9. *And be it enacted*, That said company shall make such rules and regulations as to the price for carriage of passengers on said road, as the president and board of directors shall elect, but the price for passengers shall not exceed the sum of ten cents for each passenger per mile or less, and at the same rate for fractions of a mile.

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 termini of their road, not exceeding one acre at each place, and may erect and build thereon houses, warehouses, stables and such other buildings and improvements as they may deem expedient for the safety of the property and the construction of the carriages and other necessary uses, and take and receive the rents, profits and emoluments thereof.

Dividends.

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

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 in any of their ne-

cessary works or carriages, such person or persons so offending shall forfeit and pay to the said company the sum of fifty dollars, to be by them recovered in any court of justice of competent jurisdiction, in an action of debt, and further, shall be liable for all damages.

When company may commence running cars.

13. *And be it enacted*, That when one mile of said road shall be completed, the said company may commence running cars for the transportation of passengers, enjoying all the privileges and subject to the restrictions created by this act.

Commencement and completion of work.

14. *And be it enacted*, That the said railroad shall be commenced within five years from the date of the approval of this act, and shall be completed within five years from its commencement, otherwise this act shall be void and of none effect.

Company may purchase other roads.

15. *And be it enacted*, That it shall be lawful for the said company to purchase any turnpike road or roads, and to manage and conduct the same, within the corporate limits of the city of Cape Island.

Approved March 2, 1860.

CHAPTER LXXXIII.

AN ACT to confirm the title to lands sold by Wickliffe S. Condit, administrator of the estate of Samuel B. Taylor, deceased.

Preamble. WHEREAS, Wickliffe S. Condit, as administrator of the estate of Samuel B. Taylor, deceased, late of the county of Essex, by virtue of the orders and decree of the orphans' court of the said county of Essex, made for that purpose in the term of June, A. D., eighteen hundred and thirty-one, did sell at public vendue to Samuel Drew, a certain tract of land whereof the said Samuel B. Taylor died seized, for the payment of his debts, situated in the township of Springfield, in the county of Essex aforesaid, containing about twenty-two acres and sixty-three hundredths of an acre; and did make and deliver to the said Samuel Drew a deed for the said lands, bearing date the first day of August, A. D., one thousand eight hundred and thirty-three, which said deed is recorded in book number three of deeds for Essex county, on pages four hundred and fifty-eight and four hundred and fifty-nine; and whereas, it is alleged that the title to said lands intended to be conveyed by the said deed is defective, by reason of certain irregularities in the said orders of the orphans' court, and also because the said sale was not reported to and confirmed by the said orphans' court, and a good and sufficient conveyance in the law directed by the said court to be made to the said Samuel Drew; for remedy whereof, and in order to legalize the said sale and confirm the title of the said Samuel Drew, his heirs and assigns, to the said lands intended to be conveyed by the said deed to the said Samuel Drew—

Deeds made valid. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sale of the tract of land

whereof Samuel B. Taylor, late of the county of Essex, deceased, died seized, made by Wickliffe S. Condit, administrator, &c., of the said Samuel B. Taylor, and the intended conveyance thereof to Samuel Drew, by deed of conveyance from the said Wickliffe S. Condit, as administrator as aforesaid, to the said Samuel Drew, bearing date the first day of August, A. D., one thousand eight hundred and thirty-three, be and they are hereby confirmed and declared to be valid and effectual in law, in like manner and to the same effect as if the orders for the sale of said lands by Wickliffe S. Condit, administrator as aforesaid, made by the orphans' court of the county of Essex, were valid and legal, and also as if the report of the said sale as required by law had been made to and confirmed by the said orphans' court as valid and effectual in law, and the said administrator had been directed by order of said court to execute a good and sufficient conveyance in the law to the said Samuel Drew for the lands described in the said deed of conveyance, which said deed of conveyance is hereby declared to convey to and vest in the said Samuel Drew, his heirs and assigns, at the time of the delivery of the said deed to the said Samuel Drew, all the estate, right, title and interest which the heirs at law of the said Samuel B. Taylor, deceased, had therein at the time of the aforesaid sale.

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

Approved March 2, 1860.

CHAPTER LXXXIV.

A supplement to an act entitled "An act to enable the Trustees of the Newark Academy more efficiently to promote the objects of their institution," passed March twenty-ninth, eighteen hundred and fifty-five.

WHEREAS, the trustees of said academy, by authority of an act passed March twenty-fourth, eighteen hundred and fifty-five, sold their academy lot, mentioned in said act, and with part of the proceeds purchased other property now in use as an academy, and have invested the other part as a fund to aid in supporting it; and whereas, although the said academy property, before it was sold, was exempt from taxation, doubts have arisen whether the said fund, although used for the same and no other purpose, is exempt by the present tax law, therefore, to remove all doubts and to aid and encourage an old and useful institution, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the real and personal property now held by the said academy, arising from the sale of the property above mentioned, and the increase and income of the same, are hereby exempted from all taxation. Property exempted from taxation.

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

Approved March 2, 1860.

CHAPTER LXXXV.

A further supplement to the act entitled "An act concerning Inns and Taverns," approved April seventeenth, eighteen hundred and forty-six.

Court of common pleas authorized to grant licenses to boarding houses.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inferior courts of common pleas in and for the county of Monmouth, shall be and they are hereby authorized to grant to persons keeping boarding houses at watering places, licenses to keep inns and taverns, and to utter and sell victuals and vinous, spirituous and other strong liquors, for the accommodation of men, and provender for horses, within their respective counties, for a less time than one year.

All other provisions of act to apply.

2. *And be it enacted*, That the provisions of the act to which this is a further supplement shall in all other respects apply to such licenses.

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

Approved March 2, 1860.

CHAPTER LXXXVI.

A further supplement to an act entitled "An act to punish Frauds committed on the Incorporated Banks of this State, and for the better regulation of said Banks," 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 each of the banks established in this state, either by special act of the legislature, or by association, pursuant to the act entitled "An act to authorize the business of banking," approved February twenty-seventh, eighteen hundred and fifty, and the several supplements thereto, shall, on the first Monday in January in each and every year, make a statement of their affairs and condition in manner and form as required by law in the fifth section of the act to which this is a supplement, which annual statement, together with the quarterly statements provided for by law shall be the only statements required of such banks. Annual and quarterly statements to be made.

2. *And be it enacted*, That so much of the fifth section to which this is a supplement, which requires the foregoing statement to be made on the first day of January in each and every year, shall be, and the same is hereby repealed. Part of former act repealed.

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

Approved March 2, 1860.

CHAPTER LXXXVII.

AN ACT to incorporate the Novelty Works of Beverly.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles Murphy, Weart J. Burke, Benjamin S. Fenimore, Albina H. Powers, their associates, successors, and all other persons who shall become stockholders in the corporation hereby created, be and they hereby are constituted a body corporate and politic in law, by the name of "the Novelty Works," for the manufacture and sale of chairs and other furniture, in all its branches, said manufacture to be carried on in the county of Burlington; and by that name shall have continued succession, shall be capable of sueing and being sued in any court of law or equity, shall have the power to make and use a common seal, and alter the same at pleasure, and to purchase and hold, mortgage and convey any lands, tenements, goods and chattels whatsoever, necessary or expedient to the objects of said company.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said corporation shall be twenty thousand dollars, paid in cash, divided into shares of fifty dollars each, with liberty from time to time to increase the same, and the number of shares therein, to any amount not exceeding in the whole amount the sum of fifty thousand dollars, which shares shall be deemed personal property, and shall be transferable in such manner as the said corporation by its by-laws shall direct; and which stock shall be subscribed, called for, and paid in at such times and places, and in such installments, as the directors may from time to time direct and appoint.

First directors.

3. *And be it enacted*, That the property and affairs of the said company shall be managed and conducted by a board of directors, not less than three nor more than five in number,

shareholders of said company, to be chosen annually, at such time and place in the county of Burlington, in such manner and upon such notice as the by-laws of the said corporation shall direct, who shall serve for one year and until others are chosen in their stead; and that Charles Murphy, Weart J. Burke, Benjamin S. Fenimore and Albina H. Powers, shall be the first directors of said company under this charter, to continue in office until others are elected or appointed in their stead.

Duties and powers of directors.

4. *And be it enacted*, That the directors of said company shall choose out of their own number a president, and shall have power to appoint such officers, agents, clerks and servants as they may deem expedient; they shall have the power to adopt by-laws and rules for the government of said company, not inconsistent with this charter and the laws of this state and of the United States, to fill vacancies in their own board until the next annual election, to declare stock forfeited for non-payment of any installment or installments, giving at least thirty days previous notice of any call thereof in one newspaper published in the county of Burlington, said notice to be continued therein once each week, and to sell and issue stock in lieu thereof for the benefit of said company.

Annual election of directors.

5. *And be it enacted*, That the first annual election of directors shall be held at the office of said company, in the town of Beverly, in the county of Burlington, on the third day of January next, between the hours of twelve o'clock, noon, and five in the afternoon of said day; or in case of failure to hold such election, at such subsequent time and place as any two of said directors may appoint and thereof give notice; that all elections of directors shall be by ballot, of which two weeks notice shall be given immediately prior thereto, in some newspaper published in the county of Burlington; and if, from any cause, an election of directors shall not take place at the appointed time, it shall not work a forfeiture of this charter, but a new election may be held at any subsequent period upon like notice.

Annual report to be made.

6. *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 annually 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.

Annual meetings, how called.

7. *And be it enacted*, That if the directors shall neglect or refuse to call annual meetings of the stockholders at the time prescribed by the by-laws of the company, or otherwise, such meetings may be called by any three stockholders; and also, any special meeting of the stockholders may be so called, by notice thereof, signed by said three stockholders, and published as hereinbefore directed.

Limitation.

8. *And be it enacted*, That this act shall take effect immediately, and continue in force thirty years, and it shall be lawful for the legislature of this state at any time hereafter to amend, modify or repeal this act, as they may think proper.

Approved March 7, 1860.

CHAPTER LXXXVIII.

AN ACT to incorporate the Eaton Decarbonized Iron Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Charles Haight, Asahel K. Eaton, Henry C. Hall, Gamaliel Gay, Jonathan Edwards, or the survivor or 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 and declared a body politic and corporate, in fact and in law, by the name of "Eaton's Decarbonized Iron Company," to be located in either of the counties of Union, Essex or Hudson, for the purpose of manufacturing decarbonized iron, and granting to others the right, under patents to be possessed by said company, of manufacturing decarbonized iron in all the branches of said business, and carrying on the business incident thereto; and that they and their successors, by the same name, shall be able and capable in law to acquire, purchase, receive, have, hold and enjoy any lands, tenements and hereditaments, and any goods and chattels, of whatever kind or quality whatsoever, and the said lands, tenements, hereditaments, goods and chattels, or any part thereof, to sell, grant, demise, alien, mortgage, and dispose of, to sue and be sued, plead and be impleaded in courts of justice, or in any other place whatever, and to make and use a common seal.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be five hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and after fifty thousand dollars shall have been paid in, in cash, such company may purchase manufactories, mines, materials, patent rights to use discoveries and other property necessary for their business, and issue stock to the amount of the value thereof in payment therefor, and the stock so issued shall be declared and taken to be full stock and not liable to any further calls.

Subscription to stock.

3. *And be it enacted*, That the subscription of said stock shall be open at such place as the directors shall designate, for any time not exceeding sixty days, under the direction of the board of directors or such of them as shall be designated by the said board for that purpose.

Election of directors.

4. *And be it enacted*, That the stock, property and concerns of said company shall be managed and conducted by five directors who shall be stockholders, a majority of whom

shall be residents of the state of New Jersey, one of whom shall be president, who shall hold their offices for one year from the first Monday in January in every year, and that the said directors shall be chosen on the third Monday of December in every year, at such time and place as shall be designated by the by-laws of the said company, of which notice shall be given in the manner to be provided for in the by-laws; and the five persons shall be the directors who shall receive the greatest number of votes; and if it shall happen that any vacancies occur in any manner, such vacancy may be filled by the remaining directors, or a majority of them, at any meeting of the board of directors, until the time when the persons elected at the next election for directors shall take their offices by virtue of said election; and until after those elected at the first election, shall enter upon the duties of their office, the following persons shall be the directors of the company: Asahel K. Eaton, Charles Haight, Henry C. Hall, Gamaliel Gay and Jonathan Edwards.

First directors.

Stock transferable.

5. *And be it enacted*, That the stock of said corporation shall be deemed personal estate and transferable in such manner as shall be prescribed by the by-laws of said company, and no dividend shall be made to and among the stockholders except from and out of the profits of the said corporation.

Corporation not dissolved for failure to elect on day prescribed.

6. *And be it enacted*, That in case it should happen at any time that an election should not be made on the day on which pursuant to this act, it ought to be made, the said corporation shall not for this cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other days as shall be directed by the said company.

Books of account to be kept.

7. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, proper books of account, in which shall be regularly entered and kept all the transactions of the said company, which books shall at all times be open to the inspection of the stockholders of the said company, and a correct and full statement of the affairs of said corporation

shall be made to the stockholders at their annual meeting for the election of directors hereinbefore provided.

Transfers to be registered.

8. *And be it enacted*, 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.

Limitation.

9. *And be it enacted*, That this act shall continue in force for a period of fifty years, and shall take effect immediately; but it shall and may be lawful for the legislature of this state, at any time hereafter, to alter, amend or repeal this act or any part thereof, whenever they shall see proper; and that the said corporation shall possess the general powers, and be subject to the restrictions and liabilities contained in the act entitled "An act concerning corporations," approved February fourteenth, eighteen hundred and forty-six, as far as the same are applicable.

Approved March 7, 1860.

CHAPTER LXXXIX.

A supplement to an act entitled "An act to incorporate the Protestant Episcopal Church of Saint Michael, in the city of Trenton," passed January the twenty-eighth, one thousand eight hundred and eighteen.

Former act amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the word "fourteen" in the fifth section of the act to which this is a supplement, be repealed, and the word "eleven" be substituted therefor; and that the word "nine," in the seventh section of said act, be repealed, and the word "seven" substituted therefor; and that a former supplement, making the above words "seven" and "five," passed November twenty-fifth, eighteen hundred and twenty-four, be and is hereby repealed.

Approved March 7, 1860.

CHAPTER XC.

A further supplement to an act concerning roads, approved April sixteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth and twelfth sections of the act entitled "A supplement to an act concerning roads," approved March twenty-third, eighteen hundred and fifty-nine, shall not extend to or be in force in the counties of Union, Ocean, Middlesex and Atlantic. Parts of former act not to be in force in certain counties.

2. *And be it enacted*, That all the acts and parts of acts which were repealed by the twenty-second section of said supplement, be and the same are hereby revived and continued in force in the counties of Union, Ocean, Middlesex and Atlantic, except so far as the same may be inconsistent with the other provisions of said supplement. Parts of former act revived.

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

Approved March 7, 1860.

CHAPTER XCI.

A further supplement to the act entitled, "An act to incorporate the Northern Railroad Company of New Jersey," approved February ninth, one thousand eight hundred and fifty-four.

Number of directors increased.

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 Northern Railroad Company to elect two additional directors to the number now authorized by the act to which this is a supplement; *provided*, that no less than five directors shall be competent to transact business.

Proviso.

Notices to be published in Bergen county

2. *And be it enacted*, That so much of the act as requires publications of notices relative to this company to be made in a newspaper printed in the city of Paterson be repealed, and that in lieu thereof said notices be required to be published in a newspaper printed in the county of Bergen.

Former acts repealed.

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

Approved, March 7, 1860.

CHAPTER XCII.

A further supplement to the act entitled "An act to incorporate the Hoboken Land and Improvement Company," passed the twenty-first day of February, eighteen hundred and thirty-eight, to authorize said company to make a railroad connection between Hoboken and Weehawken and Newark, and to make branches thereunto.

Company authorized to lay out road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said company be and they are hereby authorized and empowered to survey, lay out, construct, maintain and operate, or cause to be surveyed, laid out, constructed, maintained and operated, a railroad from some point at or near the Hoboken ferry in the city of Hoboken, in the county of Hudson, to some point or points in the city of Newark, in the county of Essex, with spurs and branches therefrom to and into said cities and Weehawken township, at such point and points as they may deem advantageous, convenient or proper, or as shall be best calculated to facilitate the public travel to said ferry, with power to erect and maintain, or cause to be erected and maintained, the necessary viaducts over the Hackensack and Passaic rivers, and to acquire or cause to be acquired by contract from any person or persons, or corporation or corporations, who are hereby authorized to contract and grant the same; or, if that is not accomplished, to take and appropriate, or cause to be taken and appropriated such lands, and take and appropriate, use and exercise, or cause to be taken and appropriated and exercised so much of all rights, privileges, franchises, property and bridges or viaducts, or such parts thereof as may be necessary to enable the said company to construct said railroad and branches, first making or causing to be made compensation therefor, as hereinafter provided; *provided*, that nothing

Proviso.

in this act shall authorize or empower the said company to take by appraisement the exclusive use of any bridge of the New Jersey Railroad and Transportation Company, nor allow them to construct more than one bridge over each of the rivers Hackensack or Passaic, and the bridge over the Hackensack to be twelve hundred feet, river measure, from any other bridge, and to place and run engines and cars on such railroad, its spurs and branches, and to demand and take fare and tolls for the transportation of passengers and merchandise thereon, not to exceed three cents per mile for each passenger, and six cents per ton per mile for each ton of heavy merchandise, produce, property and freight; but for the transportation of dry goods, packages and express freight, the said company may charge such reasonable rates as they shall deem proper; and the price for excursion passenger tickets for going from Newark to New York, or vice versa, and returning, shall not exceed the sum of thirty cents each, and shall be sold at the depots of said company in Newark and New York, whenever inquired for by any passenger; said road not to exceed one hundred feet in width, and each of said spurs and branches not to exceed sixty-six feet in width; and where the same shall cross any public highway, turnpike or plank road, the crossing shall, if at the grade thereof, be well planked or stoned, or otherwise made and maintained in good repair, so as not unnecessarily to impede the travel or interfere with the public convenience; *provided*, said railroad shall have equal facilities with the New Jersey Railroad and Transportation Company in making spurs, and running into the city of Newark, and that no street in either of said cities shall be occupied by said railroad tracks, except to cross the same, without the consent of the corporate authorities thereof; *provided also*, that nothing herein contained shall authorize the said Hoboken Land and Improvement Company, to take, appropriate or use any bridge or portion thereof, or track of the New Jersey Railroad and Transportation Company, except on the branch road connecting the Morris and Essex Railroad with East Newark, unless enjoined or prevented by

Rates for transportation

Proviso.

Proviso.

legal proceedings from constructing and using bridges of their own, as provided for in this act, and if so prevented, then to use the bridges of said company during the continuance of said prevention, but no longer thereafter than a reasonable time for the construction of the bridges authorized by this act, reserving, notwithstanding such consent, to said proprietors of the bridges over the rivers Passaic and Hackensack their right of compensation under the fifth and sixth sections of this act.

Company may enter upon lands for surveying, &c.

2. *And be it enacted*, That it shall be lawful for the said company, their officers, agents, engineers, superintendents and others in their employ, to enter at all times upon lands, bridges and waters for the purpose of exploring, leveling, surveying and laying out the route of such railroad, spurs and branches, and of locating and subsequently altering the location thereof, doing no unnecessary damage to private property; and when any part of the route and location of such road, its spurs or branches, or the alteration of location shall have been determined upon, and a survey thereof deposited in the office of the secretary of state, then it shall be lawful for the said company, its officers, engineers, agents, superintendents, contractors, workmen, and the persons in their employ, or authorized by them, compensation being first made therefor, to enter upon the possession of, hold, use, occupy and excavate any such lands, or such parts thereof, and to hold and enjoy such and so much of all rights, privileges, franchises, property and bridges as they may acquire or take as herein provided; and to erect embankments, viaducts, and all other necessary works thereon, and to lay rails and to do all other things which may be suitable and necessary for the making, completion and repair of said railroad, its spurs and branches, and to carry into full effect the objects of this act; and may take and use any stone, gravel, sand, clay or other earth, on or near the said route, which may be required for the construction of, repairing, altering or extending the said road, its spurs or branches, or of any of the works or append-

ages, first making compensation therefor in the manner hereinafter provided.

Proceedings in case company and owners cannot agree.

3. *And be it enacted*, That if said railroad, its spurs or branches, shall cross any lands, bridges, or any parts thereof not owned by said company, or any materials shall be required for the construction thereof, and the said company shall fail to agree with the owner or owners thereof, for the use or purchase thereof, or if by reason of the legal incapacity or absence of the owner or owners or want of knowledge as to the ownership thereof, or from any other cause, no such agreement shall be made, a particular description of the land, bridges, or the parts thereof, property or materials so required for the use of the said company in the construction of the said road, spurs and branches, shall be given in writing, under the oath or affirmation of some engineer, superintendent, or proper agent of said company, and also of 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 the chief justice of the supreme court, who shall cause the said company to give notice thereof to the person or persons, corporation or corporations interested, if known and in the 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 the commissioners hereinafter named, at which time and place, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint under his hand and seal, three disinterested, impartial and judicious freeholders, residents in this state, commissioners to examine and appraise the said lands, bridges, or parts thereof, property and materials, or any of them, and assess the damages, upon such notice, not less than twenty days, to be given to the person or persons, corporation or corporations interested, or otherwise as shall be directed by the judge making the appointment of the commissioners; and it shall be the duty of said commissioners, or a majority of them, having first taken and subscribed an oath or affirma-

tion before some person duly authorized to administer an oath or affirmation, faithfully and impartially to examine the matter in question, and to make a true report according to the best of their skill and understanding, to meet at the time and place to be appointed by said judge in his said order of appointment, and upon such notice to the parties interested as said judge shall direct in said order, and proceed to view and examine the said lands, bridges, viaducts, or any part thereof, property and materials, or such of the same as may be required for the purposes of this act, and to make a just and equitable appraisement or estimate of the value of the same, and an assessment of damages, which shall be paid by the company for such land, bridges, viaducts, or parts thereof, property, materials and damages aforesaid, which report shall be made in writing, under the hands and seals of said commissioners, or any two of them, and filed within ten days thereafter, with the aforesaid description of the land, bridges or part thereof, property or materials, and the appraisement and oaths and affirmations aforesaid, in the clerk's office in the county in which said lands, bridges, viaducts, property or materials, shall be, or in case the same shall lie partly in one county and partly in another, then to be filed in the clerk's office of either county, to remain of record therein, which report, or a copy thereof certified by the clerk of the county, or in case of an appeal the verdict of a jury and the judgment of the court thereon, or a copy thereof certified by the clerk of the supreme court shall, (the appraisement and damages found or assessed, with the costs adjudged being first paid or tendered, and deposited in the supreme court,) at all times be considered as plenary evidence of the right of said company to hold, use, occupy, possess and enjoy the said land, bridges or part thereof, property and materials, and any judge of said circuit or supreme court shall, on application of either party, on reasonble notice to the others, tax and allow such costs, fees and expenses to the judge of said court, commissioners, and other persons performing any of the duties

prescribed in this section, as he shall think equitable and just, and to order and direct by whom the same shall be paid.

Parties aggrieved may appeal.

4. *And be it enacted*, That in case the said company, or owner or owners of the said lands, bridges, or parts thereof, property or materials, shall be dissatisfied with the report made by the commissioners, or by a majority of them, named in the preceding section, the party so aggrieved may appeal to the supreme court, at the first term after the filing of the said report, by proceeding in form of petition to the said court, which proceeding shall vest in said court full right and power to direct a proper issue for the trial of the said controversy between the said parties, and to order a jury to be empannelled and sworn, as in other cases, and a view of the lands, bridges, viaducts and parts thereof, property and materials, to be had, if either of the parties desire it, and the issue to be tried at the next term of the circuit court to be holden in the county in which the supreme court shall order the trial to be held, or at any subsequent term to which said cause shall be continued, upon like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the jury to assess the value of the said land, bridges, viaducts or parts thereof, property and materials, and the damages sustained, and if they shall find a greater sum than the said commissioners have awarded or the company have offered to the said owner or owners, then judgment thereon, with costs, shall be entered in the supreme court against said company, and execution awarded thereon; and if the said appeal shall be applied for by the owner or owners, and the jury shall find the same or a less sum than the commissioners awarded or the company offered, then the said costs shall be paid by the said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the said supreme court shall direct; and the sum awarded by the commissioners, or in case of an appeal from the award of the commismissioners, then the sum assessed by the jury, and such costs as the supreme court shall direct, shall be paid by the

company to the owner or owners of the land, bridges, or parts thereof, property or materials, in controversy, or tendered, and if refused, deposited in the supreme court; *provided*, that such appeal or application shall not prevent the said company from taking the said land, bridges, viaducts, or part thereof, property and materials, upon the filing of the aforesaid report, and payment, or tender of payment, and deposit in the supreme court of the sum assessed as aforesaid. Proviso.

5. *And be it enacted*, That if the said company shall fail to agree with the person or persons, corporation or corporations, claiming to own or owning any right, privilege, franchise or property, for the exercise, use, appropriation or purchase thereof, or so much thereof as shall be necessary to carry out the objects of this act, and to construct, maintain and operate said railroad, its spurs and branches; or if, by reason of any legal incapacity, or absence of the owner or owners, or want of knowledge as to the ownership thereof, or from any other cause, no such agreement shall be made, application shall be made in writing by the said company, by its president or other officer, for the appointment of commismissioners, who, or a majority of whom, shall examine the matter and report what (if any exist,) and how much and what part of any rights, privileges, franchises and property are necessary to be taken and appropriated, exercised or used for the purposes of this act, and to construct, maintain and operate said railroad, its spurs and branches; and said commissioners, or a majority of them, shall do and perform the other duties hereinafter mentioned; that such application shall be made to the chief justice of the supreme court, setting forth what person or persons, corporation or corporations, they are informed claim some rights, privileges, franchises or property for which compensation may be asked; and said judge shall cause the said company to give such notice of said application as he shall direct, not less than ten days, to any such person or persons, corporation or corporations so named, or who may be interested, if known and in the state, or if unknown or out of the state, to make publica- Proceedings in case company and persons owning rights, franchises, &c. cannot agree.

tion 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 said commissioners; such notice, if to a corporation or corporations, may be given to the president or other agent thereof, at which time and place, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, residents of the state, not residents of the counties of Hudson or Essex, such commissioners; and they, or a majority of them, having first taken 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, shall meet at a time and place to be appointed by said judge in his said order of appointment upon such notice to said person or persons, corporation or corporations so named, or their president or other agent thereof, and to those interested, or to the president or agent thereof, as said judge shall direct, not less than ten days, and proceed to view and examine the matter and the route of said railroad, so far as the same shall be located, and examine the matter, and report in writing what, (if any exist,) and how much and what part of any rights, privileges, franchises and property are necessary to be taken and appropriated, exercised or used for the purposes of this act, and to construct, maintain and operate the said railroad, its spurs and branches, and the nature thereof, and shall make a just and equitable assessment or appraisement of the value of (if any such exist,) the said rights, privileges, franchises and property, or so much thereof as may be necessary as last aforesaid, and assessment of damages as shall be paid by the said company for the same, and damages aforesaid, which report shall be made in writing, under the hands and seals of the same commissioners, or any two of them, and filed within ten days thereafter, together with the said application and the appraisement and oaths or affirmations aforesaid, in the clerk's office of either the coun-

ties of Essex or of Hudson, to remain of record therein, which report, or a copy thereof, certified by the clerk of the said county; or in case of appeal, the verdict of the jury and the judgment of the supreme court thereon, or a copy thereof duly certified by the clerk shall, (the appraisement, assessment, valuation and damages being first paid to, or if they refuse the same, or are unknown, or labor under any disability, then deposited for the owner or owners in the supreme court,) at all times be considered as plenary evidence of the right of the said company to take, have, hold, use, occupy, possess, exercise, appropriate and enjoy so much and such parts of said rights, privileges, franchises and property so necessary to be taken, appropriated, exercised or used, and so compensated for; and any judge of the court last mentioned shall, on application of either party, on reasonable notice to the others, tax and allow such costs, fees and expenses to the judges of the said court, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as he shall think equitable and just, and to order and direct by whom the same shall be paid.

Parties aggrieved may appeal.

6. *And be it enacted*, That in case the said company, or the owner or owners or claimants of the said rights, privileges, franchises and property, shall be dissatisfied with the report of the commissioners named in the preceding section, either shall appeal to the supreme court at its next term, after the filing of the said report, by proceeding in form of petition to the said court, which proceedings shall vest in said court full right and power, after the filing of the said petition, 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 said road or so much thereof as shall be located, to be had, if either party shall desire it, that the said issue shall be tried at the next, or subsequent term to which the said issue may be continued, of the circuit court, to be holden in the county in which the supreme court shall direct the trial to be had, upon the like notice, and in the same manner as other issues in said court are tried by jury,

and it shall be the duty of said jury to assess the value of the said rights, privileges, franchises, and property, if any such exist, or so much thereof as may be necessary to be taken, appropriated, used or exercised, to carry out the purposes of this act, and to construct, maintain, and operate the said railroad, its spurs and branches, and assessment of damages; and if they shall find a greater sum than the said commissioners have awarded or the company have offered to the said owner or owners, then judgment thereon, with costs, shall be entered in the supreme court against said company, and execution awarded thereon; and if the said appeal shall be applied for by the owner or owners, and the jury shall find the same or less sum than the commissioners awarded, or the company offered, then the said costs shall be paid by the said appellant or appellants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the said supreme court shall direct, and the sum awarded by the commissioners, or in case of appeal from the award of the commissioners, then the sum assessed by the jury, and such costs as the supreme court shall direct, shall be paid by the company to the owner or owners, or for them, into the supreme court; *provided*, that such appeal shall not prevent the company from taking and appropriating, exercising, using and enjoying the said rights, privileges, franchises, and property, or so much thereof as said commissioners shall assess and appraise, upon the filing of the aforesaid report, and paying the assessment and appraisement aforesaid, or making tender thereof, and depositing the same in the said supreme court for the owner or owners thereof.

Proviso.

Company to keep road in repair.

7. *And be it enacted*, That the said company shall cause the said railroad, its spurs and branches, to be kept in repair, and shall construct necessary draws, which draws shall be placed parallel with the current of the said river, with not less than sixty-five feet openings on their viaducts over said rivers, and shall keep the same duly attended, and furnished with proper lights and signals, so as to do as little as possible damage to the navigation of said river.

8. *And be it enacted*, That it shall be lawful for the said company to run, or cause to be run, their engines and cars, and transport their freight and passengers therein to, upon, and over any portion or portions of any railroad or railroads which are public highways, and to, upon, and over any bridge, bridges, viaduct or viaducts of any other corporation or corporations, and for that purpose to make and construct, or cause to be constructed, such means of access to and departure from the same as may be convenient, proper and necessary, paying therefor according to the distance used, at the rate per mile per passenger and ton authorized by law to be charged; and so much of the railroad and tunnel of the Long Dock Company as this company have contracted for the use of with the said Long Dock Company shall be deemed and held as part of the railroad authorized to be constructed by this act, and said contract is hereby authorized, affirmed, made valid and effectual in law; but nothing in this act shall authorize the taking of the road or track of the Long Dock Company or the Erie Railroad Company, except as set forth and contained in said contract with said Long Dock Company or Erie Railroad Company; *provided however*, that the last proviso in the first section of this act shall limit and qualify this section in the same manner as if it were here again repeated.

Company may use other roads on payment of legal rates.

Proviso.

9. *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 fulfillment of such contracts, and that the said company may, on such terms, conditions, stipulation, and for such considerations as they shall deem expedient, demise for such term of years as they shall deem expedient, or transfer, sell and dispose of absolutely all or any part of the franchises, powers and privileges by this act granted, and all or any part of said railroad, its spurs and branches, and all or any part of its land, franchises and property, to be acquired

Company may make contracts with other corporations for transportation.

under and by virtue of this act, either by contract or by proceeding to take the same, and any part of its rolling stock to any other railroad company owning a railroad in the counties of Essex or Hudson, and that the said railroad may be continued, connected, joined and consolidated with said other railroad with its property; *provided*, that no powers hereby conveyed shall authorize any consolidation or combination of interest between the Hoboken Land and Improvement Company, and the New Jersey Railroad and Transportation Company, or authorize the railroad to be built under this act to connect with the New Jersey Railroad in any manner whatever between Newark and Hoboken, except to take by assessment the Morris and Essex bridge and branch, and cross the bridge over the Hackensack river, the bridge over the Hackensack river to be used for no longer a period than the right to construct a bridge over the Hackensack river is legally contested, the suit arising from such grant to be pressed to an immediate decision; *provided*, the company shall have a reasonable time to build the said bridge, after the termination of the suit; *provided also*, that it shall not be lawful for, nor shall any thing in this act contained be construed to authorize the said Hoboken Land and Improvement Company to make or enter into, either directly or indirectly, any agreement with the New Jersey Railroad and Transportation Company whereby the management or control of the road authorized by this act to be built, shall be transferred to the said the New Jersey Railroad and Transportation Company, nor shall any agreement be made with any party or parties whereby the building of the railroad authorized by this act shall be in any way prevented or defeated.

Proviso.

Proviso.

Proviso.

Capital stock may be increased.

10. *And be it enacted*, That to enable the said Hoboken Land and Improvement Company to carry out the purposes of this act, they are hereby authorized to increase their capital stock, in addition to that heretofore authorized, to an amount not exceeding one million of dollars, in shares of one hundred dollars each, which may be separate stock, with separate accounts and profits, or may be amalgamated with the

other stock of said company as the said company shall see fit; and the said company may issue bonds not to exceed the sum of five hundred thousand dollars, to raise money for the purposes of this act, and pledge the said railroad to be built under this act, and the property and franchises incidental thereto as security for the payment thereof, and sell the said bonds at such prices as they may see proper, for the advantage of said company.

Certain officers to pass free.

11. *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 office, and the members and officers of both houses of the legislature of this state during their sessions, shall pass and repass on the railroad of said company in their cars, free of charge.

Time for commencement and completion of road.

12. *And be it enacted*, That if the said railroad shall not be commenced within six months, and completed for use between Hoboken and Newark within three years, that then, if no legal difficulties have been placed in the way of its construction, and in that case this act shall be void.

Amount of State tax to be paid.

13. *And be it enacted*, That as soon as the railroad from Hoboken to Newark shall be finished and in use, the president or treasurer of the said company shall file, under oath or affirmation, a statement of the amount of the cost of the said road, its spurs and branches, 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 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 railroad.

Proviso.

Act may be amended, &c.

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

Approved March 8, 1860.

CHAPTER XCIII.

AN ACT to incorporate "the Consolidated Franklinite Company."

Preamble. WHEREAS, a company under the title of the Consolidated Franklinite Company, has been organized under the laws of the state of New York, for the purpose of working the franklinite and other ores of the state of New Jersey, and have taken leases of franklinite and other ores from the Fowler Franklinite Company, the Franklinite Steel Company, the New Jersey Franklinite Company, the National Paint Company, severally incorporated by the legislature of New Jersey, and also from the Franklinite Mining Company, James L. Curtis and Daniel H. Curtis, of the state of New York; and whereas, it is the wish of the shareholders of the Consolidated Franklinite Company, aforesaid, to erect manufacturing establishments in the state of New Jersey, where the franklinite ore is found, for which purpose they desire an act of incorporation empowering them so to do, and also to carry on the business of mining and developing said franklinite and other ores; therefore,

Names of corporators. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William C. Alexander, Dudley S. Gregory, James S. Green, Rodman M. Price, Robert S. Green, Daniel Drew, Henry Van Rensselaer, Robert D. McEwen and James L. Curtis, their present and future associates, their successors and assigns be and they are hereby created a body corporate and politic, in fact and in name, by the name of the Consolidated Franklinite Company, for the purpose of mining franklinite and other ores, and cleansing and manufacturing the same, with power to lease, purchase and hold such mining rights and real and personal estate as may by said corporation be deemed necessary and advan-

tageous for exploring, mining, conveying, cleansing and manufacturing franklinite and other ores, and to sell, lease and mortgage the same, or any portion thereof, together with all the powers and privileges, and subject to such restrictions, limitations and conditions as are specified in the act entitled "An act concerning corporations, approved February the fourteenth, eighteen hundred and forty-six," except as otherwise granted in and by this act of incorporation, and this act shall continue in force for the term of thirty years.

Amount of capital stock

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

First directors.

3. *And be it enacted*, That the before named persons shall be the first directors to organize and manage the affairs of said company, and shall continue in office until the third Tuesday in May, eighteen hundred and sixty-one, and until others are elected or appointed and qualified in their stead; *provided*, that in case of death, resignation or disability of any member of the board, the majority of the directors for the time being may fill the vacancy.

Proviso.

Affairs to be managed by nine directors.

4. *And be it enacted*, That the property and affairs of this company shall be managed and conducted by nine directors, being shareholders, a majority of whom, together with the secretary, shall be residents of this state; and the secretary shall keep an office in Jersey City, or where the manufacturing business may be carried on; the president shall be

appointed from among the directors, and the directors shall have power to make all needful by-laws not inconsistent with the laws of this state or of the United States.

Annual election of directors.

5. *And be it enacted*, That the annual election of directors shall take place on the third Tuesday of May in each year, commencing on the third Tuesday in May, eighteen hundred and sixty-one, at some convenient place in Jersey City, in the county of Hudson, between the hours of twelve o'clock, noon, and three o'clock in the afternoon of that day; all elections shall be by ballot, and each share be entitled to one vote, and the vote may be by person or proxy, two weeks' previous notice shall be given in a newspaper published in each of the counties of Sussex and Hudson, and city of New York; and if from any cause an election for directors shall not take place at the appointed time, it shall not therefore work a forfeiture of this charter, but a new election shall be ordered in conformity to the by-laws of said corporation.

Transfers to be registered.

6. *And be it enacted*, That no transfer of stock of said corporation shall be valid or effectual until such transfer shall be entered or registered in the book or books to be kept by the president and directors for that purpose, which said book or books shall be closed for the purposes of transfer of stock fifteen days before each election for directors, and no person shall be allowed to vote upon any stock, unless the same has been transferred to him or her, and registered in the said transfer books more than fifteen days prior to the election at which he or she claims to vote; and all the books of said corporation shall be open to the inspection of the stockholders.

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

Approved March 8, 1860.

CHAPTER XCIV.

AN ACT to authorize William White, Edgar B. Wakeman and Samuel Westcott to build wharves, piers and bulkheads in front of their lands on the Hackensack river, in Bergen township, Hudson county.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William White, Edgar B. Wakeman, and Samuel Westcott, be and are hereby authorized and empowered to erect and maintain all such wharves, piers and bulkheads in front of their lands on the Hackensack river, or Newark bay, in the township of Bergen, Hudson county, as may be necessary for the improvement of their property, or the benefit of commerce, and to collect wharfage for the use thereof, and to hold and enjoy the same to themselves, their heirs and assigns; *provided however*, that no such wharf, pier or bulkhead shall be erected on said river by virtue of this act, in front of the land of any other person, and constructed as not to interfere with or obstruct the navigation of said river or bay. William White and others authorized to build docks. Proviso.

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

Approved March 8, 1860.

CHAPTER XCV.

A further supplement to an act entitled "An act to incorporate the city of Rahway," approved February twenty-sixth, eighteen hundred and fifty-eight.

Office of overseer of roads abolished.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the office of overseer of roads be and the same is hereby abolished within the limits of the city of Rahway, and that all that portion of the money hereafter voted by the township of Rahway for road purposes, which shall be assessed against and collected of persons or property within said limits, shall be paid by said township to the treasurer of said city, whose receipt shall be a full discharge therefrom, which said money shall be used and applied by said city solely for road and street purposes in said city, under the direction of the mayor and common council thereof.

Former acts repealed.

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

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

Approved March 8, 1860.

CHAPTER XCVI.

A supplement to the acts concerning the incorporations of Agricultural and Horticultural Societies in the state of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the provisions granting additional powers and police jurisdiction within the distance of one mile from the boundaries of the grounds on which said fairs and exhibitions shall be held, with power within that distance to prevent the unlawful sale of ardent spirits, and to prevent gambling, and every breach of the peace or laws of the state, together with all the other provisions granted to the New Jersey State Agricultural Society, by an act approved March twenty-third, eighteen hundred and fifty-nine, be extended to all other agricultural and horticultural societies within the state. Provisions of former act extended.

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

Approved March 8, 1860.

CHAPTER XCVII.

AN ACT concerning the fencing of cleared farms and lots in the township of Howell, county of Monmouth.

Owners to erect fences.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the owner of any cleared farm or lot in the township of Howell, in the county of Monmouth, to build and erect such fence or fences as are now declared by law to be a legal fence on the outside boundaries of such cleared farms or lots, and if any owner or owners of such cleared farms or lots shall neglect to build such fence, he, she or they so neglecting shall not be entitled to nor shall recover any damage or damages he, she or they may sustain by reason of any trespass committed by neat cattle on said cleared farms or lots.

Act, when to take effect. Proviso.

2. *And be it enacted*, That this act shall take effect on the first day of October, eighteen hundred and sixty; *provided*, a majority of the voters of the said township of Howell shall approve of the same at their next annual town meeting.

Approved March 12, 1860.

CHAPTER XCVIII.

AN ACT to repeal the law authorizing the inhabitants of the township of Byram, in the county of Sussex, to vote by ballot at their annual town meetings.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of the act passed March fifteenth, eighteen hundred and fifty-nine, entitled "An act to authorize and require the inhabitants of the township of Montague and township of Byram, in county of Sussex, to vote by ballot at their annual town meetings," as relates to the said township of Byram, in the county of Sussex, be and the same is hereby repealed. Part of former act repealed.

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

Approved March 12, 1860.

CHAPTER XCIX.

AN ACT to authorize the inhabitants of the village of Carlstadt, in the county of Bergen, to improve the sidewalks of the streets of said village.

Land owners authorized to improve sidewalks.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the land owners on the respective streets of the village of Carlstadt, in the county of Bergen, as laid down on a map entitled "map of the new village of the German Democratic Land Association at Carlstadt," and filed in the clerk's office of the county of Bergen, January twenty-seventh, Anno Domini eighteen hundred and fifty-five, to improve the side walks of said streets by grading and paving the same, and that it may be done as is hereinafter provided.

Election of superintendent of streets.

2. *And be it enacted*, That there shall be an election by said land owners held, of which ten days previous notice shall be given by any two of them, and put up at three public places in said village, designating the time, place and purpose of such election; and said land owners, or such as may attend, shall, by a majority of votes, elect (viva voce) some suitable person, being a land owner, as aforesaid, who shall be called the village superintendent of streets, and three judicious persons, also land owners as aforesaid, commissioners of assessments; said land owners, when so assembled as aforesaid, shall choose a chairman and secretary to conduct such election, receive and count the votes; and their certificate of the election of the person to the offices aforesaid, shall be evidence thereof.

Grading and paving of sidewalks by owners

3. *And be it enacted*, That whenever the persons owning land on any street in said village, shall determine by a majority of votes, (each land owner to be entitled to one vote for every fifty feet of land, running measure, owned by him

or her on such street, and each land owner to be entitled to one vote at least,) to grade and pave the side walks of such streets, the same shall thereafter be subject to the provisions of this act; and said superintendent and commissioners, upon being notified of such determination, shall proceed to have such sidewalks graded and paved as is hereinafter provided; any land owner on such street may call a meeting of land owners, under this section, by a written notice put up in three public places in said village, five days previous to the day of meeting, and designating the time, place and object of such meeting; and said land owners, when assembled, shall choose a chairman and secretary, who shall determine the number of votes to which each land owner is entitled, receive orally, and count the votes; and their certificate of such determination shall be evidence thereof.

Costs of paving and grading to be assessed.

4. *And be it enacted*, That said commissioners, upon being notified of such determination, as aforesaid, or any two of them, shall make an estimate of the probable cost of grading and paving the sidewalks of such streets where they cross other streets, and other expenses incurred under this act, except the cost of paving in front of each owner's land, and shall apportion the amount among the said land owners in proportion to the number of feet of land, running measure, each land owner owns on such street; and the amount so assessed against such land owners, shall be paid to said commissioners within sixty days after written demand thereof shall have been made by said commissioners; and in case of neglect or refusal, said commissioners shall make out a list of delinquents and place the same in the hands of a justice of the peace of the township of Lodi, who shall issue a precept in the nature of a tax warrant, directed to a constable of said township, who shall proceed to collect the amount due from each delinquent land owner, in the same manner as township and county taxes are authorized to be collected by the act entitled "An act concerning taxes;" *provided*, that before the said warrant shall issue, such justice of the peace shall be satisfied by the oath of one of said commissioners, that the

Proviso.

amount so claimed against any land owner is justly due and unpaid, and that the same hath been demanded as required by this act.

Superintendent to cause sidewalks to be graded and paved.

5. *And be it enacted*, That as soon as said assessments shall be made, the said superintendent shall cause the side walks of such street to be graded; shall pave the side walks where they cross other streets, with such materials and of such width as he shall deem proper; shall procure all necessary materials for the doing thereof; shall make all necessary drains, culverts and other passages for water; and the expenses thereof shall be paid by said commissioners out of the moneys in their hands collected for that purpose.

Land owners to pave sidewalks in front of their property.

6. *And be it enacted*, That each land owner shall, at his or her own cost, pave not less than four feet wide, with a gradual slope towards the street, with good dressed flagging, or hard, merchantable brick, the side walks in front of his lands, and shall conform to the grade established by said superintendent, under whose direction the work shall be done.

Proceedings in case land owners neglect to pave.

7. *And be it enacted*, That if any land owner shall neglect or refuse to pave the side walks in front of his land aforesaid, within three months after he or she shall be notified by said superintendent to do so, the said superintendent shall proceed to have the same done; and he shall recover in his own name the expenses thereof, which shall include the cost of materials, carting and labor, from such land owner, in an action of debt, before any court having cognizance thereof; and the declaration in any such action may be general, stating that the demand is for so much money paid, laid out and expended in paving the side walks in front of his or her land, by virtue of this act, and that the special matters may be given in evidence under it.

Sidewalks to be kept in repair.

8. *And be it enacted*, That after the said side walks shall be graded and paved as aforesaid, each land-owner shall thereafter keep the same in good and sufficient repair in front of his or her lands; and in case of neglect or refusal, said superintendent shall cause the same to be so kept, and the expenses thereof shall be by him recovered against such land-

owner so refusing or neglecting, in the manner provided in the next preceding section of this act.

Commissioners to make statements of money received.

9. *And be it enacted*, That said commissioners shall render to the land owners on the line of each street respectively, full and detailed statements of all moneys by them collected and expended by virtue of the provisions of this act; and any three land owners may call a general meeting of land owners to have such statement made, by giving five days previous notice of the time, place and object of meeting, in three public places in said village, and also by giving like notice to said commissioners, either personally or by leaving a copy at their usual places of abode, to attend such meeting, and render such statement; and in case any commissioner shall neglect or refuse to attend and render such statement, he shall forfeit and pay ten dollars, to be recovered in an action of debt by any such land owner who will sue for the same; and the amount so recovered shall be applied for the purposes mentioned in the fourth section of this act.

Assessments, how collected and paid.

10. *And be it enacted*, That assessments may be made from time to time, as is provided in the fourth section of this act, for the purpose of keeping said side walks, where they cross other streets, in sufficient repair; and that such assessments shall be collected and paid in the manner mentioned in said section.

Sidewalks to be clear of snow, &c.

11. *And be it enacted*, That every land owner in front of whose lands side walks shall be made in pursuance of this act, and every occupant of such lands shall, at all seasons of the year, clear and remove from said side walks 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 so to do 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 expense thereof may be recovered by him against such land owner or occu-

pant, in the manner directed in the seventh section of this act.

Superintendent to keep certain portions of sidewalks clear.

12. *And be it enacted*, That it shall be the duty of said superintendent to clear and remove from the side walks made in pursuance of this act, where the same cross other streets, 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 gutter 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 fourth section of this act.

Penalty for not removing obstructions.

13. *And be it enacted*, That every person who shall ride or drive a horse or team on any side walk made in pursuance of this act, 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 refuse or neglect to remove the same for the space of six hours after being notified by said superintendent so to do, 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 the amount so recovered shall be expended for the purposes for which assessments are authorized to be made by this act.

Compensation of superintendent and commissioners.

14. *And be it enacted*, That said superintendent and commissioners shall hold their offices for one year, and until others shall be elected; and they shall each be entitled to receive one dollar per day for each day they shall respectively be engaged in the execution of their offices under this act.

Public act.

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

Approved March 12, 1860.

CHAPTER C.

AN ACT to facilitate judicial proceedings in the county of Camden.

Additional judge to be appointed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the court of common pleas and general quarter sessions of the peace in and for the county of Camden, shall hereafter consist of four judges, in addition to the justice of the supreme court holding the circuit for said county, and that the additional judge by this act provided for shall receive the same fees and compensation as the other judges of the said court of common pleas and general quarter sessions of the peace.

Additional judge to preside in the absence of the justice of supreme court.

2. *And be it enacted*, That whenever the justice of the supreme court holding said circuit court shall be absent, such additional judge shall be president judge of the court of common pleas, general quarter sessions of the peace and orphans' court.

Indictments may be tried in court of general quarter sessions.

3. *And be it enacted*, That indictments for all crimes within the jurisdiction of the courts of general quarter sessions of the peace may be handed down by the court of oyer and terminer and general jail delivery, and tried in the said court of general quarter sessions of the peace, whenever the said court of oyer and terminer and general jail delivery shall deem it proper to expedite the business of said court, and to deliver the jail.

Summons to petit jurors.

4. *And be it enacted*, That from and after the passage of this act, the general panel of petit jurors summoned and returned by the sheriff or coroners of the county of Camden to serve at any court to be holden in said county, at any term thereof, shall be summoned to appear on the first Monday following the first day of such term, instead of on the first day of such term.

Special terms may be held.

5. *And be it enacted*, That the courts of common pleas and quarter sessions of the peace in and for the said county may hold adjourned and special terms of said courts, or either of them, under the same regulations already provided by statute in case of the circuit court, and court of oyer and terminer and general jail delivery; *provided*, that no special term of said courts shall be held during the months of July and August.

Proviso.

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

Approved March 12, 1860.

CHAPTER CI.

AN ACT to provide for the maintenance and instruction of indigent children of feeble mind, inhabitants of New Jersey.

Annual appropriation for instruction.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That a sum not exceeding three thousand dollars be appropriated annually out of any moneys in the treasury not otherwise appropriated, to be applied under the direction of the governor, or person administering the government, for the maintenance and instruction, in the Pennsylvania Training School for feeble minded children, located at Media, in the county of Delaware, near Philadelphia, such feeble minded children, inhabitants of this state, as may be adjudged by the governor, or person administering the

government, to be suitable applicants for the benefits of the legislative provision herein made; *provided*, that the amount per annum for any one individual shall not exceed the sum of two hundred dollars; *and provided also*, that the applicants may be adjudged capable of improvement by the superintendent of said institution. Proviso. Proviso.

2. *And be it enacted*, That if the said sum of three thousand dollars shall not be used or exhausted in any one year, then the balance may be applied to the purposes mentioned in this act, in any subsequent year or years, in addition to the appropriation for such subsequent year or years. Disposition of balance of appropriation.

3. *And be it enacted*, That whenever the governor, or person administering the government, shall be satisfied that the resources of any imbecile child, or those of his or her parents or guardians, are sufficient to pay any part of the expense, but not to defray the whole expense of maintaining and instructing such children, then the governor, or person administering the government, may cause to be paid out of said fund such proportion as may seem to him just and equitable for such purpose. A portion of the expense to be paid in certain cases.

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

Approved March 12, 1860.

CHAPTER CII.

A supplement to an act entitled, "A supplement to an act concerning roads, approved April sixteenth, eighteen hundred and forty-six."

Commissioners not to receive compensation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners of highways elected under the provisions of the second section of the act entitled, "A supplement to an act concerning roads, approved April sixteenth, eighteen hundred and forty-six," approved March twenty-third, eighteen hundred and fifty-nine, for the various townships of the county of Camden, shall not receive any compensation for their services as such commissioners.

Provisions of fourth section of supplement not to apply to Camden county.

2. *And be it enacted*, That from and after the passage of this act, the provisions of the fourth section of the said supplement shall not apply in any way to the county of Camden, or any city, borough or town corporate, within the limits thereof.

Amount of assessments.

3. *And be it enacted*, That hereafter it shall not be lawful for any township in the county of Camden to assess more than forty nor less than fifteen per cent. of the amount raised for county and poor tax for road purposes.

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

Approved March 12, 1860.

CHAPTER CIII.

A further supplement to the act entitled, "A supplement to the act entitled, 'An act respecting executions and regulating the sale of personal estate by virtue thereof,'" approved April sixteenth, eighteen hundred and forty-six, which supplement was approved March fourteenth, eighteen hundred and fifty-one.

Provisions of former act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act to which this is a further supplement, and the provisions of the several supplements to said act, shall apply to the estate of any person who shall hereafter die intestate, leaving a wife or child him surviving, whether such person shall be a debtor or not, and that goods and chattels of the estate of such deceased person to the amount of two hundred dollars shall be first reserved and set apart to and for the use of his family before any distribution or other disposition shall be made thereof.

Parts of former act repealed.

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

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

Approved March 12, 1860.

CHAPTER CIV.

A further supplement to the act entitled "An act to revise and amend the charter of the city of Newark," approved March eleventh, eighteen hundred and fifty-seven.

Boundaries of tract annexed to eleventh ward.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the city of Newark beginning in the centre of the Morris canal, at a point formed by the intersection of the Morris canal with Sussex avenue; thence, south-easterly along the middle of the Morris canal to a point where a line extending northerly through the middle of Hudson street would strike the middle or centre of the said Morris canal, if extended; thence, southerly along the middle of Hudson street to the middle of a street called Wallace place; thence, south-easterly, along the middle of the said Wallace place to the centre of Bank street, formerly called West Bank street; thence, westerly, along the middle of Bank street to the middle of Littleton Avenue; thence, northerly, along the several courses of the easterly line of the said eleventh ward, as at present constituted, to the place of beginning, (comprising certain portions of the sixth and seventh wards of the city of Newark, as they are at present constituted, shall be and the same is hereby annexed to the eleventh ward of the city of Newark, and shall constitute hereafter, together with that portion of the city of Newark at present constituting the said eleventh ward of the city of Newark, the eleventh ward of the city of Newark, and shall be subject to all the provisions of the act constituting the eleventh ward of the city of Newark, except so far as any thing therein contained may be inconsistent herewith.

Assembly district.

2. *And be it enacted*, That the eleventh ward, as herein

created and constituted, shall constitute and form a part of the fifth assembly district of the county of Essex.

Approved March 12, 1860.

CHAPTER CV.

A further 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 nineteenth section of the act entitled "An act to incorporate the West Jersey Railroad Company," be and the same is hereby repealed. Part of former act repealed.

2. *And be it enacted*, That the board of directors of the said company be, and they are hereby authorized and empowered to reduce the capital stock of said company to such amount as shall be found necessary to construct and complete the railroads mentioned in the sixth section of the act to which this is a supplement, from Camden, in the county of Camden, to Bridgeton, in the county of Cumberland, and to provide all the necessary appendages, stock and equipage of said roads, for the carrying of freight and passengers; and when the amount of capital stock shall be so fixed and determined, a certified copy of the action of the board in the premises, under the hands of the president and secretary, and Reduction of capital stock authorized.

the seal of the said company, shall be filed in the office of the secretary of state.

Act, when to take effect.

3. *And be it enacted*, That this act shall take effect so soon as the holders of two-thirds of the stock already subscribed shall signify their assent thereto, in writing, in the office of the secretary of state.

Approved March 12, 1860.

CHAPTER CVI.

AN ACT to appoint a receiver for the stockholders and creditors of the American Elastic Cloth Company.

Preamble.

WHEREAS, it is represented that the American Elastic Cloth Company, a manufacturing association established in this state, and incorporated under the act of the legislature thereof, entitled, "An act to authorize the establishment and prescribe the duties of companies for manufacturing and other purposes," approved March second, eighteen hundred and forty-nine, have become insolvent, and in consequence of such insolvency have discontinued business, and that in order to protect the interests of the stockholders and creditors of the said corporation, it is necessary that a receiver be appointed—therefore,

Appointment of receiver.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John W. Newell (the present treasurer of the said company,) be and hereby is appointed receiver of and for the said corporation, with full power and

authority to take charge of the estate and effects thereof, and to collect the debts and property due and belonging to the said company, with power to prosecute and defend, in the name of the said corporation or otherwise, all such suits as may be necessary or proper for the purposes aforesaid, and to do all other acts which might be done by the said corporation, necessary for the final settlement of the unfinished business of the said corporation.

Receiver to pay debts of corporation.

2. *And be it enacted*, That the said receiver shall pay all debts due from said corporation, in the order of their legal priority, if the funds in his hands shall be sufficient therefor, and if there shall be any balance remaining after the payment of the said debts and necessary expenses, the said receiver shall distribute and pay the same to and among those who shall be justly entitled thereto as having been stockholders of the said corporation, or their legal representatives.

Receiver to make report of proceedings.

3. *And be it enacted*, That the said receiver shall report his proceedings as such to the chancellor, or the proper court having chancery jurisdiction for the time being in this state, and the said receiver shall be subject to the orders and decrees of such chancellor or courts the same as if he had been appointed therein and thereby.

Corporation dissolved.

4. *And be it enacted*, That the said corporation be, and the same is hereby annulled and dissolved.

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

Approved March 13, 1860.

CHAPTER CVII.

AN ACT to establish a new township in the county of Burlington, to be called the township of Lumberton.

Boundaries of township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all those parts of the townships of Medford, Southampton and Northampton, in the county of Burlington, contained within the following bounds, to wit: beginning at a station in the middle of the south branch of the Rancocas river, opposite the mouth of Mason's creek, being a corner to the townships of Medford and Evesham; thence along the division line between said townships to a stone marked T. L., on the westerly side of the road leading from Brook's bridge to Oliphant's mills; thence due east until it intersects Peacock's mill stream; thence up the middle of said mill creek to the point where it is intersected by the line dividing the farms of Aaron B. Moore and Benjamin Deacon; thence along their line a course north, forty-three degrees east, to a post in the road leading from Eayrestown to Red Lion; thence along said road north nineteen degrees and forty minutes west, seven chains and forty hundredths, to its intersection by the line between the farms of Benjamin Deacon and William Irick; thence along their line north fifty-two degrees and thirty minutes east, to a point in the middle of Eayrestown mill creek or pond; thence down the middle of said creek to its intersection by the line between the farms of J. and S. Butterworth and Joseph Roberts; thence along their line north twenty degrees and fifteen minutes east, twenty-three chains and twenty-five links, to a stone, also a corner to said Butterworth's and Roberts'; thence north seventy-two degrees and forty-five minutes east, to a stake at the end of Samuel Woolston's lane, on the east side of the road leading by Edward Black's to Shreveville;

thence along the east boundary line of said road to the abutment of the bridge at Shreveville; thence following the line between Southampton and Westampton townships to the corner in the Southampton line of Westampton and Northampton townships; thence along the line between them to its intersection with the creek between Shreveville and Mount Holly; thence down the middle of said creek to a point in its second bend, opposite an old chesnut tree below the large ice house of Samuel Burtis; thence south eighty-five degrees west, to a stake in the middle of the turnpike leading from Mount Holly to Lumberton; thence north thirty-four degrees west, intersecting the north branch of Rancocas river; thence down the same to its forks; and thence up the south branch of said river to the place of beginning, shall be and hereby is set off from the townships of Medford, Southampton and Northampton, in the county of Burlington, to be called and known by the name of "the township of Lumberton."

Inhabitants incorporated.

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

First annual town meeting of Lumberton.

3. *And be it enacted*, That the inhabitants of the township of Lumberton shall hold their first annual town meeting at the inn now kept by Benjamin Davidson, in the village of Lumberton, in said township, on the second Tuesday of March next.

Town meetings in Medford, Southampton and Northampton.

4. *And be it enacted*, That the inhabitants of the townships of Medford, Southampton and Northampton, respectively, shall hold their next annual town meetings at their usual places, on the second Tuesday of March next.

5. *And be it enacted*, That the township committees of the

New Jersey State Library

Township committees to divide property.

townships of Lumberton and Medford shall meet on the first Monday in April next, at the town hall in Cross Roads, at ten o'clock in the forenoon, and that the township committees of the townships of Lumberton and Southampton shall meet on the first Wednesday in April next, at the inn of William T. Jones, in Vincentown, at ten o'clock in the forenoon; and that the township committees of the townships of Lumberton and Northampton shall meet on the first Friday in April next, at the inn of Edmund Bartlet, in Mount Holly, at ten o'clock in the forenoon; and each of the said joint committees shall, at the times and places specified, proceed by writing, signed by a majority of those present, to allot and divide between their respective townships, all properties and moneys on hand, due, or to become due, in proportion to the taxable property and ratables, as taxed by the assessor within thir respective limits at the last assessment, and may adjourn the said meetings, respectively, from time to time, as a majority of those present may think proper; and the inhabitants of the township of Lumberton shall be liable to pay their just proportion of the debts, if any there should be; and if any of the persons comprising either of the township committees should neglect or refuse to meet as aforesaid, those assembled may proceed to make the said divisions; and the decision of a majority of those present shall be final and conclusive.

Assembly district.

6. *And be it enacted*, That the said township of Lumberton shall form a part of the fourth assembly district of the county of Burlington.

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

Approved March 14, 1860.

CHAPTER CVIII.

AN ACT to incorporate the Citizens' Gas Light Company of Freehold.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John R. Haley, William H. Conover, Daniel H. Ellis, Joseph D. Bedle, Isaac McNulty, David C. Perrine, Daniel B. Ryall, Thomas P. Barkalow, Rowland A. Ellis, John R. Conover, Henry C. Patterson, Charles A. Bennett and Henry Bennett, 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 Citizens' Gas Light Company of Freehold;" 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, turnpikes 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, turnpikes, 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. Company authorized to lay down pipes. Proviso.

3. *And be it enacted*, That John R. Haley, William H. Conover, Daniel H. Ellis, Joseph D. Bedle, Isaac McNulty, David C. Perrine, Daniel B. Ryall, Thomas P. Barkalow, Commissioners to receive subscriptions.

Rowland A. Ellis, John R. Conover, Henry C. Patterson, Charles A. Bennett and Henry Bennett, are hereby appointed commissioners for receiving subscriptions for the sum of twenty 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 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 subscriptions, until the whole stock subscribed amounts to twenty thousand dollars; and are also authorized to call upon the subscribers, by public advertisement given 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.

Election of directors.

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, all of which directors shall be residents of this state; and the said directors shall choose, by a plurality of votes, from among themselves a president; and as soon as conveniently may be after four thousand dollars shall have been subscribed, the said commissioners, or a majority of them, shall convene the stockholders

by public notice to be given 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 the said directors and president 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 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 thirty 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 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 given 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 by-laws and 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 open at all times 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 whatever, thereby to injure any conduit, pipe, cock, machine, post or

structure whatsoever, or anything appertaining to the works of said corporation, or whereby the same may be stopped, obstructed or injured, the person or persons so offending, shall be considered guilty of a misdemeanor, and being thereof convicted, shall be punished by 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, which said civil suit is 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.

Majority of stock to be held in Monmouth county.

9. *And be it enacted*, That two-thirds of the stock of the said corporation shall be owned by stockholders resident in the county of Monmouth in this state.

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

Approved March 14, 1860.

CHAPTER CIX.

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

Former act amended.

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

the act to which this is a supplement as contain the following words, to wit, "along the road known as the Hightstown and Perrinesville road, commencing at the store-house of William H. Mount, in the county of Monmouth, and following said road as near as may be to the intersection of the same with the Clarksburgh road; thence along and across lands of Wesley Sill, Benjamin Gordon, William Hutchinson, to a point on the old road near the corner of Daniel Hutchinson's land; thence on the old road to the corner of lands of John Dey and Fielder and Mount; thence in a direct line to the old red bridge, near the village of Milford," be stricken out, and therein inserted the following words, "commencing at the store-house of William H. Mount, in the county of Monmouth; thence to the village of Milford, by such courses as the commissioners and citizens residing upon the route may agree for such road to be constructed."

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

Approved March 14, 1860.

CHAPTER CX.

A supplement to the act entitled, "An act to incorporate the Millville and Glassboro' Railroad."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Millville and Glassboro' Company authorized to extend road.

Railroad Company are hereby authorized and empowered to extend their railroad from its present terminus at Millville, in the county of Cumberland, to any point on or near Cape Island, in the county of Cape May, and for that purpose the said company shall be and they hereby are invested with all the rights, powers, authorities and privileges given and granted by their said original act of incorporation, the same as if the power of thus extending said railroad to Cape Island had been thereby conferred; and they are hereby subjected to all the duties, limitations, liabilities and restrictions contained in their said act of incorporation; *provided always*, that in case of an appeal from the decision of any commissioners who may be appointed to estimate or appraise the value of any land or material taken for the construction of said railroad, and the damages which the owner or owners thereof will sustain thereby, brought by such owner or owners, it shall be lawful for said company to proceed with the construction of their said railroad, and take said land or materials therefrom, by depositing the sum awarded by said commissioners, with the costs, with the clerk of the circuit court, to which said appeal may be made, to be applied to the payment of any judgment that may be obtained upon such appeal in said circuit court, or to the payment of such owner or owners, in case the said appeal should be withdrawn or abandoned, or otherwise discharged.

Proviso.

Company authorized to mortgage part of road.

2. *And be it enacted*, That in case the Millville and Glassboro' Railroad Company accept this supplement, that it be authorized to receive subscriptions to that part of the road from Millville to Cape Island to enable them to make it, and to mortgage that part of the road on the same terms as they are authorized to mortgage the road from Millville to Glassboro', and further, that it be authorized to keep separate accounts, both of construction and running expenses, to enable it to discriminate between the two parts of their road, and to divide on the profit of each part to their respective stockholders, and the accounts shall be so kept and the management so conducted that in no case shall the road south of

Millville be responsible for that north of Millville, nor that north of Millville be responsible for that south of the same; *provided*, that the rates for transportation of passengers or merchandise shall be the same per mile upon both of the said sections of said road; *provided also*, that the said company shall refund to the West Jersey Railroad Company the amount of tax assessed upon their charter by the state. Proviso. Proviso.

Approved March 15, 1860.

CHAPTER CXI.

A further supplement to "An act to incorporate the city of Camden," approved March fifth, eighteen hundred and fifty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever a majority in value of the landholders along any street or alley in the city of Camden shall desire a culvert and drain constructed through and along the same, the city council, on petition of said owners, may order and direct the same to be done, and in what manner it shall be done, and may appoint one or more discreet and skillful persons to superintend the work. Council may order drains to be made.

2. *And be it enacted*, That the costs or expenses of doing said work shall be paid out of any moneys in the hands of the treasurer of the city, and when so done the city council shall cause a particular statement and account of the said Expenses of work, how paid.

costs of performing the said work as aforesaid to be filed with the clerk of said city, and the proportion of each lot or parcel of land, and the expense of performing the said work as aforesaid, shall remain a lien upon the real estate in said street or alley, from the time of performing said work until paid and satisfied; and the said city council may collect the costs and expenses of said work in the same manner as they are now authorized to collect from the owner or owners of real estate the costs and expense of grading, paving, graveling, &c., the streets, as prescribed in the thirty-third section of an act to which this is a supplement, entitled "An act to incorporate the city of Camden," approved March fifth, eighteen hundred and fifty.

Openings into culverts or drains.

3. *And be it enacted*, That the city council shall have power to regulate by ordinance in what manner individuals and corporations shall make openings into the culverts or drains, and to enact fines and penalties for injuries done to the same.

Provisions of former act where to extend.

4. *And be it enacted*, That from and after the passage of this act the thirty-second and thirty-third sections of the act to which this is a supplement, and all the provisions thereof as are by this act repealed, shall extend and apply in all things to the streets, highways, roads and alleys which lie or extend on or along the boundaries of the said city of Camden, (to the extent that the same lie or extend on or along the said boundaries,) and to the lands and real estate lying on or along or opposite said streets, highways, roads or alleys, on either side, whether the said lands and real estate lie within the limits of said city or not, and to the owners of said lands and real estate, as fully and with the same effect as the said sections, and the provisions thereof, do or may apply to the streets, highways, roads and alleys which lie and are wholly within the limits of said city, and to the lands and real estate lying on or along or opposite the same, and wholly within the limits of said city, and to the owners of said last mentioned lands and real estate; and that should the provisions of the said sections not be complied with and observed

according to the terms thereof, by the owners of the said lands and real estate on, along or opposite the said streets, highways, roads and alleys, which lie or extend on or along the boundaries of said city, on either side of said streets, highways, roads and alleys, then the proceedings against the said owners and against the said lands and real estate, whether the said lands and real estate lie within the said city or not, shall be conducted in the same manner and shall have the same effect in law and equity as if the said lands and real estate were within the limits of the said city.

Abatement of nuisances.

5. *And be it enacted*, That the city council of the city of Camden shall have power within the limits of said city of Camden to make and establish ordinances for the abating and removal of nuisances of every kind at the expense of those maintaining the same, and to compel the owner or occupant of any lot, house, building, shed, cellar, or place wherein may be carried on any business or calling, or in or upon which there may exist any matter or thing which is or may be detrimental, in the opinion of the sanitary committee appointed by said city council, to the health of the inhabitants, to cleanse, remove, or abate the same, from time to time, under the direction of the city council, as often as the said sanitary committee may deem necessary for the health of the inhabitants of the city, at the expense and proper costs of such owner or occupant; and such owner or occupant is hereby expressly made liable for said costs and expenses, to be collected in such manner as the city council may by ordinance direct, from such owner or occupant, in addition to any fine or penalty to which he may be liable for maintaining the said nuisance.

Former acts repealed.

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

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

Approved March 14, 1860.

CHAPTER CXII.

AN ACT relative to Foreign Laws.

Foreign reports may be noticed as evidence.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the reports of the judicial decisions of other states and countries, may be judicially noticed by the courts of this state, as evidence of the common laws of such states or countries, and of the judicial construction of the statutes, or laws thereof, and that the usual printed books of such reports shall be plenary evidence of such decisions.

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

Approved March 15, 1860.

CHAPTER CXIII.

A supplement to an act entitled "An act to incorporate the Gloucester and Salem Turnpike Company.

Preamble

WHEREAS, the time of holding the annual meetings of the Gloucester and Salem Turnpike Company has, under the

provisions of the third section of the act incorporating said company, been established on the last seventh day (Saturday) of the fifth month (May); and whereas, the time so established is inconvenient to a part of the stockholders, therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the annual meetings of said company shall hereafter be held on the first seventh day (Saturday) of the sixth month (June) in each and every year.

Proceedings in cases where complaint has been made.

2. *And be it enacted*, That whenever complaint shall have been made, and the gate or gates shall have been ordered to be kept open in pursuance of the thirteenth section of said act, it may be lawful for said company, should they be dissatisfied with such order, to apply to any justice of the peace of the county where such alleged cause of complaint arose, (he not being in any wise interested in said road,) who shall immediately appoint under his hand and seal three of the chosen freeholders of said county, (also not interested in said road,) which said three holders, or a majority of them, one day's notice being given in writing to the party complaining, shall meet at such time and place as said justice may appoint, and having taken an oath or affirmation to act impartially, shall proceed to review said road so complained of; and if, on such review, they or a majority of them shall judge the order to open the gate or gates to be uncalled for, they shall so report to the justice appointing them, which report shall annul the previous proceeding and shall be final and conclusive, whereupon said justice shall, under his hand and seal, authorize said gate or gates to be shut and the toll collected as heretofore; but if the said freeholders, or a majority of them, shall judge said road unworthy of toll, they shall report to said justice accordingly, and said gate or gates shall remain open until said freeholders or a majority of them shall certify to said justice that said road is worthy of toll, who shall thereupon, as above directed, authorize the toll to be collected; and the same fees to justice and freeholders shall be paid as are directed to be paid in section

Proviso. thirteen of the act to which this is a supplement; *provided however*, that nothing in this act contained shall in any way affect the right of parties to complain in pursuance of the thirteenth section of the act above named, either before or after the award of said chosen freeholders.

Rates of toll. 3. *And be it enacted*, That the toll authorized to be taken in the eighth section of the act to which this is a supplement, shall be at the rate therein named for every mile or portion thereof travelled, and shall be due and payable on demand to said company or its authorized agents, although a gate or turnpike may not be passed; *provided*, that nothing in this act contained shall authorize said company to take toll for fractions of a mile not exceeding a half of a mile.

Proviso.

Parts of act to apply to the Mullica Hill and Woodbury Company. 4. *And be it enacted*, That the second and third sections of this act shall apply with the same force to the Mullica Hill and Woodbury Turnpike Company.

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

Approved March 15, 1860.

CHAPTER CXIV.

A supplement to the act entitled "An act authorizing the appointment of commissioners to lay out streets, avenues and squares, in the city of Newark."

Time extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time within which the commissioners appointed under and by virtue of the act to which this is a supplement, shall exercise and discharge their powers and duties, be and the same is hereby extended to five years next after the passage of this act.

Maps to be filed in register's office.

2. *And be it enacted*, That all maps by said act required to be filed in the office of the clerk of the county of Essex, shall be filed in the office of the register of deeds and mortgages of the county of Essex, instead of in the office of the clerk of said county.

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

Approved March 15, 1860.

CHAPTER CXV.

A further supplement to the act concerning roads, approved April sixteenth, eighteen hundred and forty-six, preventing the application to the townships of Bernard, Bedminster, Bridgwater and Warren, in the county of Somerset, of parts of the supplement to the act approved March twenty-third, eighteen hundred and fifty-nine.

Act not to apply to certain townships.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act entitled "A supplement to an act concerning roads," approved March twenty-third, eighteen hundred and fifty-nine, as contained in the second, third, fourth, fifth, sixth and seventh sections, shall not apply to the townships of Bernard, Bedminster, Bridgwater and Warren, in the county of Somerset, but the act to which this is a supplement shall be in force in said townships in all its parts wherein it does not conflict with the other sections of the act of eighteen hundred and fifty-nine, the same as if the act of eighteen hundred and fifty-nine had not been passed.

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

Approved March 15, 1860.

CHAPTER CXVI.

A further supplement to the act entitled "An act relating to hawkers, pedlers and petty chapmen," approved April tenth, eighteen hundred and forty-six.

Fees for license.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no license which shall be obtained by any person to travel on foot, under the second section of the act to which this is a supplement, shall be held, deemed or taken to authorize any such person to travel or to transport any goods, wares or merchandise, for the purpose of such trade, by railroad, steamboat, or other public conveyance; but every person desirous of so transporting any goods, wares or merchandise, for the purpose aforesaid, shall first obtain and pay for a license to travel with a horse or horses, or other beasts of burthen, and in default thereof, shall be held liable to all the pains and penalties of the act to which this is a supplement, and all the supplements thereto.

Fees to be paid in each county traveled in.

2. *And be it enacted*, That it shall be the duty of any person who may have obtained a license, in pursuance of the act to which this is a supplement, or in pursuance of any supplement thereto, in addition to the other duties imposed upon such persons by the said act and the supplements thereto, before he shall sell or expose, either at public or private sale, any goods, wares, or merchandise by virtue of such license, in any county in this state, to pay to the clerk of such county the sum of fifty dollars for the use of such county, and also the sum of one dollar to the clerk of such county as his fee, which payments so made to such clerk shall authorize the person paying the same to exercise his calling in said county, under his license, during the continuance thereof; and in case any person shall sell or expose, either at public or private sale, any goods, wares or merchandise as

aforesid, without having complied with the provisions of this act, he shall be liable to all the pains and penalties imposed upon persons selling without license by the act to which this is a supplement, and the various supplements thereto.

Agents to take out license.

3. *And be it enacted*, That no person shall act as the clerk, agent or assistant of any person following, using or exercising the business or calling of a hawker, pedler, petty chapman or itinerant auctioneer in this state, unless such person so acting as such clerk, agent or assistant shall have first obtained a license under the act to which this is a supplement, and in all respects complied with all the provisions of such act, and all the supplements thereto, in all respects the same as if such person were trading on his own account; and any person who shall be found acting as such clerk, agent or assistant as aforesaid, without having complied with all the provisions of the act to which this a supplement, and the various supplements thereto, shall be liable to all the pains and penalties imposed upon persons selling without license by such act and the supplements thereto.

Clerk to keep record of moneys received.

4. *And be it enacted*, That the clerks of the several counties of this state are hereby required to keep an account record of the moneys by them received under this act, with the names of the persons paying the same, which record shall be open at all reasonable hours to the inspection of all the citizens of this state.

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

Approved March 15, 1860.

CHAPTER CXVII.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act to which this is a supplement shall extend to such persons as may associate themselves into a company for the purpose of making, purchasing and selling manufactured articles, and also of acquiring and disposing of rights to make and use the same. Provisions of former act extended.

2. *And be it enacted*, That all companies that may be established under this act shall be subject to all the provisions, liabilities and restrictions of the act to which this is a supplement. Restrictions, &c.

Approved March 15, 1860.

CHAPTER CXVIII.

AN ACT to divide the township of Chester, in the county of Burlington, into two townships.

Preamble. WHEREAS, the inhabitants of the township of Chester, in the county of Burlington, have become so numerous that it is impracticable for them to meet and transact the township business at their annual and other town meetings, with convenience and good order, in one assembly; for remedy whereof—

Boundaries of townships. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township of Chester, in the county of Burlington, shall be and the same is hereby divided into two townships in the following manner, that is to say: all that part of said township south of a line running from the bridge that crosses the south branch of the Pennshawken creek, known as Rudderow's bridge, in a straight line to the creek road, (so called,) where Hackney's run crosses the same; thence down the said run, the several courses thereof, to the Rancocas river, shall constitute and be known as the township of Chester; all that part lying north of the said lines shall constitute and be known as the township of Cinnaminson.

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

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

of Cinnaminson are constituted a body politic and corporate in law, and shall be styled and known by the name of "the inhabitants of the township of Cinnaminson, in the county of Burlington," and shall be entitled to all rights, powers, authority, privileges and advantages, and subject to the same regulations, government and liabilities as the inhabitants of the other townships in said county of Burlington are or may be entitled or subjected to by existing laws of this state. Inhabitants of Cinnaminson incorporated.

4. *And be it enacted*, That the inhabitants of the township of Chester shall hold their next annual town meeting at the town house in the said township, on the second Tuesday of March next. Town meetings in Chester

5. *And be it enacted*, That the inhabitants of the township of Cinnaminson shall hold their first town meeting at the West Chester school house, in said township, on the second Tuesday of March next. Town meeting in Cinnaminson.

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

7. *And be it enacted*, That nothing in this act shall be so construed to impair, or in any wise affect the rights Surplus revenue.

of the said township of Cinnaminson in and to its just and legal portion of the surplus revenue of the general government, and the interest due or becoming due thereon.

Assembly district.

8. *And be it enacted*, That the township of Cinnaminson shall form part of the fourth assembly district of the county of Burlington, as heretofore, when included within the township of Chester.

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

Approved March 15, 1860.

CHAPTER CXIX.

AN ACT giving the assent of the State of New Jersey to the act of the Legislature of the Commonwealth of Pennsylvania entitled "An act to incorporate the Brownsburg Delaware Bridge Company," approved the eighth day of February, one thousand eight hundred and sixty.

Assent of the state to act of Pennsylvania.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the assent of this state be, and the same is hereby given to the provision mentioned and contained in an act of the legislature of the state of Pennsylvania, approved the eighth day of February, Anno Domini one thousand eight hundred and sixty, entitled "An act to incorporate the Brownsburg Delaware Bridge Company," and

the said act of the legislature of the state of Pennsylvania, is hereby adopted, ratified and confirmed by this state; and the said act of the state of Pennsylvania shall be annexed to this act and published in the same manner as the laws usually are; and the governor shall likewise cause an exemplified copy thereof to be deposited in the office of the secretary of state of this state, and transmit an attested copy of this act to the governor of the state of Pennsylvania.

Commissioners.

2. *And be it enacted*, That the commissioners on the part of New Jersey, provided for in the second section of this act, shall be Stephen B. Moore, John Smith, John G. Muirheid and Tunis Q. Phillips.

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

Approved March 15, 1860.

COMMONWEALTH OF PENNSYLVANIA.

AN ACT to incorporate the Brownsburg Delaware Bridge Company.

Preamble.

WHEREAS, it is represented to the legislature, by the petition of a number of the inhabitants of the county of Bucks, that the erection of a bridge over the Delaware river, at Brownsburg, would be a great convenience and accommodation to the public—therefore,

Amount of capital stock.

Section 1. BE IT ENACTED *by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same*, That the capital stock of the Brownsburg Delaware Bridge Company shall amount to twenty thousand dollars, with the privilege of increasing the same to twenty-five thousand dollars, and the same shall be divided into shares of fifty dollars each; and the subscribers to the said capital stock shall pay the sum or sums of money for the

share or shares by them respectively subscribed, at such periods, and in such proportions, as the president and directors of the said company may determine.

Commissioners. Section 2. That Stacy Brown, John A. Beaumont, James M'Nair, and John Eastburn, be and they are hereby appointed commissioners on the part of this state, who, with commissioners to be appointed by the state of New Jersey, shall be authorized 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 in two newspapers printed in the county of Bucks, in this state, and in two newspapers printed in the county of Mercer, in the state of New Jersey, for twenty days at least, of the time and places when and where the said subscription shall be received; and at the time of subscribing for the said stock, five dollars shall be paid upon each share subscribed for, to the commissioners, or some 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 such installments, and at such times and places, and to such persons, as the president and directors of the company shall from time to time direct and give public notice of; and upon failure of payment thereof as so directed, for thirty days thereafter, the said president and directors shall have power to forfeit the shares of each and every person failing to pay the 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 amount or number of shares authorized by this act to be subscribed for, that then the said commissioners shall apportion the said stock among such stockholders, in proportion to the amount or number of shares by them subscribed as aforesaid.

Proviso.

General powers. Section 3. That when three hundred shares are subscribed for, the persons holding the same shall be, and they are hereby incorporated into a company, by the name of "the Brownsburg Delaware Bridge Company," and by that name shall have perpetual succession, and all the privileges and fran-

chises incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of purchasing, taking, and holding to them and their successors and assigns in fee simple or for any less estate, such lands as may be necessary in the erection of said bridge and suitable toll houses, and of suing and being sued.

Election of officers.

Section 4. That as soon as three hundred shares of the said capital stock shall be subscribed as aforesaid, it shall be the duty of the said commissioners to give notice in two or more of the newspapers printed in the county of Bucks, in the state of Pennsylvania, and the county of Mercer, in the state of New Jersey, of a time and place by them to be appointed, not less than thirty days from the time of issuing the said notice, at which time and place the said stockholders shall proceed to organize the said company, and shall choose by ballot, by a majority of votes, to be delivered in person or by proxy, one president, six directors, one secretary, and one treasurer, and such other officers as they shall think necessary to conduct the business of the said company until the next annual election, and shall make such by-laws and regulations, not inconsistent with the laws and constitution of this state or of the United States, as shall be necessary for well ordering the affairs of the said company; *provided*, that no person shall have more than twenty votes at an election, and that each person shall be entitled to one vote for every share by him held, not exceeding ten, and one vote for every two shares above ten and not exceeding twenty, and one vote for every five shares above twenty, until the number of votes amounts to twenty.

Proviso.

Annual meetings.

Section 5. That the said stockholders shall meet on the first Monday in January, in every succeeding year, at such place as shall be fixed by the by-laws of said company, for the purpose of electing officers for the ensuing year.

Transfers to be registered.

Section 6. That the president and directors first to be chosen as aforesaid, shall issue certificates of stock to the several stockholders respectively, signed by the president and

countersigned by the treasurer of the said company, which certificate shall be transferable at his or her pleasure, in person or by attorney, subject, however, to the payments due and may grow due thereon, and the assignee holding any certificate, having first caused the assignment and transfer to be entered in a book of the company to be kept by the treasurer for that purpose, shall, for every share of stock so held by him or her, be entitled to his or her equal proportion of the said capital stock, and of all the estates and emoluments of the company, to vote as aforesaid at the meetings thereof.

Power and authority of president and directors.

Section 7. That the said president and directors shall meet at such times and places, and be convened in such manner as shall be agreed on, for transacting their business, at such meetings five members shall be a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions, fairly entered in a book by the secretary, and a quorum being met they shall have full power and authority to agree with and appoint such engineers, superintendents, artists, and other officers as they shall think necessary to carry on said bridge and complete the same, and fix their salaries and other wages, to determine the time, manner, and proportions in which the stockholders shall pay the money due on their respective shares, to draw orders on the treasurer for all money that may be required, the same to be signed by the president and attested by the secretary of the board, and to do and transact all matters and things as by the by-laws or regulations of the said company shall be lawful.

Proceedings in case company and owners cannot agree.

Section 8. That after the place for the erection of the said bridge shall be fixed, and before the said president and directors shall proceed to erect the same, it shall and may be lawful for the said president and directors to contract and agree with the owner or owners of any lands and tenements for the purchase of so much thereof as shall be necessary for the purpose of erecting and perfecting the said bridge and making and establishing all the necessary works and roads to and from the same, if they can agree with the owner or owners

of the same, but in case they cannot agree, then it shall and may be lawful for the president and directors to apply to one of the judges of the supreme court of this state, not being a stockholder or otherwise interested, who, upon such application, is hereby authorized and directed to appoint three discreet and disinterested freeholders of this state, who, after being duly sworn or affirmed before any justice of the peace, faithfully to perform the duties enjoined upon them by this act, shall proceed to view and examine said banks and all such lands and tenements as shall be necessary for the purpose of erecting and perfecting said bridge, and making and establishing all necessary works and roads to and from the same, and shall, according to the best of their skill and judgment, ascertain and estimate the injury and damage that will be sustained by the owner or owners of such lands and tenements so necessary to be taken as aforesaid, and shall report what sum shall be paid by the said company for the same, which report shall be made in writing under their hands and seals, or under the hands and seals of any two of them, and shall return the same, together with a map describing the metes and bounds of such lands and tenements to the supreme court next after they shall have agreed upon and signed the same, and the said report, having been confirmed by the supreme court, shall be filed in the clerk's office of the said court, with the map aforesaid, and the said president and directors having paid the said owners respectively the several sums awarded to be paid to them in and by the said report, together with the fees of the said arbitrators at the rate of two dollars to each for every day employed in the said business, and their necessary expenses, the said company shall be entitled to have and to hold, to them and their successors and assigns forever, the said lands and tenements as fully and effectually as if the same had been granted to them by the respective owners thereof, and it shall and may be lawful thereupon, and not before, the said president and directors to enter upon the said lands and tenements, and to commence and to complete the erection of the said bridge.

Mode of ascertaining damages.

Section 9. That it shall and may be lawful for the president and directors aforesaid, their superintendents, engineers, and artists of every kind, to enter into and upon all lands and enclosures near to the place where the said bridge is to be built, and examine the ground for the purpose of obtaining stone, gravel, or sand for the building of the said bridge, and shall and may be lawful for the said president, directors, overseers, superintendents, or any other person in building the said bridge, to enter with wagons, carts, sleds, or sleighs or beasts of burden or draught, of any kind whatsoever, first giving notice to the owners, doing as little damage as possible, and repairing any breaches of fences they may have occasion to make, and first making amends for any damage that may be done, which damage shall be ascertained by the parties, if they can agree, or if they cannot agree, then by the appraisement thereof, to be made upon oath or affirmation of three disinterested freeholders of the neighborhood, or any two of them to be mutually chosen, or if the owner or president and directors, superintendents, engineers, or artists, upon due notice, shall neglect or refuse to join in the choice, then the said freeholders to be appointed by any justice of the peace of the county, not interested on either side, and the said president and directors or other persons by them employed as aforesaid, after tender of the appraised value to the owner, may enter and dig and carry away any stone, gravel, sand, or earth, most conveniently situated for making and repairing said bridge.

Annual statement to be made.

Section 10. That the president and directors of the said company shall keep fair and just accounts of all moneys received by them from the said commissioners and from the stockholders, and of the profits on shares that may be forfeited as aforesaid, and of all voluntary contributions, and also of all moneys by them expended in the prosecution of the said work, and shall submit such accounts to each annual meeting of the stockholders.

Rates of toll.

Section 11. That when a good and complete bridge is erected over the said river Delaware at the place aforesaid,

the property of the said bridge shall be vested in the said company, their successors and assigns forever, and the said company, their successors and assigns, may demand and receive toll from travelers and others, not to exceed the following rates: For every coach, landau, chariot, phaeton, or other pleasureable carriage with four wheels, drawn by four horses, the sum of sixty cents; for the same kind of carriage with two horses, the sum of forty cents; for every wagon with four horses, the sum of fifty cents; for every carriage of the same description drawn by two horses, forty cents; for every chaise, riding chair, sulky, cart, or other two wheel carriage, or a sleigh or sled with two horses, the sum of thirty cents; for the same with one horse, the sum of fifteen cents; for a single horse and rider, the sum of ten cents; for every led or driven horse or mule, the sum of five cents; for every foot passenger, the sum of two cents; for every head of horned cattle, the sum of three cents; for every sheep or swine, the sum of one cent; *provided*, that all persons going to and returning from funerals, persons going to and returning from meeting or church on the Sabbath, children going to and returning from school, all persons going to or returning from military trainings or parades shall pass free of toll; *provided also*, that fixing the toll of all carriages drawn wholly by oxen, or partly by horses and partly by oxen, two oxen shall be estimated equal to one horse, and the said company shall so erect the said bridge as in nowise to injure, stop, or interrupt the navigation of the said river, or prevent boats or craft from passing or persons from fording the said river. Proviso. Proviso.

Section 12. That if any person or persons shall wilfully cut or destroy, break or remove from off the said bridge, or any part thereof, any piece or pieces of timber, plank or planks, stone or stones, chain or chains, bolt or bolts, or any other materials whatsoever belonging to said bridge, or otherwise wilfully or maliciously damage the same, he, she or they so offending shall forfeit and pay for every such offence, over and above the damages done to the said bridge, the sum of thirty dollars, to be recovered before any justice of the peace Penalty for injuring works.

in the county of Bucks, in the state of Pennsylvania, or the county of Mercer, in the state of New Jersey.

Penalty for taking illegal tolls.

Section 13. That if the said company, their successors and assigns, and whosoever shall own and possess the said bridge, shall collect or demand any greater rate or prices for the passing over the said bridge than what are hereinbefore prescribed and specified, or shall neglect to keep the said bridge in good order and repair, he, she or they so offending, for every such offence forfeit and pay the sum of thirty dollars, one-third thereof for the use of the poor of the county of Bucks, in the state of Pennsylvania, and one-third thereof to the use of the poor of the township of Hopewell, Mercer county, in the state of New Jersey, and the other third to the use of the person who may sue for the same; *provided always*, that no suit or action shall be brought unless within sixty days after such offence shall be committed.

Proviso.

Dividends.

Section 14. That the said president and directors and company shall also keep a just and true account of all and every the moneys received by their respective collector or collectors of toll for crossing the said bridge, and shall make and declare a dividend of the profits and income thereof among all the stockholders of the said company, deducting first therefrom all contingent costs and charges and such proportion of said income as may be deemed necessary for a growing fund to provide against the decay and for the rebuilding and repairing the said bridge, and shall, on every first Monday in January and July in each and every year, publish the dividend to be made of the said clear profits thereof amongst the stockholders, and the time and place when and where the same shall be paid, and shall cause the same to be paid accordingly.

Act, when to take effect.

Section 15. That this act shall not take effect or go into operation until the legislature of the state of New Jersey shall pass a law appointing commissioners on their part, vesting like power and authority in the subscribers to the said capital stock of erecting a bridge at the place aforesaid, and of extending the same from shore to shore, with as full and

ample powers, privileges, franchises and emoluments as to the said company are hereby given.

Company not to engage in banking.

Section 16. That nothing in this act contained shall be so construed as to authorize the said bridge company to exercise any banking privileges, or to issue any bank note or notes in the nature of bank notes, and the legislature reserves the right of altering, amending or annulling the charter, whenever they think proper.

Payment of installments.

Section 17. That the president and directors may and shall have power and authority, instead of forfeiting shares for non-payment of installments, of enforcing the payment of all installments due, as other debts of similar amounts are recovered, as to them may be deemed best.

W. C. A. LAWRENCE,
Speaker of the House of Representatives.

WM. M. FRANCIS,
Speaker of the Senate.

Approved this eighth day of February, Anno Domini one thousand eight hundred and sixty.

WM. F. PACKER.

OFFICE OF THE SECRETARY OF THE COMMONWEALTH,
HARRISBURG, February 9, A. D., 1860.

Pennsylvania, ss.:

[L. S.] I do hereby certify that the foregoing and annexed is a full, true and correct copy of the original act of the General Assembly, as the same remains on file in this office.

In testimony whereof, I have hereunto set my hand, and caused the seal of the Secretary's office to be affixed, the day and year above written.

H. L. DIEFFENBACH,
Dep. Secretary of the Commonwealth.

CHAPTER CXX.

AN ACT relative to the geological survey of this state.

Preamble. WHEREAS, the State Agricultural Society believe it to be necessary for the agricultural and other interests of this state, that the topographical and geological survey commenced by authority of this state, and now suspended in consequence of the great expense attending its prosecution; and whereas, at this time, through the efforts of the State Agricultural Society, it has been ascertained that an arrangement can be made by the state with Dr. William Kitchell to prosecute to completion this important work, without any further expense to the state—therefore,

W. Kitchell authorized to complete survey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Kitchell be and he is hereby authorized to complete the geological survey of this state, said survey to be made according to the plan prescribed by an act entitled "An act to cause a geological survey," approved the second day of March, eighteen hundred and fifty-four; and that for the purpose of completing said survey, said Kitchell shall have the use of the wood cuts, field maps, apparatus, and other materials appertaining to, and heretofore used in said survey, said articles to remain the property of the state, and to be returned to the state treasurer after said work is completed; *provided*, that said geological survey shall be made and completed, and the maps and reports of said survey shall be made and published by said Kitchell at his own cost, without any charge or expense to the state.

Proviso.

Maps to be furnished for use of the state.

2. *And be it enacted*, That after said survey is completed, said Kitchell shall, without charge therefor, deliver to the governor ten copies of the map and report thereof, for the use of the state library and the state offices, and one copy for

the use of the State Agricultural Society, and shall also deposit in the clerk's office of each county in this state, one copy, to be kept for the free use and benefit of the people of said counties; the report of said survey of all the counties to be published in one book, and the survey of the whole state to be shown on one map, which shall be on a scale not smaller than three miles to the inch.

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

Approved, March 15, 1860.

CHAPTER CXXI.

AN ACT to incorporate the "Middletown Point Gas Light Company."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Alfred B. Dayton, Gordon D. White, Charles Perrine, Francis P. Simpson, Aaron Longstreet, Henry S. Little and Thomas I. Bedle, 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 Middletown Point Gas Light Company," and by the said name, the said corporation shall have power and authority to manufacture, make and sell gas for the pur- Names of corporators.

pose of lighting the streets, buildings, and other places in the town of Middletown Point and its vicinity, and to hold and convey real estate necessary for the purposes of the corporation.

Corporation authorized to lay down pipes

2. *And be it enacted*, That the said corporation shall have the power to lay down their gas pipes, and erect gas posts, burners and reflectors in the streets, alleys, lanes, avenues, public grounds and turnpike roads in the town of Middletown Point 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, turnpike 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 of the said pipes and erection of the said posts.

Proviso.

Commissioners to receive subscriptions.

3. *And be it enacted*, That Alfred B. Dayton, Gordon D. White, Charles Perrine, Francis P. Simpson, Aaron Longstreet, Henry S. Little and Thomas I. Bedle, are hereby appointed commissioners for receiving subscriptions for the sum of twenty 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 public advertisement, previously inserted for at least three weeks in a newspaper printed at Middletown Point, or in some newspaper printed in Monmouth county, and shall keep the same open as long as they may deem necessary, and may *choose* 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 subscriptions, until the whole stock subscribed amounts to twenty thousand dollars; and are also authorized to call upon the subscribers, by public advertisement in a newspaper printed at Middletown Point, or in some newspaper printed in Monmouth county, 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.

Election of directors.

4. *And be it enacted*, That the management of the concerns of the company shall be vested in five directors, to be elected 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 convenient may be after five 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 Middletown Point, or in some newspaper printed in Monmouth county, and at such time and place in Middletown Point as they shall designate in such notice, to choose the first board of directors, who shall hold their offices until the 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 Middletown Point as a majority of the directors shall appoint; and public notice shall be given of the time and place of holding such elections, for ten days, in a newspaper printed in Middletown Point, or in some newspaper printed in Monmouth county; 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 Middletown Point, 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 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 anyway 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 corporation, 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 moneys

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 15, 1860.

CHAPTER CXXII.

Supplement to an act entitled "An act respecting Bridges," approved April tenth, eighteen hundred and forty-six.

Action may be brought for damage in cases where bridge is not in repair.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where a township or the board of chosen freeholders of a county are chargeable by law with the erection, re-building or repair of any bridge or bridges, and the said township or board of chosen freeholders shall wrongfully neglect to erect, rebuild or repair the same, by reason whereof any person or persons shall receive injury or damage in his or their persons or property, he or they may bring his or their action of trespass on the case against said township or said board of chosen freeholders, as the case may be, and recover judgment against them to the extent of all such damage sustained as aforesaid, which said judgment shall be paid by the township or county, as the case may be.

Approved March 15, 1860.

CHAPTER CXXIII.

A further supplement to the act entitled "An act relative to Commissioners for taking the acknowledgment and proof of Deeds," approved April fifteenth, eighteen hundred and forty-six.

Additional commissioner in Pequannock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful to appoint four commissioners for taking the acknowledgment and proof of deeds in the township of Pequannock in the county of Morris.

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 contrary to the provisions of this act, be and the same are hereby repealed.

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

Approved March 15, 1860.

CHAPTER CXXIV.

AN ACT to revise and amend the Charter of the City of Elizabeth.

TITLE FIRST.

OF THE BOUNDARIES AND CIVIL DIVISIONS OF THE CITY.

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 Union contained within the boundary lines of the city of Elizabeth, as now established by law, shall continue to be a city by the name of the city of Elizabeth, 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 City of Elizabeth," and by that name they and their successors forever, shall and may have perpetual succession, and shall be persons in law capable of sueing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and 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 City of Elizabeth" 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 charter of the city of Elizabeth, were vested in or belonging to the

Inhabitants incorporated.

inhabitants of the township of Elizabeth, in their corporate capacity as then incorporated, by the name of "The inhabitants of the township of Elizabeth, in the county of Essex," according to such estate and interest as the said "The inhabitants of the township of Elizabeth, in the county of Essex," at the time of the passage of the charter of the city of Elizabeth 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 city of Elizabeth," in its corporate capacity.

Wards of the city.

2. *And be it enacted*, That the said city of Elizabeth shall continue to be divided into three wards, as heretofore constituted by law; the city council in office after this act shall take effect, and thereafter once in four years, and not oftener, shall revise, and if it shall be needful, alter said wards in such manner as may be most convenient to the inhabitants, and shall re-apportion the members among the several wards according to the principles herein prescribed.

Division lines intersecting 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 Elizabeth, and shall possess the powers and privileges and perform the duties which are hereinafter specified; he shall be elected for the term of one year, at the annual charter election in the year eighteen hundred and sixty, and in every year thereafter, and shall receive such annual compensation for his services, not exceeding three hundred dollars per annum, as the city council shall by ordinance appoint.

Election of city council.

5. *And be it enacted*, That the city council of the city of

Elizabeth shall consist of four members 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 the said city shall, at the annual charter election, elect two persons as councilmen of said ward, who shall hold such office for the term of two years.

Election of commissioners of public schools.

6. *And be it enacted*, That the board of commissioners of public schools of the city of Elizabeth 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.

Times of annual election for city officers.

7. *And be it enacted*, That an election by ballot shall be held in each of the wards of said city on the second Monday in April next, and on the second Monday in April in every year thereafter, at such places as the city council shall appoint, and of which at least two weeks previous notice shall be given by the city council, in a newspaper printed and published or circulating in said city; at which time, as hereinbefore specified, there shall be elected in and for the said city one mayor, who shall hold his office for the term of one year; two surveyors of highways, one receiver of taxes, and one coroner, who shall hold their offices respectively for the term of one year; and in and for each of the wards of said city, two councilmen and one commissioner of public schools, who shall hold their offices respectively for the term of two years; one police justice, who shall hold his term of office for three years; and one assessor, one judge of election, two inspectors of election, one ward clerk, one commissioner of appeals in cases of taxation, one chosen freeholder, one police justice, and two constables, who shall hold their offices respectively for the term of one year; *provided*, that in the election of said inspectors of elections no ballot shall contain the name of more than one person to be voted for as an inspector of elections, and in case any ballot voted shall con-

Proviso.

tain the names of more than one person voted for said office, both names shall be rejected; 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.

Election, how conducted.

8. *And be it enacted*, That the aforesaid annual charter election in each ward shall be held and conducted by the judge, inspectors 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.

Statements of result to be filed.

10. *And be it enacted*, That the statements 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 three days after such election, by the proper officers, and shall be filed without delay with the city clerk.

City council to canvass the votes.

11. *And be it enacted*, That the city council of the said city, for the time being, shall convene on Monday next succeeding such election, at seven o'clock in the evening, at their usual place of meeting, for the purpose of canvassing the votes given at such election, and the original statement of the votes filed with the city clerk shall be produced by the said clerk; the city 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 city council shall be certified by the presiding officer and the clerk, and filed in the office of the city clerk; and within one week after the said city 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.

Special election may be held in case of a tie.

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 shall not have been chosen by reason of two or more candidates having received an equal number of votes, such officer shall be elected at a special election as hereinafter provided.

Eligibility 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.

Terms of office of city officers.

14. *And be it enacted*, That the term of office of the chosen freeholders of the said city, and 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 day of May next succeeding such election, or if that is Sunday, then the next day, unless elected to supply a vacancy.

Vacancies in the offices of mayor or councilman.

15. *And be it enacted*, That whenever a vacancy shall occur in the office of Mayor or councilman, 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 city 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 councilmen, within three months before the second Monday in April in any year, it shall be within the discretion of the city council to appoint a special election or not, as they shall deem expedient.

Vacancies to be named 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.

Persons elected to qualify within 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 day of May 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.

18. *And be it enacted*, That in case a vacancy shall occur in the office of any of the aforesaid officers, except mayor or councilman, or justice of the peace, by death, resignation, neglect to qualify according to law, or by any other cause, the city 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.

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 Union, 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 Union, 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 city 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 judge and inspectors 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 whatever 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. Annual elections for state and county officers.

20. *And be it enacted*, That the said judge and inspectors 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, in- Officers of election.

competency, 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 council to appoint city officers.

21. *And be it enacted*, That the city council shall from time to time appoint, by a majority of the whole number of the members of said city council, a city clerk, city treasurer, street commissioner or street commissioners, city surveyor, sealer of weights and measures, city attorney, chief of police and one or more assistants, one or more overseers of roads, 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 conferred and imposed upon the said city 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.

Certain officers to give bond.

22. *And be it enacted*, That the city treasurer, street commissioner or street commissioners, receiver of taxes, city clerk city attorney, and such other officers as the city 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 city council may approve, for the faithful performance of their duties.

Bond of constable.

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 city, in its corporate name, with one or more sureties to be approved by the said city council, in such sum as the said city council shall direct, in the form, as near as may be, prescribed in the first section of the act entitled "An act respecting constables;" 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.

Officers to take oath of allegiance.

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 said clerk.

TITLE THIRD.

POWERS AND DUTIES OF THE CITY COUNCIL.

Qualification.

25. *And be it enacted*, That the councilmen of the said city, duly elected by the several wards thereof, shall constitute and be called "The City Council of the City of Elizabeth;" every member of the city council shall, at the time of his

election, have been for two years immediately previous a resident of the city.

Powers and duties of city council.

26. *And be it enacted*, That the city council shall annually elect a president from its own body, and in his absence a president pro tempore, choose officers, appoint its times and places of meeting, determine the rules of its own proceedings, be the sole judge of the election, returns and qualification of its own members, and shall have power to issue writs of subpœna ad testificandum for and administer oaths and affirmations to witnesses, 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.

City clerk.

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

Special meetings of council

28. *And be it enacted*, That a majority of the whole number of councilmen 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 city council shall respectively be authorized to call special meetings of the city council when the public good shall in their opinion render it necessary; and on the request of five members of the city council, in writing, addressed to the mayor, it shall be his duty to call a special meeting.

Ordinances to be published.

29. *And be it enacted*, That no ordinance or resolution shall be passed by the city council except with the concurrence of a majority of all the members of the city 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 two weeks in a newspaper printed and published

or circulating in the city of Elizabeth, between its second and third reading.

Ordinances to be signed by mayor if approved, &c.

30. *And be it enacted*, That every ordinance passed by the city council shall, before it takes effect, be presented to the mayor by the city clerk, duly certified by the president of the city council and the city clerk; if he approve of 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 city council shall, at its first regular meeting thereafter, enter the objections at length on its journal, and shall proceed to reconsider the same, and if two-thirds of all the members of the city 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 shall not be returned within ten days as aforesaid, it shall take effect in like manner as if he had signed it; and each and every ordinance so passed, as aforesaid, shall be published for the space of two weeks in a newspaper printed and published, or circulating in said city.

Council to make and repeal ordinances.

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

Finances.

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

To preserve public peace.

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

Gaming houses, &c.

III. To restrain and suppress disorderly and gaming houses, and houses of ill-fame, all instruments and devices used for gaming, and to prohibit all gaming and fraudulent devices.

Victualing houses.

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

Public performances.

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, &c.

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.

Regulation of streets, &c.

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 Elizabethtown creek or river and Staten Island Sound, near or opposite to such wharves, docks and slips; to prevent and remove obstructions and incumbrances in and upon all streets, sidewalks, crosswalks, lanes, alleys, bridges, aqueducts, wharves, docks or slips, in any manner whatever; to prescribe the manner in which corporations or persons shall exercise any privilege granted to them in the use of any street, highway or alley in said city, or in digging up said street, highway or alley for the purpose of laying down pipes or any other purpose whatever, and to prohibit and prevent any such use or work at such times and seasons of the year as they may designate; to direct and regulate the planting, rearing, trimming, and preserving of ornamental shade trees in the streets, 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 prevent the 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 in a summary manner, at the expense of the owner or occupant of the premises.

To prevent horse racing, &c.

IX. To prevent and punish horse racing and immoderate driving or riding in any street, and to authorize the stopping and detaining of 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; to grant to corporations or persons the right to lay down railroad tracks in the streets, highways and alleys in said city, and to regulate the running of cars thereon; *pro-*

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vided always, that no such right shall ever be given by the said city council until a majority of the owners of the lands in front of any such railroad, and along which the same may be intended to be run or be constructed, shall first consent in writing to the laying and constructing thereof, and which said consent, in writing, of said land owners, shall also be first filed in the clerk's office of said city.

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. Cattle.

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

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

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, impounding and sale thereof. 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 upon 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, fruits, and vegetables, and to prohibit persons from selling without license. Markets.

XVIII. To prescribe and regulate the places of vending or exposing for sale hay, straw, or 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.

Vagrants, &c.

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

Board of health.

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.

Nuisances.

XXII. To abate or remove nuisances of every kind, and to compel the owner or occupant of any butcher's stall, tallow chandler shop, soap factory, cellar, stable, privy, hog pen, sewer, or other offensive or unwholesome house or place, to cleanse, remove, or abate the same from time to time, in a summary manner, as often as they deem necessary for the health, comfort, and convenience of the inhabitants of the city, at the expense of the owner or occupant thereof.

Burial of the 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; *provided* that they shall not prohibit the interment of bodies in any burial ground now established.

Proviso.

Cartmen, porters, &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 city 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, &c.

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.

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

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. Weights and measures.

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. Police.

XXIX. To establish, regulate, and control a fire department; to regulate and define the manner of the appointment and removal of the officers and members of the fire department, their duties and their compensation; to provide fire engines and other apparatus, and engine houses and other places for keeping and preserving the same, and to provide water for extinguishing fires. Fire department.

XXX. To regulate and control the manner of building dwelling houses and 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 be 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 Regulation of buildings.

the manufacture, sale, or use of fire-works and the use of fire-arms in said city; to regulate or prohibit the keeping and conveying gun-powder, 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.

Paving streets etc.

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 property so improved, and collected in the same manner as for regulating, grading and paving streets.

Draining and filling up 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 performance 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 city 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 city council, to give notice in a newspaper printed and published or circulating in the city of Elizabeth, of the

intention of the city 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 two weeks from the date of such notice, and at any time thereafter the city council may proceed to consider such special ordinances as aforesaid.

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

XXXIV. To prescribe and define the duties of all officers appointed by the city 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 define duties 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. Compensation of officers.

32. *And be it enacted*, That the city 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. Council may make ordinances.

33. *And be it enacted*, That in all cases where, by the provisions of this act, the city council have authority to pass ordinances on any subject, they may prescribe a penalty or penalties for the violation thereof, either by imprisonment not exceeding ten days, or by fine, not exceeding one hundred dollars, to be recovered with costs, in an action of debt, and Penalties for violation of ordinances.

in the name of "The treasurer of the city of Elizabeth," 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 the proceedings shall be those specified in the fifty-fourth section of this act; and further, it shall be lawful for any such justice, before whom judgement of imprisonment shall be given, to carry such judgment into effect by warrant of commitment, under his hand and seal, directed to the sheriff of the county of Union; the book of record of the ordinances of the city of Elizabeth 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 city council shall in like manner be taken and received as evidence of the due passage thereof, and the publication of the said ordinances in a newspaper, according to law, shall in all cases be presumed to have been made, until the contrary be proved.

Council may establish workhouse.

34. *And be it enacted*, That the city council shall have power to build, establish, keep and maintain one or more workhouse or workhouses, and one or more almshouse or almshouses 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 city 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 city 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.

Council may borrow money.

35. *And be it enacted*, That the city 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 exceed-

ing in the whole the sum of twenty 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 city 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 statements.

36. *And be it enacted*, That it shall be the duty of the mayor to communicate to the city 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.

Mayor to have powers of police justice.

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 marshals, constables, watchmen, and other 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; every member of the city council shall have the power, and it shall be his duty, without warrant, to arrest, or cause to be arrested, any person engaged in his presence in disturbing the public peace, or violating any law of the state or ordinance of the city for the preservation thereof, or of good order or morality, and to bring, or cause such person or persons to be brought before some magistrate, to be dealt with according to law.

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 city 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 of disability of the mayor or president of the city council.

Duties and powers of chosen freeholders, overseer of roads, etc.

39. *And be it enacted*, That the chosen freeholders, surveyors of highways, overseers of roads, 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 receiver of taxes shall possess the powers and perform the duties of collectors of the several townships; the assessor, and judge and inspectors 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 Union, so far as such powers and duties shall be consistent with the provisions of this act; and that the members of the city 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 and powers of treasurer.

40. *And be it enacted*, That the city treasurer shall receive all moneys belonging to the city, and shall deposit and keep the same as directed by the city council, and shall keep an account of all receipts and expenditures in such manner as the city council shall direct, and shall perform such other duties appertaining to his office as may be required of him by law, or by any ordinance or resolution of the city council; the said treasurer shall, at the close of the fiscal year, make out a 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 city 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 a newspaper printed and published or circulating 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 city council, whose meetings it shall be his duty to attend; he shall engross all the ordinances of the city of Elizabeth in a book provided for that

purpose, with a proper index, which book shall be deemed a public record of such ordinances, and each ordinance shall be signed in said book by the mayor or acting mayor, the president of the city council and city clerk.

Certified copies of ordinances, &c., to be evidence.

42. *And be it enacted*, That copies of all papers duly filed in the office of the city clerk, and transcripts thereof, and of the records and proceedings of the city 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 city council monthly the amount of such receipts and payments.

Duties and powers of 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 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 Elizabeth; 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 commissioners, city attorney, etc.

44. *And be it enacted*, That the street commissioner, city attorney, chief of police, and all other officers appointed by the city 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 city council.

Licenses to keep inns and taverns.

45. *And be it enacted*, That power to grant licenses to persons to keep inns and taverns, with the privilege of retailing vinous, spirituous, or other liquors, within the said city, shall be vested in the city council.

Meetings of council.

46. *And be it enacted*, That the city council shall meet in the city council chamber at such times as they may appoint, not oftener than once in every three months, for the purpose of receiving and hearing applications for license.

Application for license.

47. *And be it enacted*, That every application for license, as aforesaid, shall be made by the petition of the person or persons applying for the same, stating the place or premises where the said inn or tavern is proposed to be kept, and a certificate thereunto annexed, signed by at least twelve respectable citizens and freeholders of the city, residing in the ward in which the same is located, setting forth that such inn and tavern is necessary to accommodate the public and entertain strangers and travelers, 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 travelers.

Council may revoke license.

48. *And be it enacted*, That the city council shall have power, on every application to keep an inn and tavern as aforesaid, to grant or withhold the same, and to revoke, for cause shown, any license whatever; the said city council shall charge for every license granted, not less than twenty, 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 mayor and president of the city council and city clerk, 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 certain amount of tax.

49. *And be it enacted*, That the chief engineer of the fire department, assistant engineers 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 five consecutive 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 in the militia, in time of peace.

Term of office of police justice.

50. *And be it enacted*, That the police justice elected in each of the wards of said city, shall hold his office for the term of three years, 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 of police justice.

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 Elizabeth, 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 Union.

Proviso.

Proceedings 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 Elizabeth, 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 subpœnas.

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 warrant for breach of ordinance.

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 or more than fifteen days; that such process shall state what ordinance the defendant or defendants named therein has or have violated, the time 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.

Warrant not to be issued unless upon oath filed.

.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

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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, nor shall a warrant in any case be issued against a freeholder.

Parties may appeal.

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.

Police officers to have powers of constables.

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

TITLE FIFTH.

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

Commissioners of schools.

58. *And be it enacted*, That the commissioners of public schools of the several wards of the said city shall constitute and be called "the Board of Commissioners of Schools of the city of Elizabeth," and the present commissioners of public schools in said city shall continue to constitute and be called "the Board of Commissioners of Schools of the city of Elizabeth."

Officers of board.

59. *And be it enacted*, That the said board 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 proceed-

ings, 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 power to call special meetings, whenever he shall deem it expedient.

Board to prepare estimate of moneys required.

60. *And be it enacted*, That the said board shall prepare and transmit to the city council of the city of Elizabeth, on or before the first day of May 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 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 city council of the city of Elizabeth 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 Elizabeth of the annual appropriation made by the state for the support of public schools, and the school poll tax; and the said city 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 said board for the support of public schools in the city of Elizabeth, according to the provisions of this act.

Board to take charge of schoolhouses.

61. *And be it enacted*, That the said board shall take charge of the public school houses in the city of Elizabeth, 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 ex-

penses 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 city council of the city of Elizabeth are 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 city of Elizabeth; *provided nevertheless*, that the said board shall at no time make nor incur any expenditure exceeding the amount appropriated by the city 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.

62. *And be it enacted*, That the said board 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, and a full and true account of the expenditures of said board during the year, under the respective heads of repairs of school houses, salaries of teachers, school books, school furniture and school libraries, stoves and fuel, and incidental expenses, and shall transmit the said annual report to the city council, and a copy thereof to the state superintendent of common schools; and the said board shall also notify the said city council of any vacancy which may occur in the office of commissioner of public schools in said city, and shall give such other information to the city council in relation to the public schools, or their own proceedings or acts, as the city council shall, by resolution, require.

Superintendent of schools

63. *And be it enacted*, That the said board shall have power from time to time to appoint a city superintendent of public schools of the city of Elizabeth, 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 oompensation, which appointments shall con-

tinue during the pleasure of the board, and no longer; but the services of the said board shall be gratuitous.

Treasurer to credit board with amount of money appropriated.

64. *And be it enacted*, That whenever, and as often as the city council of the city of Elizabeth 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 Elizabeth, 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 commissioners of schools of the city of Elizabeth," under the respective heads to which the same may be appropriated, and the treasurer of said city shall pay on presentation all drafts drawn upon him by order of the said board duly attested by the signatures of the president and secretary of said board, which drafts shall specify from which appropriation the same is to be paid, to an amount not exceeding the balance remaining on his books to the credit of the respective appropriations, and shall preserve such drafts as vouchers, to be exhibited in the settlement of his accounts as treasurer of the city of Elizabeth.

Suits, how brought.

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 outbuildings, fences, trees, or other improvements thereunto belonging, or to any school furniture or school books, in any school house under the charge of the said board shall be in the name of "The treasurer of the city of Elizabeth," 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 city council 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 assessor of the several wards of the city of Elizabeth, 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 commissioners of schools of the city of Elizabeth; and the number of children in said list shall be duly certified by the said board to the board of chosen freeholders of the county of Union, at their annual meeting next succeeding the return of said lists as aforesaid, and the quota of the city of Elizabeth 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 commissioners of schools of the city of Elizabeth.

State appropriation for public schools.

67. *And be it enacted*, That the city of Elizabeth 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.

Purposes for which tax may be raised.

68. *And be it enacted*, That the city council shall have power to raise by tax, in each year, such sum or sums of money as they shall deem expedient, 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 construction of cross walks.

VI. For the support of public schools, for erecting and maintaining school houses.

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, and other purposes.

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 purchasing necessary real estate.

XIII. 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 assessors' returns of the previous year. Proviso.

69. *And be it enacted*, That such sum or sums of money shall be assessed by the assessors, and collected by the receiver of taxes of the said city, in the manner in which the taxes of the county of Union are assessed and collected, except that so much of the said taxes as may be raised for the purposes mentioned in the first, fourth, fifth, seventh, eighth, and ninth sub-divisions of the last preceding section 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 city 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 city council; *provided*, that they shall assess a poll tax on every white Mode of Assessment and collection of taxes. Proviso.

male resident over twenty-one years of age, who is not a pauper, of one dollar, which shall be a school tax, and shall be included in the amount of moneys appropriated to public schools during the year.

Duties of Assessors.

70. *And be it enacted*, That the duties which the assessors of the several townships and wards in the county of Union 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.

Manner of making assessments.

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 city council, make their assessments as nearly as may be according to such maps.

Colored persons exempt from poll tax.

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

Meetings of board of assessors.

73. *And be it enacted*, That the assessors of the several wards of the city of Elizabeth, shall meet annually on the last Tuesday in June in each year, and may from time to 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 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 assessment of the several wards of the city of Elizabeth, subject as heretofore to the action of the commissioners of appeal in cases of taxation.

Meetings 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 Elizabeth 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 Union, 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 appeal 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 this shall not be deemed to apply to lands and real estate when the holder of a mortgage on said premises shall be a resident of the county of Union, so far as relates to said mortgage; *provided further*, 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; the commissioners of appeal for said city shall, immediately after finally concluding their duties in each year, cause to be delivered to the receiver of taxes a true and

Proviso.

Proviso.

particular statement of all taxes made or remitted, increased or reduced by them.

Assessments to be deposited with treasurer.

76. *And be it enacted*, That the assessment of taxes for the several wards of the city of Elizabeth, 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 twelve per cent. per annum, from and after the twentieth day of October next after the assessment thereof.

Assessments to be a lien.

77. *And be it enacted*, That any assessment of taxes hereafter made in the city of Elizabeth, 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 time when 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 time when such assessment shall be made, notwithstanding any devise, descent, alienation, mortgage or other incumbrance thereof, and notwithstanding any mistake in the name of the owner or owners, or omission to name the owner or owners of such land 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.

Receiver of taxes.

78. *And be it enacted*, That the duties which the collectors of the several townships are required to perform by the tenth section of the act entitled "An act concerning taxes," shall be performed by the receiver of taxes, 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 Union shall be on or before the twenty-second day of October in each and every year.

List of delinquent tax payers to be made out.

79. *And be it enacted*, That the receiver of taxes of the city of Elizabeth, in case of the non-payment of taxes at the time appointed by law for the payment of the same, shall make out a list of the names of the delinquents in each ward, with the sums due from them respectively thereto annexed, and deliver the same to a justice or justices of the peace of the county, residing in said city, on or by the twentieth day of October in every year, from which date they shall be chargeable with interest at the rate of twelve per cent. per annum; and if the said receiver of taxes 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 or justices of the peace of the county of Union, residing in said city, or to settle his 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.

Tax warrant to be delivered to receiver 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 receiver of taxes 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 receiver of taxes of the city of Elizabeth," 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 receiver of taxes

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 three public places in said city; and in case the said receiver 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 receiver 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 receiver of taxes, shall record in his docket; and if any justice of the peace residing in the city of Elizabeth shall neglect or refuse to perform any duty required 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 of "the treasurer of the city of Elizabeth," before any court of competent jurisdiction, in an action of debt, for the use of said city.

Receiver to pay over money received to treasurer.

81. *And be it enacted*, That it shall be the duty of the said receiver 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 city council of the 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 arrears, and the sums due from each respectively; and on or before the first day of March

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 city 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 person still in arrear, and the sums due from them respectively, which said return and statement shall be verified by the affidavit of the said receiver of taxes; 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 fee, in the like form, and to be proceeded upon in the same manner as hereinbefore mentioned, and so until the whole is collected.

Receiver may be removed from office.

82. *And be it enacted*, That the said receiver of taxes shall be removable, for misfeasance or malfeasance in office, at the pleasure of the city council of said city, but no such removal shall take place until the said receiver shall have had five days notice of the proceeding, and an opportunity to be heard in his defence; and in case of a vacancy in the office by removal, death or otherwise, the city council shall have power at any time to fill such vacancy; and any warrant in the hands of said receiver of taxes, 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 receiver of taxes, 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 city council of said city, a full return and statement of his proceedings there-

on, including all the particulars mentioned in the preceding section.

Receiver liable for amount of taxes.

83. *And be it enacted*, That the said receiver of taxes shall be liable to the said "The city of Elizabeth," 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 March next after said receiver of taxes shall receive said warrant, unless the deficiency happen without any neglect, fraud, or default on his part, to be recovered, with interests and costs, in an action on the case for so much money had and received by the said receiver of taxes for the use of the said "The city of Elizabeth."

Return and statement to be recorded.

84. *And be it enacted*, That the full return and statement for each of the wards of the city of Elizabeth to the city council of said city, made by the receiver of taxes on or before the first day of March next after receiving any warrant as hereinbefore required, shall be transcribed by him in a book to be kept for that purpose: and he 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 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 taxes thereon, respectively, and enter the same in a book to be kept for that purpose; and the said receiver of taxes 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 a newspaper printed and published or circulating 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, the same will be collected by public sale, according to law.

Assessments to be published.

85. *And be it enacted*, That whenever the city 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 a newspaper printed and published, or circulated, 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.

Notice of sale of lands for assessments to be published.

86. *And be it enacted*, That after the expiration of 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 a newspaper printed and published or circulating in said city, for the space of six weeks, at least once in each week, before the time appointed for such sale.

Treasurer to sell lands for assessments.

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 city council.

Provisions of act to apply to city in cases of sale.

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.

Mortgagee not divested of rights.

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 month's 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 Elizabeth, and if not such a resident, then upon the owner of the premises, if he be a resident of the city of Elizabeth, 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.

Owners may redeem land.

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 two 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, and any sum of money expended in any improvement made by order of the city council, 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 expenditure, 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.

Declaration of sale to be executed if property is 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 city 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 county 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 two 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 peacably

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 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, 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.

Record of taxes to be kept.

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 assessment of taxes prepared and returned by the assessors of the several wards of the said city, the final returns and statements to the city council made by the receiver 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.

Compensation of officers.

95. *And be it enacted*, That the said receiver 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 city council of said city, such amount as may be allowed by the said city 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 city council of the city of Elizabeth, whenever, in their opinion, the public good requires it, by ordinance—

Laying 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; *provided always*, that nothing in this act shall be construed to authorize the said city council to take and appropriate any grave yard, burial ground, or place used for burying the dead, for objects specified in this sub-division, without the consent of all the owners or proprietors thereof.

Proviso.

Sewers or 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.

Grading and Paving.

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

Notice to be given of intended improvements.

97. *And be it enacted*, That no ordinance shall be introduced or presented to the city council for making any im-

provement 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 city 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 or street commissioners, by direction of the city council, to give notice in a newspaper printed and published or circulating in the city of Elizabeth, of the intention of the city 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 office of the street commissioner or street commissioners, on or before the expiration of ten days from the date of such notice, and at any time thereafter the city council may proceed to consider such ordinance as aforesaid.

Further proceedings under ordinance to be by resolution.

98. *And be it enacted*, That whenever any ordinance shall be passed by the city 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 city 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.

Lands may be purchased for improvements

99. *And be it enacted*, That whenever the city council shall determine by ordinance to lay out and open any street, road, highway or alley, public park or square within said city, or to alter, widen 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

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 sections of this act.

Proceedings in case city 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 city council to appoint five disinterested freeholders of said city, residing as near as may be in different wards, commissioners to make an assessment of the damages that any such owner or owners will sustain by taking and appropriating in the manner aforesaid, such lands and real estate; and in estimating and assesing 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; and the same shall be and remain a lien upon said lands and real estate.

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 a newspaper printed and published or circulating in said city, of the time and

place of their first meeting, at least one week before the time of said meeting; and the said commissioners, or a majority of them, when met, shall have power to issue writs of subpœna ad testificandum to, and to examine witnesses, under 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 city 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 city 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 city 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 said city in an action of debt, with costs, in any court having cognizance thereof; and the said proceedings of the said commissioners and city council, or the award of the said jury, as the case may be, shall be conclusive evidence against the defendants. Suit may be brought for non-payment of damages.

104. *And be it enacted*, That the city treasurer shall, under the direction of the city council, tender and pay to the owner or owners of such lands and real estate, if residents in said city, the amount of such estimate and assessment of damages due to him or them; but if any such owner is not Proceedings in case owner will not accept amount of assessment of damages.

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 clerk; and the city council shall, after inquiry into the facts of the case, cause the amount to be placed at interest on good security, for the use of the person to whom it may be due; and the said moneys, so placed at interest, shall be paid by the city to the person or persons entitled thereto, on demand, with the interest collected on the same.

Assessments for improvements.

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 city council shall ascertain the whole amount of such costs, damages and expenses, and shall cause to be made a just and equitable assessment thereof upon the owners of all the lands and real estate benefitted 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 city council shall ascertain the whole amount of such costs, damages and expenses, and shall cause to be made a just and equitable assessment of such amount upon the owners of all the lands and real estate benefitted thereby, in proportion as nearly as may be to the advantage each shall be deemed to acquire; 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 city council shall ascertain the whole amount of such costs, damages and expenses, and shall cause to be made a just and equitable assessment thereof upon the owners of all the lands and real estate benefitted thereby, in proportion, as nearly as may be, to the advantage each shall be deemed to acquire.

Commissioners to make assessments.

106. *And be it enacted*, That the city council shall appoint

five disinterested freeholders of said city, residing as nearly as may be in different wards, commissioners to make any such assessment; unless in the acts and proceedings of said city 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 take oath.

107. *And be it enacted*, That the said commissieners, 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 make report in writing.

108. *And be it enacted*, That the said commissioners shall make a report, by a certificate in writing, of the assessments 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 a newspaper printed and published or circulating in the city of Elizabeth, which notice shall be published for one week, that such report has been deposited as aforesaid, and also of the time and place when and where the parties interested can be heard by the said commissioners; and after hearing the parties, the said commissioners shall proceed and complete the report, and sign the same, and return the said report with all objections in writing, which shall be presented to, and left with them, by any of the parties interested, to the city council.

Expenses of regulating and paving streets.

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, gravelling, flagging, macadamiziug or otherwise improving any street or 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 city 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, which shall be and remain a lien thereon from the time when said improvement shall have been made; *provided*, that the provisions of this section shall not be construed to apply to necessary repairs of any street, road, 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 city 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.

Proviso.

Proviso.

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 a newspaper printed and published in the city of Elizabeth, which notice shall be published for one week, 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 objection in writing, which shall be presented and left with him by any of the parties interested, to the city council.

Certificate of assessment to be referred to committee.

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 city 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 a newspaper printed and published or circulating in the city of Elizabeth, which notice shall be published for one week, 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 city 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 report.

112. *And be it enacted*, That the city 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 city 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 city council to supply by appointment the vacancy or vacancies caused by such resignation, death or disability.

Treasurer to record and publish assessment.

114. *And be it enacted*, That whenever any certificate of assessment as aforesaid shall be ratified by the city 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 a newspaper printed and published or circulating in the city of Elizabeth, which notice shall be published for three weeks successively, stating in general terms

the streets or sections of streets comprised in such assessment, and requiring the owners of 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, or within the said time deliver to him a bond entered into by said owner or owners to said city, conditioned for the payment of such assessment in five years from the date thereof, by paying twenty per centum of the amount of such assessment in each and every year, with interest upon the amount of such assessment, or such part thereof as may remain unpaid, at the rate of eight per centum per annum, payable semi-annually; and in case the sum of money mentioned in the condition of the said bond shall not be paid, with interest, at the expiration of the said five years, or in case any installment or interest shall not be paid according to the condition thereof, then the said land and real estate may be sold as provided for in the eighty-seventh section of this act, for the amount of said assessment, or such part thereof as may remain unpaid, with interest, costs and expenses; and the amount due on the said bond shall be placed to the credit of the said city, or paid by the city treasurer to the assignee or holder of said bond, or the legal representatives of the said assignee or holder.

Suits may be brought for unpaid 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, or said bond shall not be delivered within the time appointed in the said notice, the city 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 treasurer of the city of Elizabeth," 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.

Agreements between owners and tenants for tax not affected.

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.

Provisions of act to extend to removal of buildings.

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 first section of an act entitled "A supplement to an act entitled an act to establish the city of Elizabeth," approved March fifteenth, eighteen hundred and fifty-nine.

Alteration in streets occupied by railroad track.

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 city 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 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 Elizabeth, and may also be enforced in the same manner as the assessment upon such owners of lands and real estate benefited thereby.

Surveys of streets to be made and recorded.

119. *And be it enacted*, That it shall be lawful for the city 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 Union, 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.

Public streets to be laid out under direction of council.

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 forty, 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 city council, or has been or shall be laid out and opened under the direction of the city council, or has been or shall be surveyed, and such survey filed and recorded as aforesaid.

Commissioners to lay out lines of streets, etc.

121. *And be it enacted*, That, whereas there are several roads, highways and streets within the said city of Elizabeth, 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 city council of said city shall and may appoint from time to time, three disinterested freeholders of the said city, residing as near as may be 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 three commissioners shall receive for their services such compensation as shall be made and granted by the said city council; *provided*, that private property shall not be taken without compensation to the owner or owners, and the costs and expenses of said improvement shall be as-

sessed and collected in the same manner as for laying out and opening any street.

TITLE EIGHTH.

MISCELLANEOUS PROVISIONS.

Inhabitants not incompetent as witnesses or jurors.

122. *And be it enacted*, That upon the trial of any issue, or upon the judicial investigation of any fact to which "the treasurer of the city of Elizabeth" is a party, or in which the city of Elizabeth 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; and all actions to be brought for the recovery of any penalty imposed by any ordinance that may be passed by said city council, and all actions brought for or to the use of said city, may be prosecuted in the name of the "treasurer of the city of Elizabeth," without specifying the individual name of the treasurer of said city for the time being; and no such suit shall abate by reason of any change of the person holding such office.

Former ordinances in force until repealed.

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

Revision of ordinances.

124. *And be it enacted*, That whenever the city council shall cause a revision of the ordinances of the city to be made, and shall direct the same to be published in a printed volume, it shall not be necessary to publish such revised ordinances in a newspaper printed and published or circulating in the city of Elizabeth, as provided in the twenty-ninth and thirtieth sections of this act; *provided*, that all notices and matters required to be published by this act, shall be printed and pub-

Proviso.

lished in a newspaper of the said city, if any newspaper is printed or published therein.

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.

Member of council not to hold office in city, &c.

126. *And be it enacted*, That no member of the city council shall, during the period for which he was elected, be appointed to, or competent to hold any office, the salary or emoluments of which are paid from the city treasury, or be directly or indirectly interested in any contract, work or business, or in the sale of any article, the expense, price or consideration of which is paid from said city treasury, or by any assessment levied by any act or ordinance of said council; nor shall any such member be directly or indirectly interested in the purchase of any real estate or other property belonging to the city council, or become security for any officer appointed by said council, or for any contractor under the city government, under the penalty of five hundred dollars for each offence, to be recoverable by suit in the name of the "treasurer of the city of Elizabeth," and the said penalties when received, shall be paid into the city treasury; nor shall any member of the city council 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 Elizabeth, but upon being qualified and entering upon the discharge of his duties as a member of the city 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.

Contracts to be advertised.

127. *And be it enacted*, That all contracts for doing work, or furnishing materials for any improvement provided under this act, exceeding in amount one hundred dollars, shall be advertised for three weeks in a newspaper printed, published or circulating in said city, and shall at all times be

given to the lowest bidder, he or they giving ample security for doing the same according to contract.

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.

Act, when to take effect.

129. *And be it enacted*, That this act be deemed and taken to be a public act, and the legislature may at any time alter, modify or repeal the same, and that it shall not take effect until it shall have been published in a newspaper printed and published or circulating in said city, and the electors of the said city of Elizabeth, at public elections called in the respective wards for the purpose of approving or rejecting the same, shall, by a vote of a majority of the electors present, and voting by ballot, determine to adopt the same; such election shall be called forthwith by the mayor of the said city, to be held under the direction of the officers at the last annual state election held in said city, and at the same places and during the same hours, of which time and places the mayor aforesaid shall give at least one week's previous notice by advertisement in a newspaper of said city, and posting it in the respective wards; and the electors entitled to vote who are in favor of this act, shall each deposit a ballot with the words "New Charter" written or printed thereon; and those who are opposed, shall each deposit a ballot with the words "No New Charter" written or printed thereon; and a canvass and a return of the votes shall be made by the judges of election to the mayor of said city, who shall lay the same before the city council at their next meeting, whereupon said council shall, by a resolution, declare the result, and if it shall appear that

a majority of the said voters have voted to accept the new charter, then this act shall take effect from the declaration of said result.

Approved March 15, 1860.

CHAPTER CXXV.

AN ACT to incorporate the Belleville and Newark Horse Car Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jonathan Bird, John Van Renselaer, Oliver H. Perry, James McCracken, Charles L. C. Gifford, Adolphus W. Waldron, John Kennedy, John Eastwood, Horace H. Nichols, Alfred Keene, Cornelius W. Tolles, Samuel Adams and Theodore Sandford, and such other persons as may be hereafter associated with them, be and they are hereby ordained, constituted and declared to be a body politic and corporate, in fact and in law, by the name of "the Belleville and Newark Horse Car Railroad Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels, necessary or proper for the objects of this corporation. Names of corporators.

2. *And be it enacted*, That the amount of the capital stock of said company shall be one hundred thousand dollars, with the privilege of increasing the same to two hundred thousand Amount of capital stock.

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, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said company, at such time or times, and place or places, as they, or a majority of them, may think proper, giving at least twenty days' notice of the same in two of the newspapers published in the county of Essex; and at the time of subscribing for said stock ten per centum shall be paid upon the amount subscribed for, to the commissioners, or some one of them, and as soon as the sum of twenty-five thousand dollars of the capital stock is subscribed for, such commissioners shall give notice for a meeting of the stockholders, to choose eleven directors, a majority of whom shall be chosen from the above named commissioners, and 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 said corporation, and shall certify under their hands the names of those persons duly elected, and deliver over the subscription books and money paid in, deducting all expenses previously incurred, to the said directors; and the time and place of holding the first meeting of said directors shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at such meeting, or at the annual election of said corporation, shall, as soon as may be after every election, choose out of their own number a president, who shall be a resident of this state; and in case of the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year in which they may happen, by the said board of direc-

tors, 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 the number of the directors of the said company shall be eleven, a majority of whom shall be residents of the township of Belleville, and in case it shall happen that an election of directors should not be made during the day when, pursuant to the by-laws of said company it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time, on giving at least twenty days' notice, in two of the newspapers published in the county aforesaid; and the directors for the time being shall continue to hold their offices until others shall have been chosen in their place.

Payment of installments

5. *And be it enacted*, That a majority of the directors of said company shall be competent to transact all business of said corporation, and shall have power to call in the remaining stock of said company by such installments and at such times as they may direct, by giving thirty days' previous notice in two newspapers published in the county of Essex; *provided*, that no installment shall exceed ten dollars on each share, and that no two installments shall be required to be paid within thirty days of each other; and in case of the non-payment of said installments, or any one of them, they shall have power to forfeit the share or shares upon which said default shall arise, to the said corporation; and the said directors shall have power 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, effects and business 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 to the president as to the said directors shall seem proper.

Proviso.

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 some suitable point in the township of Belleville, to some suitable point on Broad street, in the city of Newark, and thence along the line of said street to the Morris and Essex depot, and to locate and construct said railroad, not exceeding one hundred feet in width; and it shall be lawful for said president and directors, their agents, engineers, superintendents, and others in their employ, to enter at all times upon lands for the purpose of exploring, leveling, surveying and laying out the route of such railroad, and of locating the same, and to make and erect all necessary works, buildings and appendages thereof, doing no unnecessary damage to private property; and when the route and location of said railroad shall have been determined upon, and a survey thereof deposited in the office of the secretary of state, then it shall be lawful for said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, use, occupy and excavate any such lands, and to erect embankments and all other necessary works thereon, and to lay rails and to do all other things which may be suitable and necessary for the completion or repairs of the said railroad, and to carry into full effect the objects of this act, subject to such compensation and upon such terms as are hereinafter provided for.

Rails not to be laid on public streets without permission

7. *And be it enacted*, That if the said railroad shall be located on any public street or highway, except for the purpose of crossing the same, in the city of Newark, the said company shall not lay any rails along said streets or highways, nor commence the work for that purpose, without first obtaining the permission of the common council of said city, upon such conditions and restrictions as the said common council may designate to lay the same; and if the said railroad shall be located on any public highway, except for the purpose of crossing the same, in the township of Belleville,

the said company shall not lay any rails along such highway without first obtaining the consent, in writing, of the township committee, surveyors of the highways and chosen freeholders of said township, or a majority of them, to lay the same, which consent shall be filed in the office of the clerk of the county of Essex, and the said railroad and the rails thereof shall be constructed in such manner, and of such size and pattern, as to impair as little as practicable the ordinary travel in any street or highway in which the said road may be located.

Proceedings when company and owners cannot agree.

8. *And be it enacted*, That if the said company or its agent or agents cannot agree with the owner or owners of such required land for the use or purchase thereof, or if by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land so required for the use of 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 said company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the judges of the inferior court of common pleas of the county of Essex, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown or out of this state, to make publication thereof as he shall direct, for any time not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time and place, upon satisfactory evidence to him of the service or publication of such notice as aforesaid, he shall appoint under his hand and seal, three disinterested, impartial and judicious freeholders, residents of this state, commissioners to examine and appraise the said lands and assess the damages, upon such notice, not less than ten days, to be given to the persons interested, or otherwise, as shall be directed by the judge making the appointment of commissioners; and it shall be the duty of said commissioners

(having first taken and subscribed an oath or affirmation before some person duly authorized to administer the same) faithfully and impartially to examine the matter in question, and make a true report according to the best of their skill and understanding, to meet at the time and place appointed and to proceed to view and examine the said lands, the said commissioners at the same time taking into consideration all the benefits to be derived from or in consequence of said railroad, as the case may be, to the said owner or owners, and to make a just and equitable appraisement of the value of the same, and an assessment of damages to be paid by the said company, which report shall be made in writing, under the hands and seal of said commissioners, or any two of them, and filed within twenty days thereafter, together with the aforesaid description of the lands, and the appointments and oaths or affirmations aforesaid, in the clerk's office of said county, to remain of record therein, which report, or in case of an appeal, the verdict of a jury and the judgment of the court, and a copy thereof, certified by the clerk of said county, (the damages and costs assessed and adjudged being first paid as hereinafter mentioned) shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said lands, and either of the judges of the said court shall, on application of either party, on reasonable notice to the other, tax and allow such costs, fees and expenses to the judges of the said court, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as he shall think equitable and just, and to order and direct by whom the same shall be paid.

Parties aggrieved may appeal.

9. *And be it enacted*, That in case the said company or owner or owners of the said lands shall be dissatisfied with the report made by the said commissioners named in the preceding section of this act, the party so aggrieved may appeal to the circuit court of the said county of Essex, at the first term after filing of the said report, by proceeding in the form of petition to said court, which proceedings shall vest in said

circuit court full right and power to direct a proper issue for the trial of the said controversy between the said parties, and order a jury to be empannelled and sworn as in other cases, and a view of the premises to be had, if either of the parties desire it, and the issue to be tried at the next term of said court to be holden in said county, upon like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the jury to assess the value of the said land and the damages sustained, and if they shall find a greater sum than the commissioners have awarded or the company have offered to the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded thereon; and if the said appeal shall be applied for by the owner or owners, and the jury shall find the same or a less sum than the commissioners awarded or the company offered, then the said costs shall be paid by the said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor as the court shall direct, but such application shall not prevent the company from taking the said land upon filing the said report; *provided*, that in no case whatever shall said company enter upon or take possession of the lands of any person or persons for the purpose of actually constructing said railroad or of making any erections or improvements whatever, or otherwise appropriating said lands to the use of the company until they have paid the party or parties entitled to receive the same the amount found by the said commissioners as the value of the said lands or damages, in case the report of the commissioners is not appealed from, or if the same is appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the party or parties entitled to receive the amount assessed by the commissioners in case there shall be no appeal, or the amount found by the jury 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 payment of the amount assessed

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or found as aforesaid, into the circuit court of the county of Essex, 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 the same without being debarred thereby from an appeal from the report of the commissioners; and it shall be lawful for said company, and they are hereby authorized, with their road, to cross the line of any other railroad; *provided*, that the grade of the road hereby authorized, at the point or points of crossing such other railroad, shall correspond with the grade of the railroad so to be crossed, or otherwise at such point or points or shall be constructed a viaduct, at such a height as not to interfere with the passage of the trains upon such other railroad.

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Highway to be repaired.

10. *And be it enacted*, That in case the said railroad is located on or across any road or highway the said company shall restore such road or highway to such state or condition as not to impair its usefulness.

Rates for transportation

11. *And be it enacted*, That the president and directors of said Belleville and Newark Horse Car Railroad Company shall have power to have constructed, or to purchase with the funds of the company, and place and use on said railroad, cars, wagons, carriages or vehicles for the transportation of persons or any species of property, with such motive power as they may think reasonable, expedient or right, but that no steam power shall be used in passing on or over any public road or highway without the permission of the public authorities of the city or township before mentioned; and they are hereby authorized to demand and receive such sum or sums of money for the transportation of persons, and every species of property whatsoever thereon, as they from time to time shall think reasonable and proper; *provided*, that they shall not charge more than five cents per mile for each passenger, and twenty-five cents per ton per mile for the transportation of every species of heavy merchandise and goods as usually weigh by the ton, in the carriages of the company, and for dry goods and packages such reasonable rates as shall be

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fixed by the board of directors, or six cents per ton per mile for every ton, four cents per mile for every passenger carried on said railroad in the carriages of others, and four cents per mile for every empty carriage not the property of the company; and that the road authorized by this act shall be and is declared a public highway, and free for the passage of any railroad carriage thereon with passengers or property, upon payment of the tolls prescribed by this act; *provided always*, that the carriages so used thereon shall be of the same description in the formation of the wheels and length of axles as those used by the company, and shall be regulated as to the time of starting and running and rates of traveling by the company, in the same manner as the carriages of the company are; and the said railroad and its appendages, and the land over which the same shall pass, and all the works and improvements and all other property whatsoever belonging to the company and their successors for and during the continuance of the charter; *provided always*, that in case the said company, after the road is completed, shall abandon the same or cease to use it and keep it in repair for one successive year in the city of Newark, that the charter shall be annulled so far as it affects said city of Newark, and the common council may remove the same and appropriate enough of the materials thereof to defray the expense of such removal, and for repairing said street or streets; that then and in that case this charter shall be annulled, and the title of the land over which the said railroad is located shall be reverted in the person or persons who would have been legally entitled thereto if the said railroad had not been located; but the superstructure of the said railroad, and the materials of which the same are composed, shall in such case be deemed and taken to be personal property of the company, and shall be by them removed and disposed of within a reasonable time, to and for the use of the said company.

Proviso.

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12. *And be it enacted*, That the president and directors may, within one year after the said railroad shall have been completed, declare and make such dividends of the net profits

Semi-annual dividends may be made.

thereof among the stockholders as they may deem prudent, and shall in like manner, semi-annually thereafter, declare such dividends, and pay the same to the stockholders or their legal representatives, in proportion to the amount of stock held by them respectively.

Company may hold real estate.

13. *And be it enacted*, That the said company may purchase, have, hold and occupy such real estate, at or near the commencement and termination of said road, and at such points along the line of said road as may be necessary for the convenient transaction of business, not exceeding five acres in each place, and may erect and build thereupon depots, warehouses, and such other buildings and improvements as they may deem expedient for the safety of their property and the necessary uses appertaining to their business.

Penalty for injuring works.

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

State tax to be paid.

15. *And be it enacted*, That as soon as the said railroad is finished, the president of the said company shall file, under oath or affirmation, a statement of the amount of the costs of the said railroad, including all expenses, in the office of the secretary of state, and annually thereafter, he shall, under oath or affirmation, make a statement to the legislature of this state, of the proceeds and expenses of said road; and as soon as the said company shall declare to their stockholders dividends equal to seven per centum per annum, from and after the commencement of the building of said road, and so long as the said company pays dividends of seven per centum per annum, the said company shall pay to the treasurer of this state a tax of one-half of one per centum on the cost of the said road, to be paid annually on the first Monday in January; *provided*, that no other tax or impost shall be levied or raised from said corporation by virtue of any law of this state.

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16. *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 repair said road, and furnish the said company with all necessary buildings, cars, vehicles and animals for the use and object of said corporation, and to secure the re-payment thereof by bond and mortgage, or otherwise, on the said road, land, franchises and appurtenances of, or belonging to the said corporation, at a rate of interest not exceeding seven per centum per annum; *provided however*, that the said company shall not plead the statute of usury in consequence thereof. Corporation may borrow money. Proviso.

17. *And be it enacted*, That it shall be lawful for the said corporation, at any time during the continuance of its charter, to make contracts and engagements with any other company or corporation, or with individuals, for operating said railroad, for transporting or conveying any kind of goods, produce, merchandise, freight or passengers, and to enforce the fulfillment of such contracts, and also to demand and receive for the transportation of all passengers and freight by them carried and transported over the road of any other company, the same rates of fare and tolls as the said company are entitled to demand and receive, by virtue of this act, for transportation and passage over their own road; and it shall also be lawful for said company, at any time after said railroad shall be completed, to extend it to the city of Paterson, or any intervening point, under the regulations and restrictions hereinbefore laid down. Corporation may make contracts with other companies.

18. *And be it enacted*, That if the said railroad is not completed and in use within three years from the fourth day of July next, then and in that case this act shall become void. Time for commencement and completion of road.

19. *And be it enacted*, That the said company shall have power to connect with any other railroad hereafter built and established by any company incorporated by the New Jersey legislature, upon such terms and conditions as shall be agreed on between them, and not inconsistent with their respective charters. Company may connect with other roads.

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

Approved March 15, 1860.

CHAPTER CXXVI.

AN ACT to authorize the trustees of the Millstone school house lot to sell and convey the same.

Preamble.

WHEREAS, Daniel H. Disborough and Matilda, his wife, by a deed dated the twenty-ninth day of July, eighteen hundred and fourteen, conveyed to Frederick Frelinghuysen and Edward Van Harlingen, and to their successors as trustees for the neighborhood of Middleburgh, near Millstone, in the county of Somerset and state of New Jersey, a lot of land in the village of Millstone, adjoining the church, for the purpose of erecting thereon a school house, and for no other purpose; and whereas, the said Frederick Frelinghuysen and Edward Van Harlingen have departed this life, and John Van Doren and Peter N. Beekman have been appointed their successors; and whereas, the said Daniel H. Disborough, and Matilda his wife, by their deed dated the seventh day of January, eighteen hundred and forty, have released to the said John Van Doren and Peter N. Beekman, as trustee as aforesaid, all their right in the said lot, so that the title is discharged of any condition; and where-

as, the school district of the village of Millstone, by their trustees, have purchased another lot more suitable to the wants of the district, and erected a school house thereon; and whereas, it is desired by the neighborhood that the lot first mentioned should be sold, and the proceeds applied to the uses of the school district—now,

Trustees authorized to sell land.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said John Van Doren and Peter N. Beekman, the trustees above mentioned, are hereby authorized to make sale and conveyance of the aforesaid lot of land for the best price that can be obtained for the same, and to execute a good and sufficient deed for the same.

Proceeds of sale to be paid over to trustees.

2. *And be it enacted*, That the said John Van Doren and Peter N. Beekman shall pay over the proceeds of said sale to the trustees of the Millstone school district, for the use of the said district.

Approved March 17, 1860.

CHAPTER CXXVII.

AN ACT for the relief of Mary Hand, of the county of Cape May.

Preamble.

WHEREAS, Jeremiah Hand, a soldier and pensioner of the war of the Revolution, died on the twenty-fifth day of April, A. D. eighteen hundred and fifty-nine, leaving his widow, Mary Hand—therefore,

Treasurer authorized to pay Mary Hand fifty dollars.

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 Mary Hand the sum of fifty dollars per annum, to be paid half-yearly, on the first day of April and October, eighteen hundred and sixty, and the sum of fifty dollars per annum thereafter, during the term of her natural life, to be paid half-yearly, and the receipt of the said Mary Hand, 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 17, 1860.

CHAPTER CXXVIII.

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 a part of the township of Newton, in the county of Sussex.

Provisions of former act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled, "An act 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 of the benefits and provisions of said act be and the same are hereby extended to all that part of the township of Newton, in the county of Sussex, lying within the distance of a half mile of the court house in said county of Sussex.

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

Approved, March 17, 1860.

CHAPTER CXXIX.

AN ACT to relieve the sureties of trustees.

Court may order trustee to render an account on application of surety.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where the surety in any bond given by a trustee shall discover or believe that such trustee is wasting or mismanaging the estate whereby the said surety may become liable to loss or damage, the court making the appointment, upon application of such surety, and upon sufficient reason therefor, may order and direct every such trustee to render an account of his or her trusteeship to such surety, and if it shall appear that such trustee has embezzled, wasted, misapplied, mismanaged, or not sufficiently secured said estate, in any such case the said court shall direct the said trustee to give separate security to his or her surety for the true payment of the balance remaining in his or her hands,

to be paid according to the trust, and on neglect or refusal it shall be lawful for the said court to revoke the trusteeship and grant the same to such person or persons having right thereto, or other person or persons as will give sufficient bonds in the usual form, and in such case it shall be the duty of the newly appointed trustee immediately to bring an action on the case against such removed trustee and hold him or her to bail, and in such action to recover the amount of all moneys, assets, rents, issues, and profits received by such trustee and not applied according to law, as well as all damages done or committed by such trustee in respect to the estate in his or her hands.

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

Approved March 17, 1860.

CHAPTER CXXX.

AN ACT to incorporate the "Trenton and Ewing Turnpike Company."

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all such persons as shall become subscribers to the capital stock hereinafter mentioned, their successors and assigns, shall be and hereby are ordained, constituted and made a body politic and corporate, in fact and in law, by the name of "The Trenton and Ewing Turnpike Company," and that the following named persons, to wit:

James Brook, Edmond B. Hunt, Theodore W. Hill, James S. Sterling, Charles Brearley, Ambrose W. English, J. Forman Rose, or a majority of them, are hereby appointed commissioners to open subscription books and receive subscription to the capital stock, at such times and places as they or a majority of them may direct, giving notice thereof at least twenty day's prior to the opening of said books, by publishing the same in at least one newspaper published in Trenton.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall be ten thousand dollars, and shall be divided into shares of twenty-five dollars each; that at the time of subscribing to 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 said company so soon as one shall be appointed; that the residue of said stock shall be paid to the treasurer, in such installments and at such times and places as the board of directors of said company shall from time to time direct; that upon failure of the payment thereof, as so directed, the said board shall have power to forfeit the shares of each and every person so failing to pay said installments, or any of them, to and for the use of said company.

Election of directors.

3. *And be it enacted*, That the affairs of said company shall be managed by a board of nine directors, a majority of whom shall be a quorum for the transaction of business, but any less number may adjourn from time to time; that when one hundred shares of said stock shall be subscribed for, the said commissioners, or a majority of them, shall call a meeting of the said stockholders, giving at least ten days notice of the time and place of said meeting in the newspaper aforesaid, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect by ballot nine directors for the term of one year, who shall be citizens of this state, of which election the said commissioners, or a majority of them, shall be the judges; and that at the expiration of said term, and annually thereafter upon like notice being given by the existing board of direct-

ors, the stockholders shall elect by ballot nine directors, who shall be citizens of this state; and the judge of such elections shall be appointed by the president, and at every such election, and in all other cases in which the stockholders shall be entitled to vote, a vote may be given for each share of stock by the holder thereof in person or by proxy; and in case it shall happen that any election of directors should not be made on the day when pursuant to this act it ought to be made, said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time, and the directors for the time being shall continue to hold their office until others shall have been chosen in their place.

Election of president.

4. *And be it enacted*, That so soon as conveniently may be after the first and subsequent annual election of directors, they shall elect from their number a president of said company for the term of one year, and until another shall be elected, who shall receive such compensation for his services as the board of directors may direct; he shall keep the seal of the company and preside at all meetings of said board; and in case of his absence, the said board shall appoint one of their number, who, for the time being, shall possess the same power and authority and perform the like duties; and the board of directors may fill any vacancy that may occur therein until the next annual election, and may exact from the president, treasurer and other officers and agents of said company, such security for the due performance of their respective trusts as they may deem expedient; and special meetings of the said stockholders may be called by the said board, or by the stockholders owning one-fourth of the whole stock of the company, by giving notice of the time and place of holding the same, and the object for which the meeting is called.

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 their said term; *provided*, that

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all that part of such turnpike road within the limits of the city of Trenton, shall be constructed in such manner as the common council of said city shall by ordinance direct; *and provided further*, that said company shall not erect a toll gate on said road east of the western boundary of said city of Trenton. Proviso.

6. *And be it enacted*, That it shall and may be lawful for the said company to construct and make a turnpike road from the waste weir bridge in west State street, in the city of Trenton; thence, along said street or road, to the city limits; thence, along the river road in Ewing, to a stone bridge near the residence of the late Theodore Howell, deceased; 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 necessary to make the said road, and also to search for stone, gravel, sand or clay, for constructing and keeping up said road, doing no unnecessary damage to said lands; *provided*, the said company, as soon as they shall have constructed the said turnpike road, shall pay to the respective owners of the land over which they may pass, all damages which the said owners shall sustain by reason of the construction of said turnpike road; and in case the said owners and said company cannot agree upon the amount of said damages, 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 taking off stone, gravel, sand or other materials from his or her lands for the constructing or maintaining of said turnpike road. Company authorized to make road. Proviso.

7. *And be it enacted*, That the said turnpike road shall be constructed at least thirty-two feet in breadth, and shall be sufficiently arched and drained to make and keep the same dry, and at least eighteen feet thereof shall be sufficiently bedded and faced with stone or gravel to make a good and firm road; and it shall be so graded that in its progress no part of said road shall rise above an angle of four degrees with the plane of the horizon; and said company shall make Description of road.

good and sufficient bridges along said road, not less than thirty feet in breadth; and whenever 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 on the side, 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 agents, superintendents, engineers, and all persons employed by them, with carts, wagons and other carriages, and with beasts of burthen and draught, and all necessary materials, tools and implements, to enter upon all lands contiguous or near to the 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 are necessary for the proper draining of said road, and to take and carry away stone, gravel, clay or sand, or other materials therefrom, 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 material 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 Mercer, upon application of either party, and after six days notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested, impartial and judicious freeholders, residents of this state, commissioners to assess the price or value of such land or materials as may be required by said company, and all damages that may be sustained by reason of the appropriation of the same to the use of said company, who shall before they enter upon the duties of their appointment, be duly qualified according to law, faithfully and impartially to execute the duties thereof, and after six days notice in writing to both parties, of the time and place, 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 equi-

table, and transmit such award and decision in writing, under their hands and seals, or the hands and seals of a majority of them, to the clerk of the said county of Mercer, to be by him filed as a public record, and certified copies taken if desired by either party; and upon payment or tender of the sum so awarded by the commissioners, the said company or their agents may enter upon said land, or remove all such materials as have been appraised as aforesaid; and when 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 award made in behalf of any such persons by commissioners appointed as aforesaid, into the court of chancery to the clerk thereof, subject to the order of said court, for the use of said owner or owners.

Rates of toll.

9. *And be it enacted*, That as soon as the said company shall have constructed said road, according to the direction of this act, and the true meaning and intent thereof, it shall and will be lawful for them to erect toll houses upon, and gates or turnpikes across the same, and to demand and receive toll for traveling each mile and all fractions over one half a mile of the said road, not exceeding the following rates, to wit:

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

And it shall and may be lawful for the toll gatherers to stop all persons riding, leading, or driving any horses, cattle, mules, sheep, calves or hogs, or carriages of burthen or pleasure, at 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 horses, carriages,

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sleighs or sleds carrying persons to or from a funeral, to or from any mill to which he may usually resort for grinding of grain for his family use, or any person passing to or from his common business on his farm.

Milestones to be erected.

10. *And be it enacted*, That before the said company shall receive toll for traveling said road, they shall cause mile stones to be erected and maintained, and on each stone shall be fairly and legibly marked the distance said stone is from the waste weir bridge; 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 ten dollars."

Penalty for injuring works

11. *And be it enacted*, That if any person shall wilfully break, throw down or deface any of the mile stones so erected on said road, or wilfully tear down or deface any of the printed rates of toll or directions, or shall cut, break down or destroy, or otherwise injure any gates, turnpikes or bridges that shall be erected pursuant to this act, or shall forcibly pass the same without having paid the legal toll at such gates or turnpikes, such persons shall forfeit and pay the sum of ten dollars, besides being subject to an action for damages for the same, to be recovered by said company by action of debt or other proper action, in any court of competent jurisdiction, with cost of suit; and if any person with his or her carriage, team or vehicle, turn out of said road to pass a gate or gates, upon private grounds adjacent thereto, with the intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay five times as much as the legal toll would have been for passing through said gates, to be recovered by said company for the use thereof, in an action of debt, with costs of suit.

Penalty for taking illegal tolls.

12. *And be it enacted*, That if any toll gatherer shall demand more toll than is by this act established, he shall for every such offence forfeit and pay the sum of twenty dollars,

with cost of suit, to be prosecuted by and recovered for the sole use of the person so defrauded.

13. *And be it enacted*, That all drivers of carriages, sleighs or sleds, of every description, whether of burthen or pleasure, or persons on horseback using the said road, shall keep their horses or vehicles on the right hand side of the road, free and clear for other vehicles 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 damage for every such offence, to be recovered with cost of suit. Penalty for obstructing passage.

14. *And be it enacted*, That if the said company shall not keep the road and bridges in repair, it shall be the duty of any judge of the court of common pleas of the county of Mercer, upon complaint being made to him in writing, stating the bridge or part of the road that is out of repair, and specifying the particular defect, and after four days notice in writing to said company, specifying the particular part of the road or bridge, and the particular defect complained of, and after hearing the parties, if the said company should not have mended or repaired the bridge or part of the road complained of, to appoint under his hand and seal three judicious, disinterested freeholders of the county of Mercer, not residing in any township through which said road passes, who having been duly qualified according to law to act impartially in the case, shall proceed to view and examine said part of the turnpike road or bridge so complained of, and report to said judge in writing, under their hands and seals, or under the hands and seals of any two of them, whether it be in such state as the law requires it to be kept, and if the report be unfavorable to said road, said judge shall immediately, in writing, under his hand and seal, order the keeper of the gates or turnpikes established on the division complained of, to keep open the same until otherwise ordered, and if the said keeper shall, notwithstanding the order of said judge to open Proceedings in case road and bridges are not kept in repair.

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 shall prosecute for the same in an action of debt, with cost of suit, and the said judge shall be allowed for his services one dollar, and the persons appointed one dollar each, to be paid by the company; and upon due proof before said judge that said company have repaired or mended said road or bridge in the particular complained of, he shall by license under his hand and seal, directed to the toll gatherers, permit the gates or turnpikes to be shut, and the toll to be collected as before, and the said fee shall be allowed and paid as before directed; but if on the view as before mentioned, the report of the persons appointed, or a majority of them, shall be in favor of the company, the same fee shall be allowed as before prescribed, and be paid by the person or persons making the complaint.

Turnpike may be constructed on highway.

15. *And be it enacted*, That said company may construct their said turnpike upon the highway beginning at the waste weir bridge in west State street, in the city of Trenton, thence along said street or road to the city limits, thence along the river road in Ewing to a stone bridge near the residence of the late Theodore Howell, deceased; *provided*, that before occupying any part of said highway for the purpose above mentioned, the part so to be occupied shall be first vacated as public highway according to law.

Proviso.

Time for commencement and completion of road.

16. *And be it enacted*, That if the said road be not commenced within three years, and completed within five 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."

17. *And be it enacted*, That this act shall be taken and construed to be a public act.

Approved March 17, 1860.

CHAPTER CXXXI.

AN ACT to authorize the building of a bridge over the Hackensack river.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of chosen freeholders of the county of Bergen to build and construct, or cause or permit to be built and constructed, a bridge across the Hackensack river, from the foot of Anderson street, in the village of Hackensack, over to a point on the eastern shore of said river, opposite the said street; and to place in said bridge over the deepest channel of said river a draw of not more than forty feet wide, of such construction as to impede as little as possible the navigation of said river. Freeholders authorized to construct bridge.

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

Approved March 17, 1860.

CHAPTER CXXXII.

AN ACT relative to the Fernwood Cemetery Association.

1. BE IT ENACTED *by the Senate and General Assembly of* Association authorized to sell property.

the State of New Jersey, That the Fernwood Cemetery Association of Jamesburg, Middlesex county, organized under the provisions of "An act to authorize the incorporation of rural cemetery associations," approved March fourteenth, eighteen hundred and fifty-one, be and they are hereby authorized and empowered to sell and convey all the real estate now owned by said association, and that they be authorized to purchase other real estate and dispose of the same, according to the provisions of their original act of incorporation.

Number of trustees reduced.

2. *And be it enacted*, That the number of trustees be reduced to five, and that they possess the same powers and be subject to the same liabilities as the present board of trustees.

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

Approved March 17, 1860.

CHAPTER CXXXIII.

AN ACT to provide for the sale of the poor house and farm, and the tracts of land appertaining thereto, belonging to the counties of Camden and Gloucester.

Preamble.

WHEREAS, the board of chosen freeholders of the county of Camden, and the board of chosen freeholders of the county of Gloucester, are the owners in equal moieties, as tenants in common of the poor house, and the farm

and tracts of land appertaining thereto, situate in the townships of Washington and Munroe, in the said county of Camden; and whereas, such common ownership of said property is a source of great trouble and inconvenience to both counties, and occasions frequent difficulties in regard to the management of the same—therefore,

Commissioners to sell poor house and farm.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William P. Robeson, of Warren, Charles Stokes, of Burlington, Joseph Porter, of Camden, Joseph Tatem, of Gloucester, and Josiah M. Reeve, of Salem, shall be and are hereby appointed commissioners for the purpose of making sale and conveyance of the said poor house and farm, and the tract or tracts of land appertaining thereto, above referred to, together with all and singular the appurtenances to the said property in any way belonging or appertaining, and to divide the proceeds thereof equally between the said counties of Camden and Gloucester.

Meeting of commissioners.

2. *And be it enacted*, That the said commissioners shall meet at the West Jersey hotel, in the city of Camden, on the first Monday of May next, and subsequently at such times and places as they, or a majority of those in attendance may adjourn to, and having severally taken and subscribed an affidavit that they will faithfully, fairly and impartially perform the duties required of them by this act, shall as soon thereafter as they can in their judgment do so to good advantage, make sale and conveyance in fee simple of the property hereinbefore mentioned, in such lots, tracts, or parcels, to such person or persons, and upon such terms as they may deem most expedient and proper, and for that purpose shall make and execute, under their hands and seals as such commissioners, such deed or deeds of conveyance as may be necessary and proper; and such deed or deeds of conveyance, so executed by said commissioners, or any three of them, and delivered, shall be good, valid and binding for the purposes therein expressed, and shall convey and give to the purchaser or purchasers an absolute estate of inheritance in fee simple in the property thereby conveyed; *provided*, that possession of said

Proviso.

poor house and adjacent buildings shall not be given before the twenty-fifth day of March, one thousand eight hundred and sixty-one.

Distribution of proceeds.

3. *And be it enacted*, That the said commissioners, after deducting from the money which they shall receive for said property, a certain sum to pay the expenses of the commission, to be fixed as hereinafter provided, shall divide the residue into two equal parts, and shall pay over one part to the county collector of the county of Camden, and the other to the county collector of the county of Gloucester, for the use of the said counties, respectively.

Distribution of securities.

4. *And be it enacted*, That in case the said commissioners shall receive for said property any choses in action, or securities for the payment of money, then they shall divide the same into two shares of equal value, and deliver one share to the county collector of each of the said counties of Camden and Gloucester, for the use of said counties, respectively.

Commissioners to make report.

5. *And be it enacted*, That after the said commissioners shall have made sale and conveyance of the said property, they shall make report, verified by affidavit, to the supreme court, at the next term thereafter, and also to the joint boards of chosen freeholders of said counties of Camden and Gloucester, of such sale, and of the amount of money or securities which they have received therefor, and the said joint boards shall thereupon fix the sum which the said commissioners shall receive respectively for such service, and their expenses in that behalf expended, and the amount thereof shall be deducted by the said commissioners from the money in their hands, before the same is paid over as hereinbefore provided.

Commissioners to call meetings of freeholders

6. *And be it enacted*, That the said commissioners shall have power to call together from time to time, and at such times and places in either of said counties as they may deem necessary, the said joint boards of chosen freeholders, by giving said freeholders at least ten days' notice thereof, in at least two of the newspapers published in each of said counties, and at all joint meetings the representation from each

county shall be entitled to an equal vote on all questions coming before them in relation to the disposition of any joint property of said counties, either real or personal; and in case any or either of the commissioners herein appointed shall be unwilling or unable to serve, or shall not enter upon the duties of said commission, or in case of the death or inability of either of the said commissioners, then any one of the justices of the supreme court shall, upon application, supply the vacancy or vacancies thus made, taking care that in so doing each of said counties of Camden and Gloucester shall have one representative, and no more, in said board of commissioners.

Reports and affidavits to be filed.

7. *And be it enacted*, That after the money and securities shall be paid over by the said commissioners as hereinbefore provided, they shall make a final report thereof to the supreme court, and all the reports and affidavits provided for by this act shall be filed in the office of the clerk of the supreme court.

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

Approved March 17, 1860.

CHAPTER CXXXIV.

AN ACT to incorporate the Salem Creek and Woodstown Canal Company.

Commissioners to receive subscriptions.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Allen Wallace, David C. Pancoast, Ewalt Richman, John Hunt, and Joseph K. Riley, of the county of Salem, be and are hereby appointed commissioners to receive subscriptions to the capital stock of "the Salem Creek and Woodstown Canal Company," at such times and at such places as they, or a majority of them, may direct, giving notice thereof at least twenty days prior to the opening of the books, by publishing the same in a newspaper printed and circulating in the county of Salem.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of the said company shall be ten thousand dollars, with the privilege of increasing it to twenty-five thousand dollars, to be divided into shares of twenty-five dollars each; and that five dollars shall be paid on each share at the time of subscribing, and that the residue of such subscriptions shall be paid in such installments, and at such times and places, and to such persons as the president and directors of said company shall from time to time direct and give public notice of; *provided*, that no installment to be called for shall exceed ten dollars on each share; *and provided also*, that if the number of shares subscribed for shall exceed the number authorized by this act, the said commissioners shall apportion the said stock among the subscribers in the proportion of the number of shares by them respectively subscribed.

Proviso.

Election of directors.

3. *And be it enacted*, That as soon as the sum of five thousand dollars is subscribed, the persons subscribing or holding the same shall be and are hereby incorporated into a company, by the name of "the Salem Creek and Woodstown

Canal Company," and by that name shall become capable of purchasing and holding, or otherwise becoming possessed of, and conveying real and personal estate, and shall have all other powers and privileges incident to a body corporate and politic, and necessary to carry into effect the purpose of this act; and as soon as the said sum of five thousand dollars is subscribed as aforesaid, it shall be the duty of the said commissioners, or the majority of them, or the survivors of them, to call a meeting of the subscribers at such convenient place in the said county of Salem as they shall direct, giving at least twenty days' notice of the time and place of such meeting, in the manner herein directed with regard to opening the books, at which meeting the subscription books shall be laid before the stockholders who may be present, who shall proceed to elect by ballot, from among the subscribers, five directors, to manage the affairs of said company, who shall hold their office for one year, and until others are elected in their place, of which election the said commissioners shall be judges; and at the expiration of one year, and annually thereafter, upon like notice to be given by the directors for the time being, the said stockholders shall elect the same number of directors, who shall hold their office in manner aforesaid; and at every such election each stockholder may vote in person or by proxy, and shall have as many votes as he, or she or they, have shares of stock.

Officers of corporation.

4. *And be it enacted*, That within twenty days after the first and every annual election of said company, the said directors shall choose one of their own number as president of said company, who shall hold his office for one year, who shall preside at all meetings of the board of directors, a majority of whom shall always constitute a quorum for the transaction of business; and the said directors shall also, within the time aforesaid, elect and choose a treasurer of said company, who shall hold his office during the pleasure of the board of directors, and who shall, before he enters upon the duties of his office, enter into bond to the said president and directors, with sufficient sureties, for the faithful performance

of his office; and the said directors shall have power to supply all vacancies occasioned in the board by death or otherwise; and at every annual election after the first, to choose two discreet and impartial men as judges of said election.

Company authorized to construct canal.

5. *And be it enacted*, That it shall and may be lawful for the said company, as soon as they are organized in manner aforesaid, to construct a canal or artificial navigation from some navigable point on Salem creek, between Coarse's Landing and Sharptown, in Pilesgrove township, in said county, to Woodstown, upon such line or route as the said company may deem most advantageous; which canal shall not exceed fifty feet in width at the water line, and five feet deep; and for that purpose it shall be lawful for said company, by their president and directors, or any agent, engineer or superintendent, to enter upon and explore any land lying between any points above mentioned, or adjacent thereto, doing no unnecessary damage; and when the route of said canal shall be fixed, it shall be lawful for said company, by their agents, engineers, contractors, or other persons, to enter upon and take possession of such lands as may be necessary for the construction of said canal, by first paying such compensation to the owner or owners thereof as hereinafter directed.

Proceedings when company and owners cannot agree.

6. *And be it enacted*, That when the said company or its agents cannot agree with the owner or owners of such required lands, for the use or purchase thereof, and the damage sustained by such owner or owners; or when such agreement cannot be made by reason of the absence or legal disability of such owner or owners, it shall be lawful for the president and directors of said company, or the owner or owners of such lands, to apply to the judges of the court of common pleas of the county of Salem, who shall, on such application, appoint three of the board of chosen freeholders of said county, who are in no wise interested in the said lands or in the said company, who shall, after giving notice to the parties concerned of the time and place of meeting, proceed to examine the said lands and appraise the value

thereof, and the damages sustained by said owner or owners, and make report thereof in writing, at the next subsequent term of the court of common pleas in and for said county; and the said company shall pay all the cost arising by the report of the said freeholders; and if either party shall be dissatisfied with such report, and signify the same to said court, the said court shall, at the term subsequent to the term to which said report shall be made, order and direct a proper issue for the trial of the controversy between the parties, and impannel a jury for that purpose, who are to determine the same upon evidence to be adduced by said parties, which determination shall be final and conclusive between the parties; and if the said jury shall find any greater sum than is reported by the said freeholders, then the said company shall pay the cost of such trial; and if they find a sum not exceeding the sum so reported, then the said owner or owners shall pay the cost of said trial; *provided*, the said trial is had at the instance of such owner or owners; and if the said trial is had at the instance of the said company, and the verdict of the jury shall not be less than the sum reported by the said freeholders, then the said company shall be at the cost of said trial; and if it be less than the sum reported, the said owner or owners shall pay the cost of such trial, and the said owner or owners shall be entitled to receive the amount so found by the jury against said company, upon the payment of which the title to said lands shall forthwith vest in said company. Proviso.

7. *And be it enacted*, That the said company shall erect, or cause to be erected on said canal, one or more good and substantial locks or tide-gates, which they shall maintain and keep in good repair, to stop the water from flowing through said canal whenever they may think it necessary. Locks to be erected.

8. *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 the said canal where any public, private or by-road shall cross the same, so that the passage of carriages, horses and cattle on said road shall not be pre- Bridges to be kept in repair.

New Jersey State Library

vented thereby; and the said company shall make and keep in good repair all fences across the line of said canal, where the same now are and may hereafter be erected by the owner or owners of the land through which the said canal may pass.

Penalty for injuring works

9. *And be it enacted*, That if any person shall wilfully or maliciously injure said canal, its locks, gates, or anything thereunto appertaining, or shall obstruct the navigation thereof, he, she or they shall be liable to indictment, and fined and imprisoned, or both, at the discretion of the court, (the fine not exceeding twenty dollars nor the imprisonment three months,) before whom he, she or they shall be tried, and shall also be liable to make good all damages the company may sustain thereby.

Rates of toll

10. *And be it enacted*, That as soon as the said canal shall be completed, the said company are hereby authorized to demand and receive such sum or sums of money for tolls and the transportation of persons and every species of property whatsoever, on said canal, as they shall from time to time think reasonable and proper; *provided*, that they shall not charge more than at the rate of four cents per ton per mile toll for the transportation of every species of property, nor more than five cents per mile toll for the carrying of each passenger on the canal.

Proviso.

Penalty for passing without paying toll.

11. *And be it enacted*, That if any person or persons shall pass through said canal as aforesaid, without first paying the toll according to the rates aforesaid, he shall forfeit and pay to the said company a fine not exceeding forty dollars, to be sued for and recovered by action of debt, with costs, before any court having cognizance thereof.

Penalty for taking illegal tolls.

12. *And be it enacted*, That if any toll gatherer, agent, or any person acting under the authority of said company, shall unnecessarily stop, or hinder, or delay any boat, vessel, scow or craft that may navigate the same, or shall take more toll than by this act is authorized, he shall, for every such offence, forfeit and pay to the party injured, the sum of twenty dollars, to be recovered by action of debt, with costs of suit, in

any court having cognizance thereof, in the name and for the use of the party injured.

13. *And be it enacted*, That the president and directors of said company shall, as soon as the affairs of the company will admit, declare and make such dividend as they may deem prudent and proper, of the nett profits thereof, and shall semi-annually thereafter, if the affairs of said company will admit thereof, declare such further dividend or dividends, and pay the same to the stockholders of said company, in proportion to the amount of shares held by them respectively; or, in case they fail to do so, assign their reasons to the stockholders, in writing, for not so doing. Semi-annual dividends to be made.

14. *And be it enacted*, That this act shall be deemed and taken as a public act, and as such, taken notice of by all courts of justice in this state, without the necessity of pleading the same. Public act.

15. *And be it enacted*, That if the canal shall not be commenced within five years after the passage of this act, or shall not be completed within eight years, this act shall be void.

Approved March 17, 1860.

CHAPTER CXXXV.

AN ACT for the relief of Ebenezer Perry, of the county of Sussex.

Treasurer authorized to pay E. Perry fifty-two 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 is hereby authorized and required to pay to Ebenezer Perry, of the county of Sussex, a soldier in the company of Captain John Scott, in the war of eighteen hundred and twelve, the sum of fifty-two dollars per annum, to be paid half-yearly, on the fourth day of March and the fourth day of September, and that the receipt of said Ebenezer Perry, or his order, shall be a sufficient voucher for the treasurer for all moneys paid by virtue of this act.

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

Approved March 17, 1860.

CHAPTER CXXXVI.

AN ACT to incorporate the Hudson County Mutual Life Insurance Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Matthew Armstrong, Dudley

S. Gregory, Samuel Wescott, Abraham Becker, John Van Vorst, Edmund Kingsland, Garret Sip, John M. Cornelison, Henry F. Cox, Peter Bentley, Augustus A. Hardenburgh and Jonathan D. Miller 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 Mutual Benefit Life and Insurance Company of the county of Hudson," to be located at Jersey City in this state, 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 Hudson county Mutual Insurance Company," and shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation; *provided*, the lands, tenements and hereditaments which it shall be lawful for the said corporation to hold, be only such as shall be required for the purpose of erecting buildings thereon in which to meet and transact the business of the corporation, or such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its business, or purchased at sales on judgments or decrees which shall have been obtained for such debts; and with regard to all such lands, tenements and hereditaments so to be held by the said corporation as aforesaid, except such as may be for its immediate accommodation as aforesaid, or such as it may hold by way of mortgage, and whereof the actual possession shall be and remain in the mortgagers, their heirs and assigns, the corporation shall be bound to sell and dispose of respectively within five years after it shall acquire the same, and shall not be capable of holding the same after the expiration of five years.

General powers.

Proviso

Persons insuring to be members.

2. *And be it enacted*, That all persons who shall at any time hereafter insure in or with the said association, shall while they continue so insured, be deemed and taken as members of the said corporation; and that the property and concerns of the said corporation shall be conducted and managed by twelve directors, a majority of whom shall be citizens and residents of this state, to be chosen by ballot by and from among the members, and shall hold their office for one year and until others are chosen; and the said directors and officers may always be re-elected, but one-fourth part or number of the directors must be re-elected every year, for which purpose, at their first meeting, they must divide themselves into four sets or classes of three each; the term of the first class shall expire at the end of one year, the term of the second class shall expire at the end of two years, the term of the third class shall expire at the end of three years, and the term of the fourth class shall expire at the end of four years, and so on successively; the seats of these classes shall be supplied by the members of this corporation; and that the election for directors shall be held on the third Monday of January in every year, at the office of the company, or at such other place as a majority of the directors may previously designate, public notice of which shall be given by the secretary in one or more newspapers printed or circulated in the county of Hudson, at least two weeks previous to the time of holding such election; and if any of the said directors shall die, refuse to serve or neglect to act in their said office for the space of two months, then, and in every such case, the remaining directors shall have power to fill such vacancy or vacancies, until the next annual 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 be held, the said corporation shall not be dissolved for that cause, but it shall and may be lawful to hold an election for directors pursuant to law; and until an election for directors shall be held according to the provisions of this act, the persons named in

the first section of this act shall have the direction and management of the said corporation.

Corporation may insure lives.

3. *And be it enacted*, That it shall and may be lawful for the said corporation to insure their respective lives, and to make all and every insurance appertaining to or connected with life risks of whatever kind or nature, as well of the sound in health as the infirm or invalid.

Married women may insure life of husband.

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

Amount of insurance on death of wife payable to children.

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

Notes may be taken for amount of premium.

6. *And be it enacted*, That it shall and may be lawful for the officers of said corporation to take the notes or obligations of the members for the amount, either in part or the whole, of the premium of insurance, in proportion to the amount insured.

Directors may make by-laws.

7. *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 stock, property, estate and effects of the said corporation, and for all such matters as appertain to the business thereof; and shall have power to appoint an actuary from among themselves, and such other additional officers, clerks and servants for carrying on the business of said corporation

as they may elect, with such allowances as to them shall appear just and satisfactory; *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.

Election of president.

8. *And be it enacted*, That at the first meeting of the directors held after the organization of this company, and at every annual meeting of the members in each year after, 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 appointed in his place.

Assessment to be made in cases of deficiency.

9. *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 on such terms and conditions, and for such periods of time, and confined to such persons 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 to a greater amount than they have funds on hand 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 lawful representatives, according to the amount of each member's insurance; *provided*, that such assessment shall not exceed the amount of the note or obligation given by each member, which rates or assessment shall be approved of by a majority of the directors; and notice in writing shall be given to each member, or his lawful representative, of the assessment and amount by him, her or them required to be paid; and each and every member, or his lawful 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.

10. *And be it enacted*, That three or more of the directors shall have power to call a meeting of the directors by giving notice in one or more newspapers published or circulating in the county of Hudson, at least ten days before said meeting. Directors may call meetings.

11. *And be it enacted*, That no part of the funds of said corporation shall be used for banking purposes. Not to engage in banking.

12. *And be it enacted*, That it shall be lawful for the legislature at at any time hereafter to alter, amend, modify or repeal this act, and that this act shall continue in operation thirty years and no longer. Act may be repealed, &c.

Approved March 17, 1860.

CHAPTER CXXXVII.

AN ACT to incorporate the Rahway Land and Improvement Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph T. Crowell, George W. Savage, Thomas S. Crane, Samuel Williams, Joseph W. Savage, 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 name, by the name of "the Rahway Land and Improvement Company," and by that name shall be capable, in law, of purchasing, using, holding, letting, improving, and disposing of such real and personal estate in the county of Union as may be necessary or expedient to the objects of this incorporation, Names of corporators.

and may receive and make all deeds, transfers, covenants, conveyances, grants, contracts, agreements, and bargains whatsoever necessary for the said purposes; *provided*, that nothing herein contained shall authorize said company to hold more than three hundred acres of land at any one time.

Proviso.

Election of directors.

2. *And be it enacted*, That the stock, property, and concerns of the said company shall be managed and conducted by five directors, being stockholders, one of whom to be president, who shall hold their office for one year and until others are elected, and that the said directors shall be chosen on the first Tuesday in April in every year, at such time and place as shall be directed by the by-laws of said corporation; and notice of such time and place shall be published, not less than two weeks previous thereto, in a newspaper published in the county of Union, by such of the stockholders as shall attend for that purpose, either in person or by proxy; and each stockholder shall be entitled to one vote for each share of stock he or she shall hold in said company, and the persons having the greatest number of votes shall be directors; and the said directors shall appoint such agents, officers, and superintendents, and assign such compensation and duties as they shall think fit; and if at any time it shall happen that any vacancy or vacancies occur, from any cause whatever, among the directors named in this act, or those hereafter to be elected, such vacancy or vacancies shall be filled by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint; and until other directors are chosen from the stockholders, the first directors shall be Joseph T. Crowell, George W. Savage, Thomas S. Crane, Samuel Williams, and Joseph W. Savage, who shall hold their offices until the first Tuesday of April next, or until others are legally chosen.

First directors.

Amount of capital stock.

3. *And be it enacted*, That the capital stock of said company shall not exceed the sum of one hundred thousand dollars, which shall be divided into four thousand shares, of twenty-five dollars each; but as soon as one thousand shares of the capital stock shall have been subscribed, and the sum

of five dollars on each share so subscribed paid, or secured to be paid, it shall and may be lawful for said company to proceed to carry into effect the objects of said corporation; and it shall be lawful for the directors of said company to call and demand from the stockholders thereof, respectively, such installments, and at such times, and in such proportions, as they shall deem proper, not exceeding ten dollars on each share at any one time, under pain of forfeiting the shares of the said stockholders, and all previous payments thereon, if such payments shall not be made within sixty days after a notice shall have been published, for the space of three weeks, in a newspaper published in the county of Union; but any person subscribing for any share or shares of said capital stock, may, at the time of such subscription, pay the whole price of such share or shares, and not be liable to be subsequently called upon for any installments called for; and the books of subscription for such stock shall be opened at such time and place in the county of Union, and remain open for such time as the directors named in this bill shall appoint, notice whereof being given two weeks previous thereto in a newspaper printed in said county.

Company authorized to improve land.

4. *And be it enacted*, That the said company be and they are hereby empowered to improve all such lands as they are hereby authorized to own or purchase, by laying out any portion of the same which may lie in the county of Union, into lots, streets, squares, parks, lanes, alleys and other divisions; of levelling, raising, and grading the same, or making thereon all such work-shops, factories, warehouses, stores, dwellings, and such other buildings or improvements as may be found or deemed necessary, ornamental, or convenient; for letting, renting, leasing, mortgaging, selling or changing the same, or using the same for agricultural or manufacturing purposes.

Directors may make by-laws.

5. *And be it enacted*, That a majority of the directors for the time being shall form a board for the transaction of the business of said corporation, and shall have full power to make by-laws, ordinances, and regulations as shall seem necessary and convenient for the management or the disposition of the

Proviso.

stock, effects, and concerns of the said corporation; *provided*, that the same are not contrary to the laws and constitution of the United States or of this state.

Corporation not dissolved for failure to elect on day prescribed.

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

Stock transferable.

7. *And be it enacted*, That the capital stock of said corporation shall be deemed personal property, and transferable only on the books of said corporation, in such manner as the by-laws shall direct; and any of the owners of the lands hereby authorized to be purchased by the said corporation, may take stock to the amount of the whole or any part of his, her, or their interest therein.

Company may take stock of other corporations.

8. *And be it enacted*, That the said company shall be at liberty to subscribe for and take stock in any canal, railroad, turnpike, or other highway that now is or hereafter may be incorporated or established by the legislature of this state, which shall lead to or pass through any lands that may be owned by said company; *provided*, that nothing herein contained shall be construed to authorize the said company to use any part of its capital for banking purposes, or to take stock in any banking institution.

Proviso.

Act may be repealed.

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

Limitation.

10. *And be it enacted*, That this act shall take effect immediately, and shall continue in force for thirty years.

Approved March 17, 1860.

CHAPTER CXXXVIII.

AN ACT to confirm the conveyance of a lot of land in the city of Newark, in the county of Essex, from Thomas C. Hunt, and Mary, his wife, to Joseph Booth.

Preamble. WHEREAS, by the fifth section of an act of the legislature of the state of New Jersey, approved March twentieth, eighteen hundred and fifty-seven, entitled "An act authorizing the appointment of commissioners to lay out streets, avenues and squares in the city of Newark," it is 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; and whereas, Joseph Booth was appointed by the common council of the said city of Newark one of the commissioners provided for in said act, and entered upon the discharge of his duties as said commissioner; and whereas, on the eighth day of August, eighteen hundred and fifty-nine, and whilst acting as said commissioner, the said Joseph Booth purchased from Thomas C. Hunt, at public auction, a house and lot, situate on the east side of Orleans street, in said city of Newark, and which lot is more particularly described in the deed therefor, recorded in book W, ten of deeds for Essex county, pages three hundred and sixty-eight and three hundred and sixty-nine; and whereas, doubts have arisen as to the validity of the title of said Joseph Booth to said lot, by reason of the provision aforesaid, and it is desirable that the title thereto be established—therefore,

Title to lands made valid. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the title to the above men-

tioned premises so conveyed to said Joseph Booth by said Thomas C. Hunt, and Mary, his wife, shall not be deemed, held or adjudged invalid, or defective, or insufficient in law, or avoided, or prejudicial, by reason that the same has been made in manner aforesaid, but shall be deemed good, valid and effectual in law for transferring, passing and conveying the estate, right, title and interest of such grantors of, in and to the land described in said deed, anything in said fifth section of said act contained to the contrary notwithstanding.

Approved March 17, 1860.

CHAPTER CXXXIX.

A supplement to an act entitled "An act to incorporate the Hudson County Dry Dock and Wet Dock Company," approved February thirteenth, eighteen hundred and forty-five.

Provisions of former act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act to which this is a supplement be and the same is hereby continued and extended for and during the term of twenty years from and after the time fixed by the tenth section of said act for its continuance.

Capital stock may be increased.

2. *And be it enacted*, That it shall be lawful for the said company to increase its capital stock to the sum of two hundred thousand dollars, in shares of fifty dollars each, in accordance with the provisions of the act to which this is a supplement; and the said company are hereby authorized to issue their bonds, bearing interest at a rate not exceeding

seven per centum per annum, and to sell or otherwise dispose of them, in such manner and upon such terms as in the judgment of the directors they shall deem for the interest of the company; *provided*, the amount shall not at any time exceed one-half the capital stock actually paid in. Proviso.

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

Approved March 17, 1860.

CHAPTER CXL.

A supplement to the act concerning Taxes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the property of any township, city or borough in the county of Mercer, lying and being outside of its respective limits, shall not be exempt from taxation in the township, city or borough where it may be. Taxation of property of townships in Mercer county

2. *And be it enacted*, That any part of the act to which this is a supplement, inconsistent with the provisions of this act, be and are hereby repealed. Part of former act repealed.

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

Approved March 17, 1860.

CHAPTER CXLI.

A supplement to an act entitled "An act to incorporate the Jersey City and Bergen Point Plank Road Company."

Company authorized to lay rails.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Jersey City and Bergen Point Plank Road Company be, and they are hereby authorized to lay iron rails, and to run cars upon their road, and also upon so much and such part of the road constructed and authorized to be constructed by the Hudson and Bergen Plank Road Company, as said last named company shall agree to; *provided*, that said rails shall be so laid as not to hinder or obstruct the public travel on said roads, and that the same be done, so far as said rails shall be laid in any incorporated city, with the consent of the mayor and common council of such city; and such mayor and common council may, in such city, authorize any deviation from the route of said plank road as they may deem for the advantage of the inhabitants; and in such case said company may lay their rails and run their cars upon the route so changed, as if the same had been part of the authorized route of such plank road; *and also provided*, that no rails shall be laid, and no cars shall be run on that part of the Jersey City and Bergen Point Plank Road that lies between Communipaw lane and the Morris canal, where said plank road crosses said canal; and that no steam power shall be used on said rail tracks on any part of said plank road, except to cross the same.

Proviso.

Road may be straightened and widened.

2. *And be it enacted*, That said Jersey City and Bergen Plank Road Company may straighten their road and widen the same at any parts thereof, at their pleasure, on first obtaining the written consent of the owners of the land taken for such straightening and widening.

Approved March 17, 1860.

CHAPTER CXLII.

A supplement to the act entitled "An act to incorporate the Jersey City and Bergen Railroad Company," approved March fifteenth, eighteen hundred and fifty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Jersey City and Bergen Railroad Company shall pay to the mayor and common council of Jersey City, or to the proper officer of said city, all city taxes, assessments and water rents that shall from time to time be levied and imposed upon any real or personal estate that may be purchased and held by them in said city, in the same manner and to the same extent as individuals owning property in said city are liable, and with the same right of appeal and review; and the amount of city taxes so paid shall be deducted from the amount of one-half of one per cent. on the cost of their road, directed to be paid to the state treasurer yearly; *provided*, that said deduction shall not exceed one-fourth of the amount of said one-half of one per cent. Company to pay city taxes, etc. Proviso.

2. *And be it enacted*, That said Jersey City and Bergen Railroad Company, in laying, repairing and maintaining their rails, and constructing their roads in the streets of Jersey City, shall be subject to such conditions as the common council of said city, in the ordinance granting consent to lay such rails and construct said road, shall have imposed or shall impose upon said company. Regulations concerning laying rails.

Approved March 17, 1860.

CHAPTER CXLIII.

A supplement to an act entitled "An act to incorporate the Bridgeville Water Power and Manufacturing Company," approved March the sixteenth, eighteen hundred and fifty-seven.

Company authorized to improve water power.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said company be and are hereby authorized to improve the said water power, and to build, construct and erect any and all such mills, factories, mill-dams and other works; and to excavate and make all and any such raceways and reservoirs as may be deemed necessary for manufacturing purposes.

Company authorized to manufacture iron, &c.

2. *And be it enacted*, That the said company be and are hereby authorized and empowered to make and to manufacture iron, paper and lumber; and also to quarry and manufacture slate into all the various articles or things of which the said slate, lumber, paper or iron are capable of being manufactured into.

Company may lease property.

3. *And be it enacted*, That the said corporation, by their said name and title, shall be capable and have power to lease, mortgage, or otherwise dispose of any portion of their property for the benefit of the said company.

Penalty in case of neglect of duty by officers.

4. *And be it enacted*, That if the president and directors of the said incorporation shall neglect or refuse to perform the duties required of them, or shall violate any portion of the said charter which shall cause losses to the said corporation or to the creditors of the said corporation, then the said president and directors who shall be guilty of such neglect or violation, shall be personally responsible for the same to the stockholders and creditors of the said incorporation.

Amount of losses, how collected.

5. *And be it enacted*, That the amount of such losses as are named in the foregoing section, may be collected from the said president and directors, or either of them, as the case may

require; and any person to whom they shall be so liable, may have an action on the case in any court having jurisdiction in this state, and the declaration in such action shall state the claim against the president and directors, or either of them, as the case may be, and the grounds on which the plaintiff expects to charge the defendant or defendants.

Penalty binding on stockholders.

6. *And be it enacted*, That the penalty named in section seventh of the original act, wherein certain stockholders are made liable to forfeit their respective shares, and all previous payments thereon, to the said corporation, shall be taken to refer to and be binding upon such stockholders as shall make default in the payment of their said installments on their said shares.

Parts of former act repealed.

7. *And be it enacted*, That the eleventh section of the original act, as well as all other matter inconsistent with this supplement, be and the same is hereby repealed; *provided nevertheless*, that nothing in this section nor in this supplement shall repeal the provisions of the twelfth section of the original act.

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

Approved March 17, 1860.

CHAPTER CXLIV.

A supplement to an act entitled "An act to incorporate the town of Belvidere."

Election of members of common council.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at the next annual town meeting to be held in the town of Belvidere, on the second Monday of April next, there shall be elected six members of the common council, as is now provided by the act to which this is a supplement; and that at the first or a subsequent meeting of the said common council after such election, the members elected shall divide themselves by lot into two equal classes, one of which shall hold office for the term of one year, and the other of which shall hold office for the term of two years; and on the second Monday of April, eighteen hundred and sixty-one, and at each annual town meeting thereafter, there shall be elected by the electors of said town, three members of the common council, who shall hold office respectively for the period of two years; and in case of any vacancy by death, resignation, or other disability of any member of the common council, his successor shall be duly elected to fill the unexpired term.

Appointment of high constable.

2. *And be it enacted*, That the common council of the said town shall have power to appoint a high constable and such assistants as they may judge proper, to hold their offices respectively during the pleasure of the common council; and the high constable so appointed shall, before he enters upon the execution of his office, enter into a bond to the "inhabitants of the town of Belvidere," in their corporate name and capacity, with one or more sureties, to be approved by the common council, in such sum as the common council may direct, conditioned for the true and faithful performance of all the duties of his office, in like form, as near as may be,

with that required of the constables of the several townships of this state by the act entitled "An act respecting constables," which bond shall be filed with the clerk of the town, and may on breach of the condition of the same, be prosecuted in the name of "the inhabitants of the town of Belvidere," in their corporate name and capacity, in any court of competent jurisdiction.

Duties of high constable.

3. *And be it enacted*, That it shall be the duty of the high constable of said town to enforce all the by-laws and ordinances of the common council of said town, and also such orders as may be made by the common council; and the said high constable is hereby authorized and empowered to exercise within the limits of said town, all the powers, and perform all the duties, appertaining to the office of a constable of any of the townships of this state under the laws of this state; *provided*, that nothing in this act shall be construed to authorize the said high constable to serve or execute processes in civil causes.

Proviso.

Duties and powers of mayor.

4. *And be it enacted*, That the mayor shall have all the powers and authority of a justice of the peace of the state of New Jersey, under the laws of this state, within the corporate limits of the said town; and all writs, precepts and processes issued by him shall be directed to the high constable, or one of the constables of said town, who are hereby authorized and required to serve and execute the same; *provided*, that nothing herein contained shall be construed to authorize the mayor to exercise the powers and perform the duties of a justice of the peace, under the act entitled "An act constituting courts for the trial of small causes."

Proviso.

Duties and powers of common council.

5. *And be it enacted*, That the common council of said town shall have power to make and establish ordinances and by-laws for abating and removing nuisances of every kind within the limits of said town, and to compel the owner or occupant or occupants 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 be or exist any matter or thing which is or may be a nuisance of any kind, or

detrimental to the health of the inhabitants of said town, or offensive to the occupants of premises adjacent thereto, to cleanse, remove or abate the same; and that the said common council shall have power to provide for the enforcement of any ordinances or by-laws made under this section, in such manner and by such process and proceedings as they by any such ordinances or by-laws may prescribe.

Moneys raised for making and repairing streets.

6. *And be it enacted*, That all moneys raised in said town for making, working and repairing the highways of said town, shall be used and expended by the overseer of the highways, under the direction and control of a committee of the common council, appointed by the common council, to be called the street committee, who shall have the supervision over the streets, highways, alleys and side-walks of the said town, and the management, direction and control of all work done thereon, and all moneys expended in making, working and repairing the same.

Proceedings in case of non-payment of taxes.

7. *And be it enacted*, That in case of the non-payment of any of the taxes assessed within said town at the time appointed for paying the same, the collector of taxes for the town shall return a list of the delinquents, with the sums due from them respectively thereto annexed, to the mayor of the town, who is hereby authorized and required to administer to such collector the oath required by law, and it shall thereupon be the duty of the said mayor, within five days after the receipt of such list of delinquents, to make out and deliver to the high constable of the town, or any one of the constables of the county of Warren, his warrant or warrants, under the corporate seal of the said town, requiring such high constable or other constable to make and levy the tax so in arrear, according to the provisions of the act entitled "An act concerning taxes," and the several acts supplementary thereto, which warrant shall be proceeded in and enforced in all respects by the high constable or such other constable, within the time and in the same manner, and subject to the liabilities and penalties as is prescribed by the said last mentioned act, and the several acts supplementary thereto; *pro-*

Proviso.

vided, that in case of the absence or disability of the mayor, or a vacancy in that office, or his neglect or refusal to act in the premises, but not otherwise, the said list of delinquents shall be returned by the collector to any justice of the peace, to be proceeded in as heretofore.

Town prison.

8. *And be it enacted*, That the common council of said town shall have power and authority to build and maintain a town prison, to be properly and securely made for the detention and imprisonment of any person or persons who shall be arrested or committed for any breach of the by-laws or ordinances of the said town, or for any breach of the peace, or any offence against the laws of this state, committed within the corporate limits of the said town; and every warrant or process of commitment shall specify on its face whether the person committed shall be confined in such town prison or in the jail of the county of Warren.

Part of former act repealed.

9. *And be it enacted*, That this act shall be a public act, and shall take effect immediately, and that so much of the said act entitled "An act to incorporate the town of Belvidere," as conflicts with the provisions of this act, be and the same is hereby repealed.

Approved March 17, 1860.

CHAPTER CXLV.

A further supplement to the act entitled "An act to provide for the support of the government of this state and to fix the salaries of public officers," approved April fourth, eighteen hundred and forty-five.

Salary of keeper of state prison.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the keeper of the state prison shall receive the annual salary of eighteen hundred dollars.

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

Approved March 17, 1860

CHAPTER CXLVI.

A further supplement to the act entitled "An act to incorporate the city of Rahway," approved March twelfth, eighteen hundred and fifty-eight.

Public square.

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 Rahway, at any time hereafter, to

contract for, purchase, take and receive sufficient title therefor of so much land or lands lying within said city as said common council may deem proper, to be held forever as a public square or squares under such regulations as the said common council shall from time to time approve, and said square or squares to enclose with a suitable fence or fences, to grade, plant with trees and shrubbery, lay out in walks and otherwise improve the same.

Mayor and council to appoint commissioners of public grounds, &c.

2. *And be it enacted*, That at the first stated meeting of said mayor and common council in the month of May, eighteen hundred and sixty, and annually thereafter, it shall be the duty of said mayor and common council to appoint three disinterested freeholders of said city, residing in different wards, commissioners, to be called commissioners of public grounds and sewerage, who shall hold their respective offices for the term of one year, and until their successors are chosen, for the purpose of carrying into effect the provisions of this act, and such ordinances as the mayor and common council may from time to time pass in relation to the public grounds of said city, and in relation to the constructing and building sewers and drains in the public streets and alleyways of said city; and said commissioners shall have authority to purchase suitable grounds for a public square or squares, and to lay out and grade streets and avenues in and adjoining said public squares and otherwise improve the same in such manner as they may deem necessary and as the common council may order and direct.

Assessment of costs of opening public park, &c.

3. *And be it enacted*, That in order to provide for the payment of the costs, damages and expenses of purchasing, laying out and opening any public park or parks, square or squares within said city, said commissioners shall ascertain the whole amount of such costs, damages and expenses, and report the same to the common council, who shall thereupon order said commissioners to make 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 advantages 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 Rahway.

Payment of costs.

4. *And be it enacted*, 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, said commissioners shall ascertain the whole amount of such costs, damages and expenses, and report the same to the common council, who shall thereupon order said commissioners to make a just and equitable assessment of two-thirds of such amount upon the owners of all 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 Rahway.

Commissioners to take oath.

5. *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 mayor of said city to make the assessment, and perform the duties required of them by this act, fairly and impartially, according to the best of their skill and judgment.

Commissioners to make report of assessments.

6. *And be it enacted*, That the said commissioners shall make their report of the assessments so made as hereinbefore directed, in writing, 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 the newspapers printed and published in the city of Rahway, which notice shall be published for two weeks successively, at least once in each week, 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 and left with them by any of the parties interested, to the common council.

7. *And be it enacted*, That every certificate of assessment made as aforesaid under the provisions of this act, 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 the newspaper printed and published in said city of Rahway, which notice shall be published for two weeks, at least once in each week, to the parties interested, of the time and place when and where they will meet to hear them on the objections and report; the committee shall thereupon examine the matter and report to the common council, and return to them the said report of the said commissioners, with the objections of the parties, together with the views and opinions of the said committee respecting the same. Meetings of committee to hear objections to report.

8. *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, who may have signed the same, and the like proceedings shall be had when the report is returned, as in the first instance. Certificates to be ratified by common council.

9. *And be it enacted*, That in case of the death, disability, or resignation of one or more of the commissioners appointed under the provisions of this act, it shall be lawful for the common council to supply by appointment the vacancy or vacancies caused by such deaths, disability or resignation. Vacancies in office of commissioner.

10. *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 the newspapers printed and published in said city, which said notice shall be published for two weeks, Treasurer to make abstract of assessment.

at least once in each week, stating in general terms the streets, or section 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 thirty days from the first publication of the notice.

Proceedings in case of non-payment of assessments.

11. *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 Rahway, 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 that such lot, tract or parcel of land and real estate, be sold at public auction to pay such tax or assessment as is now provided by the act to which this act is a supplement.

Proceedings in case commissioners are not appointed at time designated.

12. *And be it enacted*, That in case said common council shall fail to appoint said commissioners at the time designated in the second section of this act, they may be appointed at any stated meeting thereafter.

Council to ratify purchase of lands, &c.

13. *And be it enacted*, That the assent of said common council shall be necessary to ratify and confirm the purchase of any lands or real estate for the purposes designated in the first section of this act, before the same shall be binding upon said city; and no improvements shall be made thereon until ordered by common council; and the said common council shall have power to pass and enforce all ordinances for carrying this act into effect.

Proceedings in case commissioners and owners can not agree.

14. *And be it enacted*, That in case no agreement can be made for the purchase of any lands and real estate for the purposes designated in the first section of this act, with the owner or owners thereof, it shall be lawful for said commis-

sioners 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 such damages, the said commissioners shall have due regard both to the value of the lands and real estate and the injury to the owner or owners thereof by making such improvement as aforesaid; and after such award shall be made, the remaining lands and real estate of any such owner or owners, shall be liable to assessments for the payment of the costs, damages and expenses of such improvements, under and in pursuance of the third section of this act.

Commissioners to advertise time and place of meeting.

15. *And be it enacted*, That the said commissioners shall give public notice, by advertisement in the 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, under 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*, any person or persons conceiving himself, herself, or themselves aggrieved by the proceedings of the commissioners, may appeal therefrom to the supreme court of this state, within thirty days from the time of making the final order of the common council; and the said 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.

Suits may be brought for non-payment of damages.

16. *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 said 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.

Proceedings in case owners refuse to accept amount of assessment.

17. *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 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, 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 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, without interest, except from such time as the demand may be made and payment refused.

Council may borrow money

18. *And be it enacted*, That the common council shall have power to borrow money from time to time, for the purpose of carrying into effect the provisions of this act, and for all other purposes for which they are authorized to raise money by tax, not exceeding in the whole the sum of forty 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, at such time or times, and in such manner as they may deem proper; but, notwithstanding the limitations 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 alleys, 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.

Part of former act repealed.

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

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

Approved, March 17, 1860.

CHAPTER CXLVII.

A further supplement to the act entitled, "An act for establishing a turnpike road from the town of Hackensack to Hoboken, in the county of Bergen," passed November thirtieth, eighteen hundred and two.

Capital stock may be increased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That "the Bergen Turnpike Company" are hereby authorized to increase their capital stock to an amount not exceeding one hundred thousand dollars beyond what is already authorized, in shares of ten dollars each; and that the same shall be subscribed for, paid and collected

in the manner specified by an act, being a further supplement to the act incorporating said company, approved February twenty-second, eighteen hundred and fifty-three.

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

Approved March 17, 1860.

CHAPTER CXLVIII.

A further supplement to an act entitled, "An act to incorporate the Paterson Savings Bank."

Investment of moneys deposited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Paterson Savings Bank may invest any moneys received by them on deposit or otherwise, in any bonds or stock issued by either of the cities of Paterson, Jersey City and Newark, or by the county of Passaic, in the state of New Jersey; or by either of the cities of New York, Brooklyn, Buffalo or Rochester, in the state of New York, or by the city of Philadelphia, in the state of Pennsylvania, by virtue of any law of such states respectively, anything in the said act or the supplements thereto to the contrary notwithstanding.

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

Approved March 17, 1860.

CHAPTER CXLIX.

A further supplement to an act entitled "An act respecting the Court of Chancery," approved April sixteenth, eighteen hundred and forty-six.

Additional term.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the terms now authorized by law, the court of chancery shall hold a stated term at Trenton on the fourth Tuesday of March, eighteen hundred and sixty.

Suits not abated on account of vacancy in office of chancellor.

2. *And be it enacted*, That no suit or proceeding heretofore commenced in the said court shall be deemed to be abated, discontinued, or in any wise prejudiced by reason of the vacancy which has existed in the office of chancellor, or of the time which has elapsed during such vacancy, but all such suits and proceedings shall be continued and proceeded in, in such manner and subject to such regulations as the chancellor shall direct.

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

Approved March 19, 1860.

CHAPTER CL.

AN ACT to extend the provisions of "A supplement to 'An act concerning promissory notes, inland bills of exchange, and notaries public,' approved April sixteenth, eighteen hundred and forty-six," which supplement was approved March sixteenth, eighteen hundred and fifty-four, to the twenty-second day of February, and amendatory of said supplement.

Provisions of former act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the supplement to "An act concerning promissory notes, inland bills of exchange, and notaries public," approved April sixteenth, eighteen hundred and forty-six, which supplement was approved March sixteenth, eighteen hundred and fifty-four, be and the same are hereby extended to the twenty-second day of February in every year.

In cases where twenty-second of February happens on Sunday.

2. *And be it enacted*, That when the said twenty-second day of February, or the days respectively mentioned in said supplement, or either of them, shall occur on Sunday, that then the said act, and the provisions thereof, shall apply to the Monday following, the same in every respect as if said days, or either of them, had happened on said Monday.

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

Approved March 19, 1860.

CHAPTER CLI.

AN ACT to regulate the business of fire insurance by companies or associations not incorporated by this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any company or association chartered by another state, or foreign government, to transact any business connected with insuring property situated in this state, against loss or damage by fire, until they shall have first filed a statement with the secretary of state, setting forth the amount of the capital of said company, and all their present assets, income for the year past, amount of premiums received for the preceding year, on property situated in this state, amount of losses, expenses, and other payments, and the amount of existing liabilities for unpaid losses, and showing whether any, and if so, how much, is contested on the ground of fraud or otherwise, and it shall be the duty of the secretary of state to prepare a form of statement to be filled up by the foreign companies or associations, establishing agencies or transacting the business of insurance in this state, which form shall embrace the above mentioned particulars, and such others as may be deemed necessary by the secretary of state to elicit the actual pecuniary condition of the company or association making the statement.

Companies to file statement with secretary of state.

2. *And be it enacted*, That if upon filing the statement aforesaid, it shall appear that the company or association is possessed of a sound, well invested capital of at least one hundred and fifty thousand dollars, over and above all claims and liabilities, and has given the bond to pay the tax hereinafter provided for, then the secretary of state shall issue a certificate of authority, allowing an agency to be established in the county where such agency is applied for, for one year from the first of January; the statement above referred to

Secretary of state to issue certificate of authority.

shall be sworn to by the president and secretary of the company or association applying, and shall be renewed annually during the month of January in each year.

Agent to give bond to county collector for payment of tax.

3. *And be it enacted*, That upon filing the certificate, and annually thereafter during the month of January in each year, the agent on whose behalf the certificate of authority is issued, shall enter into a bond with the collector of the county in which his agency is located, in the penal sum of one thousand dollars, conditioned for the payment of a tax of two per centum on all the premiums paid or agreed to be paid to the said company, on all property insured by them in this state; and the account of premiums received by said company for insuring property in this state shall be sworn to by the president, secretary, and agent of said company, and shall be filed with the county collector, and the tax of two per centum aforesaid shall be paid in the month of January, in each and every year during the continuance of such agency.

Collector to pay over taxes

4. *And be it enacted*, That the taxes paid to the county collector as provided for by the preceding section shall be paid over to the persons and for the use of the parties mentioned in the second, third and fourth sections of an act entitled "A supplement to an act entitled 'An act relative to insurance companies, approved April fifteenth, eighteen hundred and forty-six,' approved March fifth, eighteen hundred and fifty."

Compensation to secretary of state.

5. *And be it enacted*, That there shall be paid to the secretary of state, by every company seeking to establish an agency, the sum of twenty dollars for each annual statement filed, and for every certificate of authority, the sum of five dollars.

Certificates may be revoked.

6. *And be it enacted*, That the secretary of state shall have authority to revoke and cancel any certificate of authority issued by him, upon being satisfied that the statement upon which it was issued is fraudulent, or that the capital of the company since the issuing of the certificate has become impaired, and is of less amount than the sum mentioned in section second of this act.

7. *And be it enacted*, That if any person shall act as the agent of any foreign insurance company, without having first obtained the certificate of authority as mentioned in section second of this act, he shall pay a fine of one hundred dollars, for each offence, which shall be sued for by the collector of the county for the benefit of said county, or be paid over by said collector to the fire department fund, as is provided for in the case of taxes on premiums; the suit for the recovery of the fine aforesaid may be brought by a prosecutor of the pleas, or by the attorney general, in any court of record of this state, and the person against whom a judgment shall be obtained may be committed to the county jail until such fine and costs are paid. Penalty for acting without certificate.

8. *And be it enacted*, That all and every person and persons who shall make, or cause to be made, procure, or cause to be procured, or who shall directly or indirectly act in the making, or causing to be made, or in procuring, or causing to be procured, any agreement, contract, or policy of insurance against fire, upon property in this state, by any insurance company or association not incorporated by the laws of this state, shall be deemed and considered to be an agent within the meaning of this act, and shall be liable to the penalties herein mentioned. Who are to be considered agents.

9. *And be it enacted*, That the first statements contemplated and required by this act shall be made on or before the first day of May next, and the certificates of authority issued upon these statements shall authorize the continuance of the agency or agencies until the first day of January, A. D. eighteen hundred and sixty-one. Time of making first statements

10. *And be it enacted*, That so much of all acts or parts of acts heretofore passed as may be inconsistent with this, are hereby repealed. Parts of former act repealed.

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

Approved March 19, 1860.

CHAPTER CLII.

AN ACT to authorize the city of Camden to convey certain lands to the Board of Education of the city of Camden.

Preamble. WHEREAS, Jacob Cooper and wife, by their deed of indenture, bearing date the twenty-second day of April, Anno Domini seventeen hundred and seventy-six, and of record in the clerk's office of the county of Gloucester, at Woodbury, in Liber B, of deeds, folio one hundred and thirty-one, did convey to certain persons therein named as trustees, among other lands, two certain adjoining town lots lying at or near the corner of Pine and Plum streets, in the town of Camden, then recently laid out by the said Jacob Cooper, and delineated as lots numbers one hundred and fifty-eight and one hundred and fifty-nine in his plan of said town, in trust for all the inhabitants and owners and possessors of lots in his said town, for certain uses and purposes therein set forth; and whereas, by an act of the legislature of New Jersey, passed on the thirteenth day of February, Anno Domini eighteen hundred and twenty-eight, the lands thus laid out by Jacob Cooper, with a large extent of adjacent lands, which had been subsequently laid out and built upon, were incorporated into and created a city, by the name of "the City of Camden," under which and subsequent acts the said city hath ever since existed, and shortly thereafter acquired and took possession of said two lots of ground, and have now, for more than twenty years past, had the possession thereof as their said city's absolute property; and whereas the said city is desirous of conveying the said two lots of ground to the Board of Education of the City of Camden, but doubts are entertained as to the ability of said city to give a good and valid title therefor, to remove which doubts and confirm the title in said board,

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 city of Camden, by deed duly executed under the common seal of said city, attested by the mayor and clerk of said city, to grant, bargain, sell, and convey said two lots of ground to the said board of education and their successors and assigns, in fee simple absolute, and that such sale and conveyance shall vest in the said board of education and their successors and assigns, an absolute and indefeasible estate of inheritance in fee simple in said lots of land, freed and discharged of all former trusts whatever, according to the terms and true import and meaning of such deed of conveyance. City of Camden authorized to convey lands.

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

Approved March 19, 1860.

CHAPTER CLIII.

AN ACT to improve the navigation of Passaic river, between Belleville and Passaic, in the counties of Essex, Hudson, Passaic, and Bergen.

WHEREAS the navigation of the river Passaic, between Belleville and Passaic, is seriously obstructed by reefs of rocks and bars of mud and sand—therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John A. Post, Daniel Holsman, Robert Rennie, Benjamin Aycrigg, and Samuel Pope be and Commissioners to improve navigation.

they are hereby appointed commissioners to improve the navigation of Passaic river, between the towns of Belleville and Passaic, on said river, in the counties of Essex, Hudson, Passaic, and Bergen, by removing rocks, bars of mud or sand that may interfere with the free navigation thereof.

Costs, how paid.

2. *And be it enacted*, That the costs and expenses incurred in the improvement of said navigation shall be defrayed by voluntary subscriptions, without any charge to the state whatever.

Vacancies, how supplied.

3. *And be it enacted*, That in case of any vacancy or refusal to serve of any of the commissioners named in the first section of this act, the governor of this state be and he is hereby authorized to appoint some suitable person to fill such vacancy.

Approved March 19, 1860.

CHAPTER CLIV.

AN ACT to incorporate the Cape May County Agricultural Society.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Ebenezer Westcott, Walters B. Miller, George Hildreth, Eli B. Wales, Aaron Miller, Samuel Springer, and Richard B. Stites, of the county of Cape May, and their associates and successors, shall be and they are

hereby constituted a body politic and corporate, by the name of "the Cape May County Agricultural Society."

Society may make by-laws.

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

Proviso.

Corporation may hold real estate.

3. *And be it enacted*, That the said corporation may purchase, use, hold, possess and enjoy such real and personal estate as they may deem necessary for the well being, and to promote the interest and objects of this society; and the same, or any part or parts thereof to sell, mortgage, lease, or otherwise dispose of at pleasure; *provided*, that such real and personal estate so held shall not exceed in its cost and value the sum of fifteen thousand dollars.

Proviso.

Property not liable to taxation.

4. *And be it enacted*, That all land and other property which may hereafter be owned, or held by lease or otherwise, by said society, and used for the purpose of promoting its objects, shall not be liable to have any taxes assessed or levied upon the same for any purpose or purposes whatsoever.

Objects of incorporation.

5. *And be it enacted*, That the principal object of said society shall be to improve the condition and breed of stock, and also to improve the agricultural, horticultural and manufacturing arts of the state.

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

Approved March 19, 1860.

CHAPTER CLV.

AN ACT to authorize the trustees of the Methodist Episcopal Church, at Millbrook, in the township of Pahaquarry, Warren county, to sell the building formerly occupied by them as a house of worship.

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 Millbrook, in the township of Pahaquarry, in the county of Warren, are hereby authorized to sell, either at public or private sale, the house of worship formerly occupied by them, situate at Millbrook aforesaid.

Proceeds of sale, how appropriated.

2. *And be it enacted*, That the said trustees shall cause to be entered in their book of records, a correct statement of all their proceedings under this act, of the moneys received for the sale of the said house and of the expenses attending the same; and that the proceeds arising from such sale shall be appropriated to the expenses of the erection of the new house of worship now occupied by them, in the said village of Millbrook.

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

Approved March 19, 1860.

CHAPTER CLVI.

AN ACT explanatory of an act entitled, "Supplement to the act entitled, 'An act relative to commissioners for taking the acknowledgment and proofs of deeds,'" approved April fifteenth, eighteen hundred and forty-six, which supplement was approved March tenth, eighteen hundred and fifty-eight.

WHEREAS, doubts have arisen as to whether the commissioners appointed under the act entitled, "Supplement to the act entitled, 'An act relative to commissioners for taking the acknowledgment and proofs of deeds,'" approved April fifteenth, eighteen hundred and forty-six, which supplement was approved March tenth, eighteen hundred and fifty-eight, are empowered to administer oaths [or] affirmations —[therefore,] Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every commissioner heretofore appointed or hereafter to be appointed under and in pursuance of the said supplement mentioned in the preamble of this act, shall have full power and authority to administer an oath or affirmation as fully and to all intents and purposes as commissioners have heretofore had who were appointed under the act entitled, "An act relative to commissioners for taking the acknowledgment and proofs of deeds." Commissioners authorized to administer oaths.

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

Approved March 19, 1860.

CHAPTER CLVII.

AN act to enable the owners and possessors of the meadow, marsh and swamp lands, known as the east branch of Stoe Creek, called the Cumberland Fork, in the counties of Salem and Cumberland, to dam the same, and to erect and maintain banks, dykes, dams and water works sufficient to prevent the tide from overflowing the same.

Owners authorized to build dam.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the owners and possessors of the meadow, marsh and swamp lands now under water or exposed to the overflow of the tide, and known as the east branch of Stoe Creek, called the Cumberland Fork, in the counties of Salem and Cumberland, to make and construct a dam across said creek, at such place or places as shall seem most beneficial to all parties interested, with such sluices and other water works, and of such material, character and dimensions as they may deem necessary or proper to exclude the tide from said meadows and swamp, and to drain, irrigate and otherwise improve the same; and after the said dam, banks and water works shall be so made and constructed, the same to maintain and keep in suitable and proper repair, in manner and form as hereinafter designated.

Election of officers.

2. *And be it enacted*, That the owners and possessors of said meadow shall be known as the East Branch of Stoe Creek Meadow Company; and it shall and may be lawful for the said owners and possessors, their legal agents and representatives, to meet at the mill of Thomas A. Maskill, in the township of Lower Alloway's Creek, in the county of Salem, on Monday, the second day of April, Anno Domini eighteen hundred and sixty, and between the hours of one and five o'clock in the afternoon of said day, to choose by ballot, or otherwise, and by a plurality of votes, such person or persons

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

Proceedings when company and owners cannot agree.

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

Special meetings may be called.

4. *And be it enacted*, That whenever the managers of said company, for the time being, shall deem it necessary to call a

special meeting of the company, they shall give at least seven days notice thereof to its members, by advertisements, in the manner prescribed by the second section of this act, designating the time, place and object of such meeting.

Compensation to officers.

5. *And be it enacted*, That the fees, wages or remuneration of all the officers chosen or to be chosen by the said meadow holders, shall be determined by a majority of the votes of said company at their first meeting aforesaid.

Proceedings and operations of company.

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

Former acts repealed.

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

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

Approved March 19, 1860.

CHAPTER CLVIII.

A supplement to an act entitled "An act to authorize the inhabitants of school district number three, in Union township, Camden county, to raise money to build school houses, and for the support of public schools.

WHEREAS, the act incorporating said school district, passed March seventh, eighteen hundred and fifty, authorizes the trustees of said school district number three, of the township of Union, to purchase and hold real estate as may be necessary for the purpose of public school houses, and with the consent of a majority of the legal voters of said school district, sell, exchange or mortgage the same, as may be most for the benefit of said public school; and whereas, the said legal voters of the said school district did, at a public meeting duly called for that purpose, order and direct the said trustees of said district to erect and build a public school house, which house is now erected and finished—therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said "the trustees of the third school district of the township of Union" be authorized and empowered to issue bonds in their corporate name and under their common seal for any sum not exceeding ($4,000) four thousand dollars, redeemable in sums of ($500) five hundred dollars yearly, said bonds not to be of a less amount than one hundred dollars each, bearing interest at six per centum per annum, and not subject to taxation. Trustees authorized to issue bonds.

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

Approved March 19, 1860.

CHAPTER CLIX.

A supplement to an act entitled, "An act to incorporate the Board of Education of the city of Camden."

Preamble. WHEREAS, George Genge, by his last will, bearing date the twenty-ninth day of September, Anno Domini, eighteen hundred and twenty-eight, duly proved and of record in the surrogate's office of the county of Gloucester, did give and bequeath to the trustees of Camden Academy, and their successors in office, an annuity of eighty dollars for the education of certain poor children therein mentioned and described, to be paid out of a certain ground rent, reserved out of lots numbered five, six, seventeen, eighteen, nineteen and twenty, in the original town plot of Camden, as by reference to said last will, will more fully appear; and whereas, under and in pursuance of an act entitled, "An act to authorize the trustees of Camden Academy and lot, situate at the corner of Sixth and Market streets, to convey possession of the same to the board of education of the city of Camden," approved the fifteenth day of March, Anno Domini, eighteen hundred and fifty-four, Edward Smith, the only survivor of said trustees, by deed bearing date the twenty-sixth day of January, Anno Domini, eighteen hundred and fifty-six, and of record in the clerk's office of the county of Camden, in book number thirty-two of deeds, page one hundred and ninety-one, &c., did convey said academy lot, at the corner of Sixth and Market streets, to "the Board of Education of the city of Camden," and their successors forever, who now hold the same and the academy thereon, as the successors in office of the aforesaid trustees of Camden Academy, to whom the said annuity was given and bequeathed as aforesaid, and are desirous of compounding with the owners of said

ground rents, and of the lots out of which the same is reserved as aforesaid, for the said annuity—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the said "the Board of Education of the city of Camden," and their successors, to sell said annuity to, or compound, compromise and settle therefor, with the owners of said ground rent, and the said lots out of which the same is reserved as aforesaid, and release them, and the said lots, and every of them, from the payment of the said annuity, upon such terms as may be agreed upon; and any such release or releases executed by the said board of education, under their common seal, and attested by their president, shall be good and valid in law and equity, and binding, as well upon the said board of education and their successors and assigns, as upon all other person or persons claiming the said annuity by, from or under said last will of George Genge; and shall forever thereafter exclude and bar the said board of education, their successors and assigns, and all other persons, from any action or actions, at law or in equity, for the recovery of said annuity, or any part thereof.

Board of education authorized to sell annuity.

Approved March 19, 1860.

CHAPTER CLX.

A supplement to an act entitled "An act to incorporate Medical Societies for the purpose of regulating the practice of physic and surgery in this state," passed January twenty-eighth, eighteen hundred and thirty.

Society to fix place of meeting.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the medical society of the state of New Jersey to fix the place of its own meetings, anything contained in the act to which this is a supplement to the contrary notwithstanding.

Part of former act repealed.

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

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

Approved March 19, 1860.

CHAPTER CLXI.

A further supplement to the act entitled "An act to revise and amend the charter of the city of Newark," approved March eleventh, eighteen hundred and fifty-seven.

Mayor authorized to fill vacancies.

1. BE IT ENACTED *by the Senate and General Assembly of*

the State of New Jersey, That whenever any vacancy by reason of death, resignation or otherwise, shall occur in any office, the appointment to which is to be made by the common council of the city of Newark, by virtue of the act to which this act is a supplement, the mayor of said city of Newark shall have authority to appoint some person to fill such office, who shall hold the office to which he shall be so appointed until the common council shall elect some other person to fill such vacancy, and until the person so appointed by the common council shall enter upon the duties of said office, or until he shall be removed by the said mayor; *provided*, that no person who shall be so appointed by said mayor to fill any vacancy shall enter upon the discharge of the duties thereof until he shall have entered into such bonds as may be required by the act to which this is a supplement, or by any ordinance of said city, which bonds shall have been first approved by the said mayor. Proviso.

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

Approved March 19, 1860.

CHAPTER CLXII.

AN ACT to incorporate "The Union Cemetery Association," in the township of Union in the county of Camden.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Abraham Powell, Arthur Pow- Names of corporators.

ell and Joseph B. Ellis, and their associates, be and they are hereby made a body politic and corporate in law, under the name, style and title of "The Union Cemetery Association," and by that name shall have perpetual succession, and be able and capable in law to have and use a common seal, to sue and be sued, plead and be impleaded, and to ordain, pass and put in execution all such by-laws and regulations, not contrary to the constitution and laws of the United States and of this state, as shall be necessary and convenient for carrying into effect the object of the association, and generally to do all and singular the matters and things which shall lawfully appertain to them to do for the improvement and ornament of the grounds, and the due management and regulation of the affairs thereof.

Corporation may hold real estate.

2. *And be it enacted*, That the said corporation shall be composed only of persons who are or shall be owners of sub-lots or burial places in the said cemetery, and that the said corporation shall have power to take and hold in fee the tracts of land situate in the township of Union, near the junction of the Woodbury turnpike and Mount Ephraim road from Gloucester, containing about three acres, be the same more or less, late the property of Charles W. Wornick and others, and such other tract of land which the said corporation may hereafter add thereto for the purpose aforesaid not exceeding twenty acres in the whole, and that the said corporation shall hold such tract or tracts of land in trust, and for the uses hereinafter mentioned, to wit: first, the said corporation may sell or otherwise dispose of the sub-lots in the said cemetery, and take the proceeds of sale to their own proper use and behoof; but such sub-lots shall be occupied only as burial places for deceased white human beings, with the use and privileges of the several walks and passages, and may erect on said tract or tracts of land such buildings and accommodations as they may deem suitable for the establishment; second, the sub-lots shall be conveyed to the respective purchasers, in fee, on the payment of the purchase money, and the purchaser of each lot, his or her heirs and assigns, shall have the exclusive

use and occupation thereof, only for the interment of deceased white persons, with the common use of the walks and passages, subject to such regulations as may be established by the said association for digging graves, building vaults, and ornamenting and preserving the said plats.

Election of officers.

3. *And be it enacted*, That the care and management of the said cemetery, and the business of the said corporation, shall be confided to five directors, being lotholders, who shall have the exclusive superintendence thereof, with power to appoint and employ such officers and agents as they may deem expedient, and to fix the compensation of such officers and agents by order of the association, which directors shall be chosen annually, by the owners of the sub-lots, at such time and place, and in such manner, as the board of directors may direct; and when it is ascertained that the said association is incorporated, the said Abraham Powell, Arthur Powell, and Joseph B. Ellis shall call a meeting of the sub-lotholders in the space of forty days of the notice thereof, and immediately proceed to elect a president, treasurer, secretary, and five directors; and at each year hereafter, and immediately before proceeding to an election, shall report to the proprietors the state of the affairs of the association, and the proprietors present shall then have power to elect directors, and direct such improvements to be made as they may deem expedient.

No streets to be opened through property.

4. *And be it enacted*, That no streets, roads or alleys shall hereafter be opened through the lands of the said corporation occupied as a burial ground, nor shall any part or parcel of the premises occupied as aforesaid, ever be subject to sale by virtue of any execution or any legal process.

Transfers of rights.

5. *And be it enacted*, That the rights of individual lot holders shall be created by deed from the treasurer, under the common seal; transfers of such rights among individuals shall be made on the back of said deed, and no original deed or transfers shall be valid unless recorded in the books of the association.

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

Approved March 20, 1860

New Jersey State Library

CHAPTER CLXIII.

AN ACT to provide for the payment of contingent legacies, and to set apart sufficient lands, charged or to become chargeable therewith, and to discharge the residue.

Application may be made to set apart lands for payment of legacy

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That wherever a legacy or legacies, payable on a contingency which shall not have happened, shall be, or may become chargeable in law or equity, upon lands heretofore or hereafter to be devised, it shall be lawful for any person in possession of any part of said lands, to apply to any justice of the supreme court to have a sufficient portion or portions of said lands set apart for the payment of such contingent legacy or legacies; and the said justice shall be and he is hereby empowered, upon such notice to the parties in interest as is now required to be given in case of application for partition of real estate, to appoint three disinterested commissioners to set apart such sufficient portion of said lands; and said commissioners having taken an oath or affirmation to perform their duties faithfully and impartially, shall, upon such notice to the parties in interest, as said justice shall direct, set apart by metes and bounds so much of the lands devised so charged, or which may become so chargeable, as will be sufficient for the payment of such legacy or legacies, when the same shall be payable, and make report of their action to said, or any other justice of the supreme court; and if the said justice to whom such report shall be made, shall approve of the said report, the lands so set apart by said commissioner shall become charged or chargeable with such contingent legacy or legacies, and the residue of said lands shall thereupon be entirely discharged from all lien, charge or liability to be charged, claim or demand, or liability existing or thereafter to arise for or on account of said con-

tingent legacy or legacies; and said application, appointment, notices, report, and order approving the same shall be filed and recorded in the clerk's office of the county where the lands lie, and shall be plenary evidence of the lien of said lands so set apart, and of the discharge of said residue of said lands.

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

Approved March 20, 1860.

CHAPTER CLXIV.

A supplement to an act entitled "An act to incorporate the Essex and Hudson Agricultural and Mechanical Association," approved February sixteenth, eighteen hundred and fifty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said Essex and Hudson Agricultural and Mechanical Association shall be and they are hereby empowered to improve all such lands as they are authorized to own or purchase, by laying out the same into lots, streets, squares and other divisions, draining, raising and grading the same, and making thereon all such docks, wharves, workshops, warehouses, and other buildings and improvements, on or contiguous to their lands, as may be found or deemed necessary, ornamental and convenient, so as to pro- Association authorized to improve lands.

vide with other conveniences and facilities, a place for the exhibition of state and county agricultural fairs, and to construct on the lands of the said company aqueducts or reservoirs for conveying pure and wholesome water, and letting, renting, leasing, mortgaging, selling or changing the same, extending the amount of salt meadow, and other lands, not exceeding one thousand acres, to be hereafter purchased, and the liberty to subscribe for and take stock in any railroad that now is or may be hereafter incorporated by the legislature of this state, which shall lead to or pass through, over or adjacent to any lands that may be owned by the said company.

Association authorized to contract with other societies

2. *And be it enacted*, That said association shall have power and authority to contract and co-operate with the New Jersey State Agricultural Society, and said society are hereby authorized and empowered to co-operate and contract with the Essex and Hudson Agricultural and Mechanical Association, in any manner that may be deemed necessary and best for the advancement of the objects and interests of both associations, and for the benefit of the agricultural and mechanical interests of the state; and for such purposes this association shall have power and authority to sell and dispose of, let, rent or lease unto the State Agricultural Society as aforesaid, any of their property or estate, real or personal, which they may have, hold or possess, upon such terms and conditions as shall be agreed upon between them; and the said the New Jersey State Agricultural Society shall have power and authority to take, have and hold the same as aforesaid, and to make all such terms and conditions in reference thereto as may be deemed necessary and advisable.

Parts of former act repealed.

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

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

Approved March 20, 1860.

CHAPTER CLXV.

A supplement to the act entitled, "An act to incorporate the Millville and Buckshutum Turnpike Company," approved March twentieth, eighteen hundred and fifty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of said act as requires said road to be commenced in three years and completed in five years from the date thereof, be and the same is hereby repealed. Part of former act repealed.

2. *And be it enacted*, That said road shall be commenced within three years and completed in five years from and after the passage of this act. Commencement and completion of road.

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

Approved March 20, 1860.

CHAPTER CLXVI.

AN ACT to incorporate the Delaware Water Gap Slate Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Robert K. Kille, Hugh Whit- Names of corporators.

ton, John W. Stokes, Joseph C. Costello, John Longstreth, and their associates, shall be and they are hereby created a body politic and corporate, by the name of "the Delaware Water Gap Slate Company," and by that name the said company shall have power to purchase and hold such real estate as may be necessary or proper, in the county of Warren, and to open therein such mines and quarries, and erect and construct thereon such buildings and machinery for mining, quarrying, manufacturing, storing and selling slate and other stony and earthy substances; and shall have power to mine, quarry, manufacture, store up and sell, or otherwise dispose of, slates, slate stone, and other articles, of which slate, stone, and other earthy substances form the basis or principal ingredients; and shall have all such other powers as are enumerated in the first section of the act concerning corporations.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said corporation shall be two hundred thousand dollars, divided into shares of fifty dollars each, and shall be subscribed for and paid in at such time or times, in such manner, and in such installment or installments, and upon such notice, as the said corporation may, by by-laws or otherwise, direct or appoint; and in case of a failure by any stockholder to pay his or her installment or installments, at the time and place mentioned and appointed for the payment thereof, such stockholder shall incur a forfeiture of his or her share or shares, and all payments thereon, to the use of said corporation; *provided*, said company shall not commence business until the sum of fifty thousand dollars is actually paid in.

Proviso.

Stock transferable.

3. *And be it enacted*, That the capital stock of said corporation shall be deemed and considered personal property, and shall be transferable in such way as the by-laws of said corporation may direct; that every share of stock shall be entitled to one vote by the holder or holders thereof, which may be given in person or by proxy; and that the board of directors of said company may at any time hereafter increase their capital stock to any amount not exceeding three hundred thousand dollars.

4. *And be it enacted*, That the affairs of said corporation shall be managed by a board of five directors, any three of whom shall be a quorum for the transaction of business, but any less number shall have power to adjourn, and that said Robert K. Kille, Hugh Whitton, John W. Stokes, Joseph C. Costello and John Longstreth, shall be and hereby are appointed the first board of directors, to serve until the first Monday in May next, or until others shall be elected in their stead; and the said directors, or a majority of them, shall as soon as conveniently may be hereafter, appoint one of their number to be president of said corporation until the said first Monday in May next, or until another shall be appointed in his stead; and should a vacancy at any time occur in the board of directors by death or otherwise, the board may, at their next or any subsequent stated meeting, fill such vacancy until the then next annual meeting of directors; and no person shall be a director but a stockholder. First directors.

5. *And be it enacted*, That an annual election of directors shall be held at Columbia, Warren county, New Jersey, on the first Monday in May next, and that all subsequent elections of directors shall be held at such time and place, and upon such notice, as shall be ordained by the by-laws; and the board of directors shall appoint the judge of such elections, but if it should happen that an election of directors should not be had on the said first Monday in May next, or at the time appointed for the holding of any subsequent annual election, the said corporation shall not for that cause be deemed to be dissolved, but such election shall be held at such other time and place as the board of directors for the time being shall or may appoint; and the directors for the time being shall continue in office until new ones shall be elected in their stead; and every board of directors, as soon as conveniently may be after their election, shall appoint from their number a president of said corporation, to serve until the then next annual election of directors, and another shall be appointed in his stead; that the said president shall preside at all meetings of the board, but in case of his ab- Annual election of directors.

sence any other of the directors present may be chosen president pro tempore; and all stated meetings of the board shall be held at such times and places as the by-laws may ordain, and special meetings may be held by appointment of the board, or upon the call of the president.

Dividends. 6. *And be it enacted*, That the dividends of so much of the profits of the corporation as shall appear advisable to the board of directors, shall be made and paid to the stockholders at such stated periods as the said board shall determine; and at each annual meeting of the stockholders for the purpose of election it shall be the duty of the president and directors of the preceding year to exhibit to the stockholders a full and complete statement of the affairs of the corporation during the past year, and shall produce the books, accounts and papers of the corporation, if required to do so by any person or persons being stockholders.

Limitation. 7. *And be it enacted*, That this corporation shall be limited to twenty years, and that the legislatuure may alter, amend or repeal this act whenever the public good may require it.

Approved March 20, 1860.

CHAPTER CLXVII.

AN ACT concerning the custody of infants.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any husband and wife shall live in a state of separation, without being divorced, and shall have any minor child or children of the marriage, the chancellor, the supreme court of this state, or any justice of the said supreme court, upon the said child or children being brought before them upon habeas corpus, shall make an order for the access of the mother to her infant child or children at such times and under such circumstances as they may direct; and if the said child or children be within the age of seven years, shall make an order that the said child or children be delivered to and remain in the custody of the mother until said child or children shall attain such age, unless said mother shall be of such character and habits as to render her an improper guardian for said child or children.

Proceedings in case of minor children of parents living separate.

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

Approved March 20, 1860.

CHAPTER CLXVIII.

AN ACT to incorporate the Hightstown Gas Light Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Benjamin Reed, Rescarrick M. Smith, Edward T. R. Applegate, Charles Keeler, and A. F. Jobs, 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 Hightstown 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 borough of Hightstown, and to hold and convey real estate necessary for the purposes of the corporation.

Corporation authorized to lay down pipes

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 turnpike roads in the borough of Hightstown, 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, turnpike 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 of the said pipes and erection of the said posts.

Proviso.

Commissioners to open books of subscription.

3. *And be it enacted*, That Benjamin Reed, Rescarrick M. Smith, Edward T. R. Applegate, Charles Keeler, A. Forman Jobs, are hereby appointed commissioners for receiving subscriptions for the sum of fifteen 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 public advertisement, previously inserted for at least three weeks, in a newspaper printed at Hightstown, or in some newspaper printed in Mercer county, 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 centum 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 subscriptions, until the whole stock subscribed amounts to fifteen thousand dollars, and are also authorized to call upon the subscribers, by public advertisement in a newspaper printed at Hightstown, or in some newspaper printed in Mercer county, 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.

Election of directors.

4. *And be it enacted*, That the management of the concerns of the company shall be vested in five directors, to be elected 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 conveniently may be after five 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 Hightstown, or in some newspaper printed in Mercer county, and at such time and place in Hightstown as they shall designate in such notice, to choose the first board of directors, who shall hold their offices until the then next suc-

ceeding first Monday in May; and they shall hold their offices from the first Monday in May in each year, for one year, and shall be elected on the first Monday in May in each year, at such time and place in Hightstown 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 Hightstown, or in some newspaper printed in Mercer county; 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 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 Hightstown, and shall be open at all times 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 whatever, with intent thereby to injure any conduit, pipe, cock, machine, post or structure whatsoever, or anything appertaining to the works of said corporation, or whereby the same may be stopped, obstructed or injured, the person or persons so offending, shall

be considered guilty of a misdemeanor, and being thereof convicted, shall be punished by 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 corporation, in any court of this state having cognizance of the same. Proviso.

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 moneys 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. Company may borrow money.

10. *And be it enacted*, That this act shall take effect immediately, and is hereby declared to be a public act, and shall be taken and received as such wherever it may come in question. Public act.

Approved March 20, 1860.

CHAPTER CLXIX.

AN ACT to authorize the mayor and common council of the city of Newark to purchase the property of the Newark Aqueduct Company, and creating the Newark Aqueduct Board.

Preamble.

WHEREAS, by an act of the legislature of the state of New Jersey, passed November seventeenth, eighteen hundred, entitled "An act to incorporate the Newark Aqueduct Company," certain persons therein named were created a body corporate and politic, by the name of the president and directors of the Newark Aqueduct Company, for the purpose of supplying the town of Newark with pure and wholesome water, by virtue of which act, and of a supplement thereto, the said company have purchased lands and erected works for the purpose aforesaid; and whereas, the great increase of the business and population of Newark, and its creation into a city with corporate powers and duties, and the inadequacy of the supply of water now furnished by the said company to answer the wants of the said city, have rendered it expedient that the duty of supplying the said city with pure and wholesome water for all purposes, should be undertaken and carried forward by the city authorities, and that the property, rights and franchises of the said "The Newark Aqueduct Company," should be purchased from them by the mayor and common council of the city of Newark, and a preliminary proposition to that effect having been agreed upon by the said parties; now, therefore,

President and directors of company authorized to convey property to city.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That upon the securing to be paid by the mayor and common council of the city of Newark, according to the terms of said proposition, of the purchase money or price therein mentioned, the board of directors of

the said the president and directors of the Newark Aqueduct Company shall forthwith, without further consideration, assign, transfer and convey to the mayor and common council of the city of Newark all the rights, franchises, lands, property, real and personal, of every kind and description, to said company belonging or in them vested, or to which they are entitled, and all the capital stock of said company in said proposition mentioned; and said board are hereby fully authorized and empowered to make such transfer, assignment and conveyance, and the same, when so made, shall be complete and effectual for the transfer, assignment and conveyance to the said the mayor and common council of the city of Newark, as well of said capital stock as of said rights, franchises, lands and property; and all certificates of said capital stock shall be forthwith, on such transfer, delivered up to the treasurer of said city, and from the time of said transfer said certificates shall have no validity in the hands of any person or persons other than the said the mayor and common council of the city of Newark.

Mayor and common council authorized to receive property.

2. *And be it enacted*, That the said mayor and common council are hereby authorized to accept the said property, the same to be held as is hereinafter directed, and to take and convey from the sources of supply now used by the said Newark Aqueduct Company, or which they are empowered to use, and from any other sources, sufficient water to supply the city of Newark with pure and wholesome water for all purposes.

Authority to be exercised by commissioners.

3. *And be it enacted*, That all authority under this act shall be exercised by a board of commissioners to be known and designated as "The Newark Aqueduct Board," to be appointed as is hereinafter designated; and in pursuance of this authority the said commissioners may employ all proper engineers, surveyors, clerks and other agents or assistants necessary or convenient for accomplishing the purposes contemplated by this act, and may enter upon any land or water for the purpose of making surveys and examinations for the same.

First board of commissioners.

4. *And be it enacted*, That William S. Faitoute, Daniel Dodd, Thomas R. Williams, Edward Doughty, Jacob Van Arsdale, Henry G. Darcy, and the mayor of the city of Newark ex officio, shall constitute the first board of commissioners; the said "The Newark Aqueduct Board" shall elect annually one of their number to be president of the board, may make by-laws and regulations for their government, not inconsistent herewith, and shall determine by lot or otherwise the terms during which the members of said board, other than the mayor, shall hold their offices, and these shall be as follows: two of them shall remain in office one year, two two years, and two three years, all to be computed from the first Tuesday after the first day of January next; and the mayor of the city of Newark for the time being, shall, ex officio, always be one of said board.

Acts of board to be binding on city.

5. *And be it enacted*, That a majority of the said board shall constitute a quorum for the transaction of business, and all contracts and engagements, acts and doings of the said board within the scope of their duty or authority, shall be obligatory upon, and be in law considered as done by the mayor and common council of the city of Newark; and the said mayor and common council, and all real estate within the city of Newark, shall be liable for the payment of the principal and interest that may become due on the bonds or obligations to be issued by virtue of this act.

Board may bring actions.

6. *And be it enacted*, That the said "The Newark Aqueduct Board," may prosecute any action or process, at law or in equity, against any person or persons for money due for the use of the water: for the breach of any contract, express or implied, touching the execution or management of the works or the distribution of the water, or of any promise or contract made to or with them; and also for any injury or trespass or nuisance done or caused, or procured to be done to the water courses, pipes, machinery, or any apparatus belonging to or connected with any part of the works, or for any improper use or waste of the water; and any vacancy, or the filling any vacancy in said board, either before or after any

cause of action arises or suit is commenced, shall not change the right of said board as a body to commence or maintain such action or process at law or in equity; but in all such cases they shall be considered from the time of the organization of the board, as a corporation.

Books of account to be kept.

7. *And be it enacted*, That the said board shall keep regular books of account, and books for recording the whole of their official proceedings; each of the members of said board shall, within forty days after the first Tuesday after the first day of January next succeeding his election, take and subscribe the oaths of office prescribed by the twenty-fourth section of the act entitled "An act to revise and amend the charter of the city of Newark," approved March eleventh, eighteen hundred and fifty-seven, and in case of his failure so to qualify, his said office shall be deemed vacant; such books shall be open to the examination of any person or persons appointed for that purpose by the mayor and common council of the city of Newark; said board shall also, on the first day of June and December in each year, make a report to the said mayor and common council of the condition of the works under their charge, and of the receipts and expenditures on account of the same; and the said board may, in their discretion, require from the persons employed by them official bonds for the faithful performance of their duties, and that they shall take and subscribe the oaths of office as aforesaid.

Board to hold property conveyed to city.

8. *And be it enacted*, That the said board shall, for and in the name of the mayor and common council of the city of Newark, take and hold the lands and real estate, rights, franchises and property of every kind so purchased from and transferred by "The Newark Aqueduct Company," as aforesaid, and any other lands, real estate or property necessary in their opinion for the construction of any canals, aqueducts, reservoirs or other works for conveying or containing water, or for the erection of any buildings or machinery for laying any pipes or conduits for conveying the water into or through the said places, or to secure and maintain any portion of the

works, and in general to do any other act necessary or convenient for accomplishing the purposes contemplated by this act.

Proceedings in case board and owners can not agree.

9. *And be it enacted*, That in case of any disagreement between the said board and the owners of any lands or water rights which may be required for the said purposes, or affected by any operation connected therewith, as to the amount of compensation to be paid to such owner, or in case any such owner shall be an infant, or a married woman, or insane, or shall be absent from this state, the circuit court of the county of Essex shall, on the application of either party, or in case any such owner shall be unknown, or cannot be found, then upon notice of such application, to be given as said court may direct, nominate and appoint three disinterested persons to examine such property and estimate the value thereof, or damage sustained thereby, who shall, after reasonable notice to the parties, or notice to be advertised as said court may direct, of the time and place where they will be heard in relation to the matter, proceed without delay to hear the same and make their report thereon, and deliver the same to the court at the next session thereof which shall be held in the said county.

Payment of damages.

10. *And be it enacted*, That whenever such report shall be confirmed by the court aforesaid, the said board shall, within two months thereafter, pay to the said owner, or to such person or persons as the court may direct, the sum mentioned in said report, in full compensation for the property so required, or for the damage sustained, as the case may be; and in all cases where the title or interest of any person or persons in lands required and taken for the purpose of this act, is doubtful or disputed, the value of or damage to such lands, awarded by the commissioners appointed by said circuit court, may be paid into said court, upon affidavit made of such facts, and such payment shall have the same effect as if made to the owners thereof; and the said court may proceed in a summary way, upon petition of any person claiming to be the owner of said lands, or any part thereof, to ascertain to whom

the title belonged, and to what person or persons the said money shall be paid, and shall have power to distribute the same among the persons entitled thereto, and thereupon the mayor and common council of the city of Newark shall become seized in fee of such property so required, and shall be discharged from all claim by reason of such damage.

Roads may be used for purposes of aqueduct.

11. *And be it enacted*, That the said board, in behalf of the mayor and common council of the city of Newark, and all persons acting under their authority, shall have the right to use the ground or soil under any road, railroad, highway, street, lane, alley, or court within this state, for the purpose of constructing, enlarging, improving, or repairing the works contemplated by this act, on condition that they shall cause the surface of such road, railroad, highway, street, lane, alley, or court to be restored to its original state, and all damages done thereto to be repaired.

Contracts to be made in writing.

12. *And be it enacted*, That all contracts for materials, or for the construction of any part of said work, which shall involve the expenditure of the sum of five hundred dollars or more, shall be made in writing, and of each contract two copies shall be taken, which shall be numbered with the number of said contract, and endorsed with the name of the contractor, and a summary of the work to be done or materials furnished; one of said copies shall be deposited with the auditor of accounts of the city of Newark, and one shall be retained by said board; the said board shall have authority to require from any person or persons with whom they shall enter into a contract, satisfactory security for the faithful performance of said contract according to its terms, and no member of said board shall be interested, directly or indirectly, in any contract relating to said work.

Materials to be exempt from execution.

13. *And be it enacted*, That all materials procured, or partially procured, under contract with said board, shall be exempt from execution, but it shall be the duty of the board to pay the moneys due to such contractor for such materials, to the judgment creditor of the contractor under whose execution such materials might otherwise have been sold, upon his

producing to them due proof that his execution would have so attached, and such payment shall be held as a valid payment on the contract.

Board may issue bonds for payment of cost of property.

14. *And be it enacted*, That for the purpose of paying the cost of purchasing the capital stock and property as aforesaid of "the Newark Aqueduct Company," the said "the Newark Aqueduct Board" shall have authority to issue, in the name of the said mayor and common council of the city of Newark, bonds, to be denominated on their face, "Newark City Water Bonds," to the amount of one hundred and fifty thousand dollars, bearing date February one, eighteen hundred and sixty, with interest, payable semi-annually, at the rate of seven per centum per annum, the principal sum of which bonds shall be redeemable at the pleasure of the said board; for the purpose of enlarging, improving, extending, and repairing the said works already erected, and of constructing such new works as are contemplated by this act, the said board shall also have authority to issue, in the name of the said mayor and common council, bonds, to be designated as aforesaid, to the amount of one hundred thousand dollars, bearing interest, payable semi-annually, not to exceed the rate of six per centum per annum, with coupons attached, redeemable in thirty years from the date thereof, and the board may sell the same at public or private sale, at such times as the proceeds thereof may be required for such work, or may pledge the same for money borrowed, at a rate not exceeding seven per centum per annum, if in their opinion the necessities of the work require such proceeding; for the purpose of redeeming and paying the issue of seven per centum bonds hereinbefore authorized, the said board shall also have power in their discretion, to issue bonds, in the name of said mayor and common council, to be designated as aforesaid, to the amount of one hundred and fifty thousand dollars, bearing interest, payable semi-annually, not to exceed the rate of six per centum per annum, with coupons attached, redeemable at any time not less than twenty nor more than fifty years from date, which last mentioned bonds and the proceeds of the sale

thereof shall be appropriated solely and exclusively to the redemption of the issue of seven per centum bonds hereinbefore authorized, and for that purpose the said board may, at their discretion, sell the same at public or private sale, and immediately upon the receipt of the proceeds thereof, shall apply the same to such redemption; all bonds issued as aforesaid shall be signed by the members of said board, or a majority of them, and countersigned by the mayor of the city of Newark, and a record of all bonds so issued, disposed of, or redeemed shall be kept by the said board, and copies thereof shall be furnished by them to the treasurer of the city of Newark; the interest upon all bonds which may be issued by virtue hereof shall be paid semi-annually by the treasurer of the city of Newark.

Distribution and use of water.

15. *And be it enacted*, That the said board shall regulate the distribution and use of the water in all places and for all purposes, where the same may be required, and from time to time shall fix the price for the use thereof, and the times of payment; and they may erect such number of public hydrants, and in such places, as they shall see fit, and direct in what manner, and for what purposes, the same shall be used, all which they may change at their discretion; *provided*, that all hydrants, conduits, or appliances required and furnished for the purpose of the extinguishment of fires shall be erected at the expense of the mayor and common council of the city of Newark, and placed as they shall direct, and be under their exclusive control and direction.

Proviso.

Payment for use of water.

16. *And be it enacted*, That the said board shall have full power and authority to require payment in advance for the use or rents of water furnished by them in or upon any building, place, or premises, and in case prompt payment for the same shall not be made, they may shut off the water from such building, place, or premises, and shall not be compelled again to supply said building, place, or premises with water until said arrears, with interest thereon, shall be fully paid.

Contracts for use of water.

17. *And be it enacted*, That the said board shall make no contracts for the price of using the water for a longer term

than three years, and at the expiration of any term or lease the price for the use thereof shall be adjusted according to the regulations then established.

Penalty for injuring works

18. *And be it enacted*, That if any person or persons shall maliciously or wilfully divert the water, or any portion thereof, from the said works, or shall corrupt or render the same impure, or shall destroy or injure any canal, aqueduct, pipe, conduit, machinery, or other property used or required for procuring or distributing the water, such person or persons, and their aiders and abettors, shall forfeit to the said board, to be recovered in an action of trespass, treble the amount of damages (besides costs of suit,) which shall appear on trial to have been sustained, and all such acts are hereby declared to be misdemeanors, and the parties found guilty thereof may be further punished by fine, not exceeding one thousand dollars, or by imprisonment, not exceeding one year, or both, at the discretion of the court.

Land to be exempt from taxation.

19. *And be it enacted*, That all lands and real estate, and property of every kind so held as aforesaid by the said board, for and in the name of the mayor and common council of the city of Newark, shall be exempted from all taxes and assessments.

Board may sell lands not necessary for works.

20. *And be it enacted*, That the said board shall be authorized to sell, at their discretion, such portions of the lands and real estate so conveyed as aforesaid by the Newark Aqueduct Company to the said mayor and common council, and of any other lands and real estate held by them in pursuance of this act, as they may deem not to be necessary for the purposes contemplated by this act, and it shall be the duty of the said common council, whenever the said board shall certify to them the fact of any such sale or sales, to direct the said mayor to execute a good and sufficient deed to the purchaser therefor, and the consideration money thereof shall be paid to the said board, and may be used by them at their discretion for any of the purposes contemplated by this act.

Board may execute promissory notes.

21. *And be it enacted*, That the said board shall be authorized to execute promissory notes, or accept drafts for any of

the legitimate purposes of the said work, in anticipation of the receipt of the proceeds of the sale of the bonds hereinbefore authorized to be issued by them, or of the revenue of the said works; *provided however*, that the whole amount of the permanent indebtedness of the city to be incurred by them by virtue of this act shall not exceed the sum of two hundred and fifty thousand dollars. Proviso.

22. *And be it enacted*, That the said board shall have power to make rules and regulations respecting the introduction of the water into or upon any premises, and from time to time to regulate the use thereof in such manner as shall seem to them necessary and proper; and the members of said board, and all engineers, superintendents or inspectors in their service, are hereby authorized and empowered to enter at all reasonable hours, any dwelling or other place where said water is taken or used, and where unnecessary waste thereof is known or suspected, and examine and inquire into the cause thereof; they shall have full power to examine all service pipes, stop-cocks, and other apparatus connected with said works, for the purpose of ascertaining whether the same are of the character and dimensions, and fixed in the manner directed in the permits issued therefor; and if any person or persons shall refuse to permit such examination, or oppose or obstruct such officer in the performance of such duty, he, she or they so offending shall be liable to such penalty, not exceeding ten dollars for each offence, as the said board may impose, and the supply of water may also be shut off until the required examination is made, and such alterations and repairs are completed as may be necessary. Regulations for use of water.

23. *And be it enacted*, That for the purpose of discovering and making available for the purposes contemplated by this act, other sources for a supply of water than those already used by the Newark Aqueduct Company, the said board are hereby invested with all the rights, powers and privileges conferred on the said Aqueduct Company by a supplement to the charter of said company, approved February seventeenth, eighteen hundred and fifty-seven. Further supply of water.

Payment of interest on bonds.

24. *And be it enacted*, That for the purpose of enabling the treasurer of the said city of Newark to pay the interest upon the bonds issued by virtue of this act, it shall be the duty of the said board to pay semi-annually to the said treasurer, and at least one week prior to the time when such payment shall become due, all the net revenue of their said works for the preceding six months, unless the said net revenue shall be more than is sufficient for said payment, in which case they shall pay to the said treasurer only a sufficient sum for that purpose; in order to create a fund for the payment of the said bonds at their maturity, it shall be the duty of the mayor and common council of said city of Newark to raise annually by tax the sum of thirty-five hundred dollars, until said bonds shall be paid and redeemed, which sum the treasurer of said city shall annually, on the first Monday in November in each year, pay over to the said board for that purpose; the said board are hereby authorized and required to invest the said sum from time to time, together with such net revenue as may from year to year remain in their hands after paying all necessary expenses of said works, and the interest upon said bonds, as a sinking fund for the redemption of said bonds; the said board shall have power to make such rules and regulations respecting the management of the said fund as they shall deem expedient, but no part thereof shall at any time be used in any manner inconsistent herewith; they shall keep accurate accounts of the said fund in distinct and separate books from those in which their other accounts are kept, and shall annually make a full and detailed report of the state of the said fund to the common council; in case the revenue received by the board shall not in any year be sufficient to pay the said interest and all necessary expenses of said works, the said fact shall be reported in their semi-annual statements by the said board to the common council, and it shall thereupon be the duty of the said common council to pay over to the said board an amount of funds equal to said deficiency, and if necessary, they may raise said amount by tax in the next succeeding year thereafter.

25. *And be it enacted*, That at the next charter election to be held in said city, in the year eighteen hundred and sixty-one, and every year thereafter, there shall be elected two members of said Newark Aqueduct Board, each of whom shall hold his office for the term of three years; no ballot shall be counted which shall contain the name of more than one person as a member of said board; the said election shall be held and conducted in the same manner, and subject to the same rules and regulations, and the persons to be so elected shall each be a resident and elector of the said city of Newark; the two persons receiving the highest number of votes shall be declared members of said board, and shall enter upon the discharge of their duties on the first Tuesday after the first day of January, next succeeding such election; any vacancies that shall occur in said board by death, resignation, or otherwise, shall be filled by the common council of the city of Newark, but the person or persons so appointed shall hold his or their offices only for the residue of the term for which they may be appointed. Election of members of board.

26. *And be it enacted*, That the members of said board shall not receive any compensation for their services, but shall be repaid for all reasonable expenses which they may incur while in the performance of their duties; the said common council shall be authorized by a committee of their own number, or otherwise, to inspect semi-annually or oftener the state and condition of the works and property of the said board, and the said board shall give them every reasonable facility and assistance in making such inspection. Compensation of commissioners.

27. *And be it enacted*, That the mayor and common council of said city of Newark may at any time remove any member of said board; *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 member 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- Members of board may be removed. Proviso.

thirds of all the members elected to the said common council shall concur in such removal.

Public act.

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

Approved March 20, 1860.

CHAPTER CLXX.

A further supplement to an act entitled, "An act to incorporate the Belleville Railroad and Transportation Company," passed February fifteenth, eighteen hundred and thirty-six.

Preamble.

WHEREAS, by the seventh section of the act to which this is a supplement, the bridge over the Passaic river, authorized by said act, was required to cross or adjoin the present Belleville bridge belonging to the Belleville Bridge Company, with their consent; but if such consent cannot be obtained, then at some point not exceeding one hundred feet either north or south of said bridge; and whereas, it is desirable to build said bridge at a greater distance in a northerly direction from the present Belleville turnpike bridge, within the township of Belleville, than is limited by the original act—therefore,

Company authorized to build bridge.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said "the Belleville Railroad and Transportation Company" be and they are hereby invested with all rights and powers necessary and expedient to build the bridge across the Passaic river, authorized by the

act to which this is a supplement, at a greater distance in a northerly direction from the present Belleville turnpike bridge, within the township of Belleville, than is limited by the original act, but not northerly of the lands of Samuel H. Perry; and also, that the said company be authorized to increase the number of its directors so as not to add more than four, to be determined by a majority of stockholders at any annual meeting, the certificate of such determination to be filed in the office of the secretary of state as evidence thereof.

Approved March 20, 1860.

CHAPTER CLXXI.

AN ACT to incorporate the People's Agricultural and Horticultural Society of the first congressional district of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Alexander Black, John R. Graham, Providence Ludlam, Quinten Keasbey, Theodore M. Webster, Nathan T. Stratton, Peter Kier, J. Morgan Barnes, Isaiah Mayhew, William M. Cawley, Morris R. Elwell, Mahlon D. Dickinson, Charles L. Vanneman, John S. Barnes, and John K. Clark, of the state of New Jersey, and their associates and successors, shall be, and they are hereby constituted a body politic and corporate, by the name of "the People's Agricultural and Horticultural Society of the First

Names of corporators.

Congressional District of New Jersey," except the county of Camden and Atlantic.

Society may make by-laws.

2. *And be it enacted*, That the said society shall from time to time have power to make, alter, 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;

Proviso.

provided, such constitution, by-laws and regulations shall not be repugnant to the constitution and laws of this state, or the United States.

Corporation may 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;

Proviso.

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.

Property not liable to taxation.

4. *And be it enacted*, That all lands or other property which may hereafter be owned by the 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 whatsoever;

Proviso.

provided, that such personal estate shall not exceed in value the sum of five thousand dollars.

Objects of incorporation.

5. *And be it enacted*, That the principal object of said society shall be to improve the breed and condition of stock, and for the promotion and encouragement of agricultural, horticultural, manufacturing and mechanics arts.

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

Approved March 21, 1860.

CHAPTER CLXXII.

AN ACT to authorize the sale of a lot of land in Morristown, known as the Academy lot.

WHEREAS, the directors of "the Proprietors of the Morris Academy," have by their petition represented that the building situate on the Academy lot in Morristown, has become so dilapidated as to be almost useless, and that the lot is so small and so situate that no suitable house for a school can be rebuilt thereon, and have petitioned for an act authorizing the lot to be sold, and the proceeds thereof applied to the purchase of a more suitable lot and the building of a suitable academy thereon—therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for Henry A. Ford, Nathan W. Condict, Ebenezer B. Woodruff, and William N. Wood, or a majority of them, at any time hereafter, for such sum or sums of money as they or a majority of them may deem to be a full and fair consideration therefor, to sell and convey by deed of conveyance under their hands and seals, to any purchaser or purchasers thereof, the said lot or parcel of land, situate in South street, in Morristown, adjoining lands of Joseph W. Blachley and Thomas Knighton, known as the academy lot, with the building and the appurtenances thereto belonging, in fee simple absolute. Sale of land authorized.

2. *And be it enacted*, That such sale and conveyance, when so executed as aforesaid, shall be taken and deemed to vest in the purchaser or purchasers an absolute title in fee simple in and to said premises. Sale to vest title in purchaser.

3. *And be it enacted*, That the proceeds of such sale or sales, after deducting the expenses thereof, shall be appro- Appropriation of proceeds of sale.

priated to the purchase of a suitable lot, and to the building of an academy thereon.

Approved March 21, 1860.

CHAPTER CLXXIII.

AN ACT to authorize the city council of the city of Elizabeth to borrow fifteen thousand dollars for the purpose of building a public alms house.

City authorized to borrow money.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the city council of the city of Elizabeth to borrow the sum of fifteen thousand dollars, in addition to the loans now authorized by the charter of said city, for the purpose of building a public alms house and necessary out buildings in the said city.

Bonds may be issued to secure payment of loan.

2. *And be it enacted*, That the said city council may issue the bonds of the said city to secure the payment of the said loan of fifteen thousand dollars, with interest at the rate of seven per centum per annum; and the money arising thereon shall be applied by the said city council in erecting, completing and furnishing a public alms house, and all out buildings which may or shall be necessary thereto, pursuant to the provisions of the city charter; *provided however*, that the interest, and at least one thousand dollars of the

Proviso.

principal, shall be paid on the said loan yearly, from the moneys appropriated by the city council for the support of the poor in said city, so that the whole of the principal and interest of said loan shall be paid off in fifteen years.

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

Approved March 21, 1860.

CHAPTER CLXXIV.

AN ACT to incorporate the Passaic Manufacturing Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That E. Boudinot Colt, William E. Toler, Samuel Borrowe, and such other persons as may be hereafter associated with them, and their successors and assigns, be and they are hereby constituted a body politic and corporate, by the name of the "Passaic Manufacturing Company," for the sole purpose of manufacturing cotton or other fibrous material, in their several and various branches; and by the same name they and their successors and assigns shall have power, and continue a body politic and corporate, and be capable in law of sueing and being sued, impleading and being impleaded, answering and being answered unto, in all courts of justice, or in any other place whatever, to make and use a common seal, and the same to alter and renew at

Names of corporators.

General powers.

pleasure, and they, and their successors and assigns, in their corporate name shall be able and capable to acquire, purchase, receive, have, hold and enjoy any lands, tenements, hereditaments, goods and chattels, of what kind or quality soever, necessary or useful for the said corporation to carry on the manufacturing operations above mentioned, and all other real estate which shall have been bona fide mortgaged to the said corporation by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of business, or purchased at sales upon judgments which shall have been obtained for such debts; *provided always*, that the funds of said corporation, or any part thereof, shall not be applied, used or employed at any time in banking operations.

Proviso.

Election of directors.

2. *And be it enacted*, That the stock, property and concerns of the said company shall be managed and conducted by five directors, being stockholders, a majority of whom shall be residents of this state, one of whom to be president, who shall hold their offices for one year, and that the said directors shall be chosen on the first Tuesday of February in every year, at such place and time as shall be directed by the by-laws of the said corporation; and public notice shall be given of the time and place of holding every such election, not less than ten days' previous, in one or more newspapers printed nearest the place where said election shall be made, by such of the stockholders as shall attend for that purpose, either in person or by proxy, and such stockholder shall be entitled in person or by power of attorney, to as many votes as he or she shall hold shares of the capital stock of said company, and the person having the greatest number of votes, 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, superintendents and agents, 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 if it shall

at any time happen that any vacancy or vacancies occur by death, resignation, or otherwise, among the directors, officers, or superintendents, such vacancy or vacancies shall be filled by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint, and the first directors shall be E. Boudinot Colt, William E. Toler, Samuel Borrowe, Griffith King and William Ridgway, junior, who shall hold their offices until the first Tuesday of February next, or until others are legally chosen. First directors.

3. *And be it enacted*, That the capital stock of said company shall not exceed the sum of two hundred and fifty thousand dollars, which shall be divided into shares of one hundred dollars each, but so soon as the sum of one hundred thousand dollars of the said capital stock shall have been subscribed, paid, or satisfactorily secured to be paid, it shall and may be lawful to and for the said company to commence their said business, and with that capital conduct and carry it on, until they shall deem it expedient to extend their operations, and the capital necessary for that purpose, which they are hereby authorized to do from time to time, to the amount hereinbefore mentioned; and it shall be lawful for the directors of the said company to call and demand from the said 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 the said stockholders, and all previous payments thereon, if such payments shall not be made within sixty days after a notice shall have been published, for the space of thirty days, in one or more newspapers published in or near the place where such payment shall be required to be made. Amount of capital stock.

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

Corporation not dissolved for failure to elect on day prescribed.

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

Directors may make by-laws.

6. *And be it enacted*, That a majority of the directors for the time being shall form a board for transacting the business of said corporation, and shall have power to ordain, establish, and put in execution such by-laws, ordinances and regulations as shall seem necessary and convenient for the government, management and disposition of the stock, effects and concerns of the said corporation; *provided*, the same are not contrary to the laws and constitution of the United States or of this state.

Proviso.

Transfers to be registered.

7. *And be it enacted*, That the directors shall at all times keep or cause to be kept proper books of accounts, in which shall be regularly entered all the transactions of the said corporation, which books shall at all times be open to the inspection of the stockholders of the said company, or their legal attorney or attorneys; 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.

Company may be dissolved.

8. *And be it enacted*, That the said company may be dissolved at a general meeting of the stockholders specially summoned for that purpose; *provided*, 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 survivor and survivors of them, shall be ipso facto trustees for settling all the affairs of the said corporation, disposing of its effects, recovering 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

Proviso.

purpose, in which case the persons so appointed, and the survivors and survivor of them, shall be trustees and trustee for the purpose aforesaid.

9. *And be it enacted*, That this act shall be and continue in force for and during the term of twenty-one years from the passing thereof, and from thence to the end of the next session of the legislature, and no longer. Limitation.

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

Approved March 21, 1860.

CHAPTER CLXXV.

AN ACT for the relief of Joseph Wilson, a soldier of the war of eighteen hundred and twelve.

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 Joseph Wilson, of the county of Mercer, a soldier of the war of eighteen hundred and twelve, between the United States and Great Britain, the sum of fifty-two 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 Joseph Wilson, or his order, shall be a sufficient voucher to the treasurer on the settlement of his accounts, for such sum or sums of money as he may pay by virtue of this act. Treasurer authorized to pay J. Wilson fifty-two dollars per annum.

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

Approved March 21, 1860.

CHAPTER CLXXVI.

A supplement to the act entitled "An act to incorporate the New Jersey Steamboat Company," approved March second, eighteen hundred and fifty-four.

Capital stock may be increased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the New Jersey Steamboat Company are hereby authorized and empowered to increase their capital stock to one million dollars, to be subscribed in such manner and at such time or times as the directors of the said company may deem expedient and proper.

Payment may be enforced.

2. *And be it enacted*, That the board of directors shall have the same power and authority to call and enforce the payment from the subscribers of the increased capital stock hereby authorized, as is contained in the act to which this is a supplement, in relation to the capital stock thereby authorized.

Limitation.

3. *And be it enacted*, That this act shall continue in force for thirty years, unless sooner modified or repealed, and that the legislature may at any time hereafter alter, amend or repeal the same.

Approved March 21, 1860.

CHAPTER CLXXVII.

A further supplement to an act entitled, "An act to incorporate the city of Paterson," approved March nineteenth, eighteen hundred and fifty-one.

No. of school commissioners from each ward.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That "the Board of Education of the city of Paterson" shall consist of two school commissioners from each ward of the city of Paterson, instead of three as heretofore, to be elected at the time and in the manner specified in the act of the legislature of this state, approved March sixth, eighteen hundred and fifty-six, and entitled "A further supplement to an act entitled 'An act to incorporate the city of Paterson,'" approved March nineteenth, in the year of our Lord one thousand eight hundred and fifty-one.

Terms of office of commissioners.

2. *And be it enacted*, That one of the said two school commissioners from each ward, elected at the next charter election in said city of Paterson, shall hold his office for one year, and the other of said school commissioners shall hold his office for two years; that at the first regular meeting of the said board of education held after such election, the said two commissioners from each ward shall determine and decide by lot between themselves which of them shall hold his office for one year, and which of them for two years; and if from absence or any other cause they shall fail to make such determination, the same shall be made for them by lot, by the president or any member of the board to be designated by the board for that purpose; and every such determination and decision shall be entered upon the minutes, and be valid and binding; and at every charter election thereafter held in the said city of Paterson, but one school commissioner shall be elected in each ward of said city, who shall hold his office for two years.

President to have casting vote.

3. *And be it enacted*, That at any regular meeting of the said board of education, the superintendent of public schools, sitting as president of said board, shall have the casting vote upon all resolutions or questions before said board, upon which the said school commissioners shall be equally divided.

Part of former act repealed.

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

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

Approved March 21, 1860.

CHAPTER CLXXVIII.

A further supplement to an act entitled, "An act to incorporate the Hackensack and New York Railroad Company," passed March fourteenth, eighteen hundred and fifty-six.

Company authorized to construct branch road.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That said company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey and construct a branch railroad, from some suitable point in the line of said Hackensack and New York Railroad, to some point at or near the village of Lodi, in the county of Bergen, with all the rights and privileges and subject to all the provisions of the act to which this is a supplement.

2. *And be it enacted*, That said company be and they are

hereby invested with the same powers in and for the construction of the said branch railroad, and subject to the same restrictions in all things as if the same were part of the road authorized to be constructed by the act to which this is a supplement. Powers and restrictions.

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

Approved, March 21, 1860.

CHAPTER CLXXIX.

AN ACT to incorporate the Broad Street Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Silas H. Kitchell, Adolphus W. Waldron, Andrew Lemassena, James J. Terhune, James F. Bond, William W. Pollard, Theodore Runyon, Daniel Blauvelt, junior, Joseph Hanson, and Joseph P. Bradley, and such other persons as may hereafter be associated with them, shall be and they are hereby ordained, constituted, and declared a body corporate and politic, in fact and in law, by the name of "the Broad Street Railroad Company," and shall be capable of purchasing, holding, and conveying any lands, tenements, goods, and chattels necessary and proper for the objects of the corporation. Names of corporators.

2. *And be it enacted*, That the amount of the capital stock Amount of capital stock.

of said company shall be fifty thousand dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal property and transferable in such way as said corpotion 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 commissioned to open books to receive subscriptions to the capital stock of said company, at such time or times, and place or places as they, or a majority of them, may think proper, giving at least twenty days' notice of the same in two of the newspapers published in the city of Newark; and at the time of subscribing for said stock, ten per centum shall be paid upon the amount subscribed for to the commissioners, or some one of them, and as soon as the sum of twenty thousand dollars of the capital stock is subscribed for and paid in, such commissioners shall give notice for a meeting of the stockholders, to choose eleven directors, a majority of whom shall be chosen from the above named commissioners, and 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 the inspectors of the first election of directors of said corporation, and shall certify under their hands the names of those persons duly elected, and deliver over the subscription books and money paid in, 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, removal, or resignation of the president or any director, such vacancy or vacancies may be filled for the remainder of the year in which they may happen, by the said board of directors, or a majority of them;

and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such powers and functions as the by-laws of said corporation shall provide.

Corporation not dissolved for failure to elect on day prescribed.

4. *And be it enacted*, That the number of directors of said company shall be eleven, a majority of whom shall reside in said city of Newark, and in case it shall happen that an election of directors shall not be made during the day when pursuant to the by-laws of said company it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time, on giving at least twenty days' notice in two of the newspapers published in said city, and the directors for the time being shall continue to hold their offices until others have been chosen in their places.

Payment of installments

5. *And be it enacted*, That a majority of the directors of said company shall be competent to transact all business of said corporation; and shall have power to call in the remaining stock of said company by such installments and at such times as they may direct, by giving thirty days previous notice in two newspapers published in said city of Newark; *provided*, that no installment shall exceed ten dollars on each share, and that no two installments shall be required to be paid within thirty days of each other; and in case of the non-payment of said installments, or any one of them, they shall have power to forfeit the share or shares upon which said default shall arise to said corporation; and said directors shall have power 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, effects and business of the said corporation, and also have power to appoint such officers, clerk and servants as to them shall seem meet, and to establish and fix such salaries to them and to the president as to the said directors shall seem proper.

Proviso.

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 in-

vested with all the rights and powers necessary and expedient to survey, lay out and construct a railway along and through Broad street in said city of Newark, from the Morris and Essex railroad depot to the line of Clinton township, with the necessary switches and turnouts, and branches from Broad street to the railroad depots of the New Jersey railroad and transportation company; the tracks of said railroad hereby authorized, not to cover more than twenty-five feet in width of the street; and it shall be lawful for said president and directors, their agents, superintendents, engineers, and others in their employ, to enter at all times, when necessary, upon lands for the purpose of exploring, leveling, surveying and laying out the route of such railroad and of locating the same, and to make and erect on the land to be acquired by said corporation, all necessary works, buildings and appendages thereof, doing no unnecessary damage to private property; said corporation shall not lay any rails in or along any street in said city of Newark, without first obtaining the permission of the common council of said city, upon such conditions and restrictions as said common council may designate and impose; and said railroad and the rails thereof shall be constructed in such manner, and of such size and pattern, as to impair and obstruct as little as practicable the ordinary travel in any street where the same shall be laid.

Rates for transportation

7. *And be it enacted*, That said corporation shall have power to have constructed, or to purchase with the funds of the company, and place and use on said railroad, cars, wagons, carriages or vehicles for the transportation of passengers, but no steam power shall be used on said road or any part thereof; and said corporation are hereby authorized to demand and receive such sum or sums of money for the transportation of passengers thereon as they from time to time shall think proper and reasonable; *provided*, that they shal not charge more than five cents for the transportation over their railroad, or any part thereof, in the carriages of the company, and four cents for every passenger carried on said railroad, or any part thereof, in the carriages of others, and

Proviso.

four cents for every empty carriage not the property of the company passing over the road, or any part thereof; the said road, authorized by this act, shall be and is declared a public highway, and free for the passage of any railroad carriage, not propelled by steam, thereon with passengers, upon payment of the toll prescribed by this act; *provided always*, that the carriages so used by others on said railroad shall be of the same description in the formation of the wheels and length of axle as those used by the company, and shall be regulated as to the time of starting, running and rates of traveling by the company, in the same manner as the carriages of the company are; and said railroad and its appendages, and all the works and improvements, and all other property whatsoever belonging to the company shall continue to be the property of the company and their successors, for and during the continuance of the charter; *provided always*, that in case said company, after the railroad is completed, shall abandon the same, or cease to use and keep it or any part thereof in repair for one year continuously, the charter shall be annulled so far as effects the city of Newark, and the common council may remove the said road, or such part as may be so abandoned, unused or not kept in repair, and appropriate enough of the materials thereof to defray the expense of such removal, and for repairing the street or streets, the balance thereof to be personal property of the company, and to be removed and disposed of by them in a reasonable time to and for the use of the company.

Proviso.

Proviso.

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

Dividends.

9. *And be it enacted*, That the said company may purchase and hold, have, use and occupy such real estate at or

Company may hold real estate.

near the commencement and termination of the road, and at such points along the line of the road as may be necessary for the convenient transaction of their business, not exceeding two acres in each place, and may erect and build thereon depots, warehouses and such other buildings and improvements as they may deem expedient for the safety of their property and the necessary uses appertaining to their business.

Penalty for injuring works.

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

Annual statement to be made.

11. *And be it enacted*, That as soon as the railroad is finished, the president of the company shall file, under oath or affirmation, a statement of the amount of the cost of the said railroad, including all expenses, in the office of the secretary of state; and annually thereafter, he shall, under oath or affirmation, make a statement to the legislature of the state, of the proceeds and expenses of said road; and as soon as said company shall declare to their stockholders dividends equal to seven per centum per annum from and after the commencement of the building of said road, and so long as said company pays dividends of seven per centum per annum, the said company shall pay to the treasurer of this state a tax of one-half of one per centum on the cost of the said road, to be paid annually on the first Monday in January; *provided*, that no other tax or impost shall be levied or raised from said corporation by virtue of any law of this state.

Proviso.

Company may borrow money.

12. *And be it enacted*, That said corporation shall have power to borrow such sum or sums of money from time to time, as shall be necessary to repair said road, and furnish said company with all necessary rails, buildings, cars, vehicles and animals for the use and object of said corporation, and to secure the repayment thereof by bond and mortgage, or oth-

erwise, on said road, land, franchises, property and appurtenances of or belonging to said corporation, at a rate of interest not exceeding seven per centum per annum; *provided however*, that the company shall not plead the statute against usury in consequence thereof. Proviso.

13. *And be it enacted*, That it shall be lawful for said corporation, at any time during the continuance of its charter, to make contracts and engagements with any other company or corporation, or with individuals, for operating such railroad, for transporting or conveying any passengers, and to enforce the fulfillment of such contracts, and also to demand and receive for the transportation of all passengers by them carried and transported over the road of any other company, the same rates of fare and tolls as said company are entitled to demand and receive, by virtue of this act, for transportation and passage over their own road. Corporation may make contracts with other companies.

14. *And be it enacted*, That if said railroad is not completed and in use within three years from the fourth day of July next, then and in that case this act shall become void. Time for completion of road.

15. *And be it enacted*, That said company shall have power to connect with any other horse railroad hereafter to be built and established by any company incorporated by the legislature of New Jersey, upon such terms and conditions as shall be agreed upon between the companies, and not inconsistent with their respective charters. Company may connect with other roads.

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

Approved March 21, 1860.

CHAPTER CLXXX.

AN ACT entitled "An act appropriating the sum of twenty-five hundred dollars to the State Lunatic Asylum.

Appropriation for Asylum.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of twenty-five hundred dollars be and is hereby appropriated to the State Lunatic Asylum for the purpose of improving and repairing the same; and that the state treasurer be and is hereby authorized to pay to the managers of the State Lunatic Asylum the same out of any moneys in the treasury not heretofore appropriated.

Approved March 21, 1860.

CHAPTER CLXXXI.

A further supplement to the "Act for the punishment of crimes," approved April sixteenth, eighteen hundred and forty-six.

Penalty for conspiracy, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person or persons shall, within this state, get up or enter into any combination, organization or conspiracy, with the intent and purpose of making

or attempting to make a hostile invasion of any other state or territory of the United States, or shall engage in plotting or contriving any such invasion; or shall knowingly furnish any money, arms, ammunition, or other means in aid of such object, or shall in any way knowingly and wilfully aid, abet or counsel any such combination, organization or conspiracy, or any such hostile invasion, such person or persons shall be deemed guilty of a high misdemeanor, and shall on conviction be punished by fine or imprisonment at hard labor, or both, the fine not to exceed one thousand dollars, and the imprisonment not to exceed the term of ten years.

Penalty for concealment of misdemeanor.

2. *And be it enacted*, That if any person or persons having knowledge of the commission of any of the misdemeanors aforesaid, shall conceal and not as soon as may be disclose and make known the same to some one of the justices of the peace of the county where the said misdemeanor was committed, he or they shall be deemed guilty of a high misdemeanor, and shall, on conviction, be punished by fine not exceeding three hundred dollars, or by imprisonment at hard labor not exceeding one year or both.

Laws relative to arrest, &c.

3. *And be it enacted*, That all the laws of this state which relate to the arrest, commitment, bail and trial of persons charged with manslaughter, shall apply to the arrest, commitment, bail, and trial of persons charged with the misdemeanors mentioned in the first and second sections of this act.

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

Approved March 21, 1860.

CHAPTER CLXXXII.

Supplement to an act entitled "An act to change the name of George Murphy Ennis to George Ennis Powell," approved February second, eighteen hundred and sixty.

Preamble. WHEREAS by an oversight and mistake George Murphy Ernest is called in said act "George Murphy Ennis," and his name is changed to "George Ennis Powell," instead of George Ernest Powell, as was intended, and it being desirable that said oversight and mistake be corrected—therefore,

Name changed 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That wherever the word "Ennis" occurs in the title, preamble, or body of said act, the same be and is hereby changed to "Ernest."

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

Approved March 21, 1860.

CHAPTER CLXXXIII.

AN ACT to vest in the heirs at law of Ann Johnson, deceased, certain land and real estate in the county of Burlington, whereof William Ashton died seized.

Preamble. WHEREAS Ann Johnson, late of the township of Chester, in

the county of Burlington, deceased, did, in her lifetime, make and execute her last will and testament, bearing date the sixteenth day of August, in the year of our Lord one thousand eight hundred and forty-seven, in due form of law, to pass real estate, and did therein and thereby, among other things, devise as follows, viz: "Item—I give and bequeath to my mother, Sarah Johnson, during her lifetime, the house and lot of land, containing about two acres, where she now resides, situate near the village of Westfield, in the township of Chester aforesaid, and at her death the same to go to William Ashton, his heirs and assigns, forever;" which said last will and testament was duly proved on the fifteenth day of September, Anno Domini eighteen hundred and forty-seven, before Charles M. Harker, esquire, then surrogate of the county of Burlington; and whereas, the said William Ashton having, by virtue of the said last will and testament of the said Ann Johnson, deceased, become seized of a remainder in fee of the said house and lot of land, afterwards, on or about the first day of September, in the year of our Lord one thousand eight hundred and forty-nine, departed this life intestate, and without leaving lawful issue; and whereas, the said William Ashton was a natural child of the said Ann Johnson, and therefore, by the laws of this state, could not leave any collateral heirs capable of inheriting the said real estate; and whereas, the said Ann Johnson left her surviving, and who still survive, the following named persons, her brothers and sisters, to wit: William Johnson, Isaac P. Johnson, Charles Johnson, Joseph Johnson, Mary Ann Bowne (wife of Nathan Bowne,) and Esther Ballinger (wife of William Ballinger,) to whom the said land and real estate would have descended in case the said Ann Johnson had died intestate; and whereas, the said Sarah Johnson, the devisee for life of the said real estate, still lives, and is in the possession thereof; and whereas, by reason of the inheritance having, as is believed, escheated to the state, the said dwelling house and lot of land is becoming daily lessened in value, and

will soon cease to be a comfortable home for the said Sarah Johnson—now therefore,

Interest of state released.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the right, title and interest of the state, which now or hereafter may exist, by reason of the facts hereinbefore stated, of, in and to the dwelling house and lot of land situated in the township of Chester, in the county of Burlington, (being the same devised by Ann Johnson to Sarah Johnson for the term of her life, and after her death to William Ashton, his heirs and assigns forever,) now occupied by Sarah Johnson, be and the same is hereby released to the said William Johnson, Isaac P. Johnson, Charles Johnson, Joseph Johnson, Mary Ann Bowne, (wife of Nathan Bowne,) and Esther Ballinger, (wife of William Ballinger,) as tenants in common, to them and to their heirs and assigns forever; *provided always*, that nothing in this act shall interfere with the lawful claims of any other person or persons to said house and lands, other than those claiming from and under the state.

Proviso.

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

Approved March 21, 1860.

CHAPTER CLXXXIV.

AN ACT to incorporate the Gloucester County Glass Manufacturing Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Isaac Doughten, John D. Glover, Peleg B. Savery, Cooper P. Browning, and William S. McAllister, of the county of Camden, and Samuel S. Kindick, Samuel Bray, Ezekiel C. Mount, William B. Tatum, John C. Smallwood, Joseph W. Reeves, John M. Watson, John I. Estell, and John M. Saunders, of the county of Gloucester, and such other 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 of "the Gloucester County Glass Manufacturing Company," for the purpose of manufacturing glass, and such vessels as are made wholly or partly of glass, and the business incident thereto, at Westville, in the county of Gloucester, with the power of holding such real estate as may be necessary to carry on the business, not exceeding in the whole fifteen acres, and the persons above named, or a majority of them, are hereby authorized to receive subscriptions to the capital stock of said company, for which purpose a book of subscription shall be opened and kept open for at least two days, at such time and place as they, or a majority of them, shall appoint, of which time and place at least two weeks previous notice shall be given in a newspaper printed at Woodbury, and in one printed at Camden, in this state. Names of corporators.

2. *And be it enacted*, That the stock, property and concerns of the said company shall be managed and conducted by nine directors, being stockholders, a majority of whom shall be residents of the county of Gloucester, who shall be elected annually on the first Tuesday of September, at such Election of directors.

time of the day, and in such place in the county of Gloucester as the by-laws of the said company shall direct, and hold their offices for one year, and until others are elected in their places; public notice shall be given of the time and place of holding such election at least two weeks previous thereto, by publishing the same in manner aforesaid, and the election shall then and there be held and made by such of the stockholders as shall attend for that purpose; the executors or administrators of those who may be dead, the guardians of minors who may be stockholders, and by persons holding proxies from female stockholders; all elections shall be by ballot, and each stockholder shall be entitled to as many votes as he or she holds shares of the capital stock of said company; 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 and laws of this state, or of the United States; and the said directors, as soon as may be after their election, shall proceed to elect by ballot one of their number to be president, and also a treasurer and clerk, who shall be residents of the state of New Jersey.

Proviso.

Payment of installments.

3. *And be it enacted*, That a majority of the directors for the time being shall form a board for the transaction of business, and in case any vacancy shall happen in the office of director by death, resignation or otherwise, the remaining directors for the time being, or a majority of them, shall have power to fill such vacancy; and the said president and directors, or a majority of them, shall have power to call in payments on said stock, from time to time, in such installments as they shall see fit, giving at least two weeks notice as aforesaid; and if any stockholder shall neglect for the space of six months after the expiration of the two weeks' notice as aforesaid to pay his installments so called for as aforesaid, his stock and all previous payments thereon may be forfeited to the said company, for their use and benefit.

4. *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 corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold such election on any other day in the manner aforesaid, as shall be prescribed by the by-laws of said corporation. Corporation not dissolved for failure to elect on day prescribed.

5. *And be it enacted*, That the capital stock of the said company shall be twenty-five thousand dollars, which shall be divided into shares of fifty dollars each, and as soon as the said capital stock shall all be subscribed for, and twenty per cent. thereof paid in, it shall and may be lawful for the persons named in the first section of this act, or a majority of them, to call a meeting of stockholders for an election for nine directors, to serve until the next annual meeting of said company, and the said persons above named shall be the judges and inspectors of said election, and shall lay the subscription book before the said meeting. Amount of capital stock.

6. *And be it enacted*, That the directors shall at all times keep or cause to be kept proper books of account, in which shall be regularly entered all the transactions of the company, which books shall at all times be open to the inspection of the stockholders, and at every annual meeting of said company it shall be the duty of the directors for the time being to exhibit and lay before the meeting a full and complete statement of the affairs of the company, showing the amount of the property of the company, and in what it consists; the amount of the indebtedness of the company, and to whom owing; which indebtedness shall in no event be greater than the amount of the capital paid in; and if any director or directors shall violate this clause of the charter, he or they shall be held personally responsible for the excess. Books of accounts to be kept.

7. *And be it enacted*, That the stock of the said corporation shall be deemed personal property, and transferable in such manner as shall be prescribed by the by-laws of said corporation, and no dividends shall be made except out of the Stock transferable.

net profits of said corporation, and that this act shall continue in force for thirty years.

Approved March 21, 1860.

CHAPTER CLXXXV.

AN ACT for the relief of Henry Marsh of the county of Morris.

Treasurer authorized to pay fifty dollars per annum to H. Marsh.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be and he is hereby authorized and required to pay to Henry Marsh, of the county of Morris, who was a soldier in the war of eighteen hundred and twelve, or to his order, the sum of fifty dollars per annum during the term of his natural life, in equal semi-annual payments of twenty-five dollars each, the first payment to be made on the first day of July next.

Approved March 21, 1860.

CHAPTER CLXXXVI.

AN ACT for the relief of John Plumley, of the county of Mercer, a soldier of the war of eighteen hundred and twelve.

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 John Plumley, of the county of Mercer, a soldier of the war of eighteen hundred and twelve, between the United States and Great Britain, the sum of fifty-two 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 John Plumley, 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 authorized to pay J. Plumley fifty-two dollars per annum.

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

Approved March 21, 1860.

CHAPTER CLXXXVII.

A further supplement to the act approved March twenty-fifth, eighteen hundred and fifty-two, entitled "An act for the supplying Jersey City and the places adjacent with pure and wholesome water."

Cost of work to be a lien on property.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when the whole cost of any sewer, and the works therewith connected, shall be ascertained and the interest added, and the amount to be paid for each lot fixed, as directed by the fourth section of the supplement to said act, passed March the sixteenth, eighteen hundred and fifty-four, the same shall be a lien upon said lots respectively; and if the same shall not be paid at the end of the thirty days from the first publication of the notice provided for in said section, then the said water commissioners shall make out and deliver to the mayor and common council of Jersey City an account thereof, and certify that the same remains due and unpaid, and the mayor and common council shall thereupon order and direct the collector of arrears of taxes to proceed and collect the amount due, in the same manner that arrears of taxes and assessments are collected, and with interest thereon, from the end of said thirty days, at the same rate, and the said collector shall thereupon proceed and collect the same in such manner.

New assessments may be made.

2. *And be it enacted*, That if any assessment made by the water commissioners of Jersey City, for the cost of the construction of any sewer, and the drains and works connected therewith, shall have been set aside by themselves, or any other competent tribunal, said water commissioners may make a new assessment of said cost according to law, and the same shall be as valid and of the same effect as if it had been the

first assessment, and shall be made, collected and enforced in the same manner.

Approved March 21, 1860.

CHAPTER CLXXXVIII.

A further supplement to the act entitled "An act concerning landlords and tenants," 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 the service of the notices mentioned in the first section of the act entitled "Supplement to an act entitled 'An act concerning landlords and tenants,'" approved March fourth, eighteen hundred and forty-seven, may hereafter be made either personally on the tenant by giving him a copy thereof, or by leaving a copy of the notice at the usual place of abode of such tenant, with some member of his family above the age of fourteen. Service of notices.

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

Approved March 21, 1860.

CHAPTER CLXXXIX.

AN ACT to incorporate the Newton Gas Light Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Daniel S. Anderson, Robert Hamilton, John Linn, John H. Nelden, and John Townsend, 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 Newton Gas Light Company," and by that said name the said corporation shall have

General powers.

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 Newton, in the county of Sussex, 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 and hold for the purpose of securing debts which have become due to them in the re-

Proviso.

gular business of the said corporation; *provided*, that the 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.

Corporation 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 posts, burners and reflectors in the streets, alleys, lanes, avenues and public grounds of Newton, and to do all things necessary to light the same, and the dwellings, stores, and other places

stated 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, 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.

3. *And be it enacted*, That the persons named in the first section of this act are hereby appointed commissioners for receiving subscriptions to the amount of thirty thousand dollars, to constitute the capital stock of 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 this state as they shall designate, by a public advertisement, to be previously inserted for at least ten days in a public newspaper printed in Newton, 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; and the sum of ten per cent. upon each share so subscribed shall be paid by each subscriber to the said commissioners, or a majority of them, at the time of the subscription, and each subscriber shall be entitled to receive a certificate for such stock from the said commissioners: and the amount so received by the said commissioners at the time of the said 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, first deducting therefrom a reasonable compensation for their services and all necessary expenses incurred; and all the powers of the commissioners shall cease and determine on the appointment of such board of directors, and the said board, when so appointed, shall have power and they are hereby authorized, from time to time, under the foregoing regulations, to open the books for the further subscription of stock, until the whole stock subscribed amounts to the sum of thirty thousand dollars, and are also authorized to call upon the said Commissioners to receive subscriptions.

subscribers for the payments of further installments in such sum or sums, at such time or times, and under such forfeiture or forfeitures as they may deem most expedient, until the whole amount of said shares so subscribed shall have been fully paid; *provided*, that the said installments shall be at least twenty days apart, and shall not be called for in larger sums than five dollars on each share, and at least ten days notice of each installment shall be given in a newspaper published in Newton aforesaid.

Proviso.

Election of directors.

4. *And be it enacted*, That the management of the said concerns of said company shall be vested in seven directors, to be selected from the stockholders, and as soon as 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 said notice, to choose the first board of directors, a majority of whom shall be residents of Newton, and who shall hold their offices until the first Monday in May, eighteen hundred and sixty-one; and the said directors shall choose, by a plurality of votes a president from among themselves, and such other officers as shall be provided for by the by-laws of the said corporation, and the said directors, and president and other officers shall hold their offices respectively from the first Monday of May of every year, for one year, and shall be elected on the first Monday in 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 printed and published in Newton aforesaid; and in case of the death, removal or resignation of any director, president or other officer, such vacancy or vacancies may be filled for the remainder of the year in which they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board, 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;

and all elections for directors shall be by ballot of the stockholders, or their proxies, allowing one vote for each share which they shall have held in his, her, or their name or names, at least fourteen days before the time of voting.

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 appointed, the corporation shall not be dissolved for that cause, but an election may be held at any other time in manner provided by law in such cases, and the directors for the time being shall continue to hold their offices until others are elected in their stead, and shall have the same power for the time being as if they had been re-elected on the day by this act appointed.

Quorum.

6. *And be it enacted*, That the directors for the time being, or a majority of them, shall form a board and be a quorum for the transaction of 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 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 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 a civil suit, hereby authorized to be brought for any such injury 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

said company, which books shall be at all times open for the inspection of the stockholders.

Limitation.

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

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

Approved March 21, 1860.

CHAPTER CXC.

A supplement to an act entitled "An act to incorporate Jersey City."

Twenty-sixth section of act amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the twenty-sixth section of an act entitled "An act to incorporate Jersey City," approved March eighteen, eighteen hundred and fifty-one, be amended by adding at the end of the same the words following, viz:

Proviso.

provided, that the officers and members of the police department shall be nominated by the mayor of said city and confirmed by the common council by at least nine concurring votes, and that they shall hold office during good behaviour.

2. *And be it enacted*, That all acts and parts of acts in anywise inconsistent with this act are hereby repealed. Part of former act repealed.

Approved March 21, 1860.

CHAPTER CXCI.

AN ACT to protect fish in Hunt's Pond in the county of Sussex.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no person or persons shall be permitted to catch, kill or otherwise destroy any fish in Hunt's Pond, in the township of Green and Stillwater in this state, between the twentieth day of November and the first day of April next thereafter, in each and every year, under a penalty of ten dollars for each and every offence, to be sued for in an action of debt in any court of competent jurisdiction, and recovered, with costs of suit, by any person who will sue for the same, the one-half thereof for his own use, and the other half for the use of the poor of the township of Green aforesaid. Penalty for taking fish in certain seasons.

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

Approved March 22, 1860.

CHAPTER CXCII.

AN ACT to incorporate the "Newton Cemetery Company."

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Robert Hamilton, Edward C. Moore, Michael B. Titman, Moses W. Northrup, Daniel S. Anderson, Samuel Cassady, Nathaniel Pettit, Thomas N. McCarter and Whitfield S. Johnson, and such other persons as shall hereafter become associated with them, be and they are hereby made and constituted a corporation and body politic, by the name of "the Newton Cemetery Company," and by that name shall have perpetual succession for the purpose of establishing, continuing and improving a cemetery, or place for the burial of the dead, in the township of Newton, in the county of Sussex, in this state; and for that purpose the said company may purchase and hold lands, not exceeding thirty acres, and inclose, survey, lay out and divide the same into lots, roads, paths and avenues, and erect and construct a chapel, vault, sexton's house, and other improvements thereon, and otherwise ornament the same, and sell and dispose of lots therein only for the burial of the dead; and to make and execute to the purchasers good and sufficient deeds therefor, under the common seal of said company, upon such conditions, limitations and restrictions, and with such powers and privileges as may be inserted in said deeds, and subject to such rules and regulations as may be made or provided by the by-laws of said company.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said company shall not exceed twenty thousand dollars, and shall be applied in purchasing, improving and ornamenting the lands of said company, and shall be divided into shares of twenty-five dollars each, and shall be subscribed for and paid in at

such time, in such manner, in such installments, and upon such notice as the said company by by-laws, or otherwise, may direct or appoint; and in case of failure by any stockholder to pay his or her installment, or installments, at the time and place mentioned and appointed for the payment thereof, such stockholders, if it shall be so provided by the by-laws, shall incur a forfeiture of his or her shares, and all previous payments, to the use of said company.

First directors.

3. *And be it enacted*, That the said Robert Hamilton, Edward C. Moore, Michael B. Titman, Moses W. Northrup, Daniel S. Anderson, Samuel Cassady, Nathaniel Pettit, Thomas N. McCarter and Whitfield S. Johnson, shall be and are hereby appointed the first board of directors, to serve until the first Monday in May next, and until others shall be elected in their stead; and the said Robert Hamilton shall be the president, and the said Edward C. Moore shall be the treasurer, and the said Daniel S. Anderson shall be the secretary of said company, until the first Monday in May next, and until others shall be elected or appointed in their stead; and that the board of directors shall consist of such number as may be prescribed by the by-laws of the company.

Stock transferable.

4. *And be it enacted*, That the capital stock of said company shall be deemed and considered personal property, and shall be transferable in such way as the by-laws of said company may direct; and that every share of stock shall be entitled to one vote by the holder or holders thereof, which votes may be given in person or by proxy.

Annual election of directors.

5. *And be it enacted*, That there shall be an annual election of directors on the first Monday of May next, and on the first Monday of May of each year thereafter, at such hour of said day, and such place, and upon such notice, as shall be ordained by the by-laws or otherwise appointed by said company; and the board of directors shall appoint the judge of such elections; but if it should happen that an election of directors should not be held at the time so appointed for the holding thereof, or at the time appointed for the holding of any subsequent annual election, the said company shall not

for that cause be deemed to be dissolved, but such election shall be held at such other time and place as the board of directors for the time being shall or may appoint; and the directors for the time being shall continue in office until new ones shall be elected in their stead; and every board of directors, as soon as conveniently may be after their election, shall appoint from their number a president of said company, to serve until the then next annual election of directors, and until another shall be appointed in his stead; and also a secretary, treasurer, and such other officers and agents as may be deemed necessary and proper.

No roads or streets to be opened through lands of corporation.

6. *And be it enacted*, That no roads or streets shall hereafter be opened through the lands of said corporation, except by consent of the board of directors; and the cemetery lands and property of said company, together with the burial vaults, lots, and other erections and fixtures in said cemetery, shall not be subject to any assessment, taxes or fines, or liable to be seized upon, distrained, sold, or otherwise subject to any process of law whatsoever, except for incumbrances existing at or previous to the passage of this act.

Penalty for injuring works

7. *And be it enacted*, That any persons who shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument, grave stone, building, or other structure placed in said cemetery, or any fence, railing or other work for the protection or ornament thereof, or of any lot or plat within such cemetery, or shall wilfully destroy, cut, break or injure any tree, shrub or plant within the limits of such cemetery, shall be deemed guilty of a misdemeanor, and such offender shall also be liable in action of tresspass, to be brought in all such cases in the name of the corporation, and to pay all such damages as shall have been occasioned by his unlawful act or acts; such money, when recovered, shall be applied by the managers to the reparation or restoration of the property so destroyed or injured.

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

Approved March 22, 1860.

CHAPTER CXCIII.

AN ACT to facilitate Judicial Proceedings in the county of Hudson.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of chosen freeholders in and for the county of Hudson, shall nominate and appoint by a majority of the whole board, under their seal, an officer of the court of oyer and terminer and general jail delivery, holden in said county to be called the clerk of the grand juries, who shall hold his office for the period of one year, unless sooner removed by a majority of the whole board of said chosen freeholders, which they are empowered to do at their pleasure. Appointment of clerk of grand juries.

2. *And be it enacted*, That such clerk of the grand juries, before entering upon the duties of his office, shall be duly sworn in open court by the court of oyer and terminer and general jail delivery in and for said county, and at each term thereof, well and faithfully to execute the duties of his said office; and further, that he will keep secret the counsel of the state, the grand jury and his own as such clerk. Clerk to take oath.

3. *And be it enacted*, That the duties of said clerk of the grand juries shall be as follows: to obtain and receive from the justices of the peace and the coroners of said county, and also from the keeper or warden of the jail of said county, on behalf of such grand jury, at least six days before the session thereof, all complaints, informations, examinations, commitments, inquisitions and recognizances before them, had and taken from time to time, and still remaining; to arrange such complaints, informations, examinations and inquisitions so as to expedite the examinations thereof by the grand jury, separating such of them as shall relate to persons then confined in the county jail, from those which relate to persons at large; to cause subpœnas to be issued under the direction of the Duties of clerk.

prosecutor by the clerk of the court for said county to persons having knowledge concerning alleged offenders then in said jail, to appear before the grand jury immediately upon their session; and during the session of the said grand jury to issue like subpœnas from time to time as may be requisite; to aid the grand jury, or any committee or member thereof, in forwarding their business and in the examination of witnesses, and to record substantially in a book to be provided, the evidence of all witnesses sworn, and generally to aid and assist the grand jury according to his discretion and ability in the discharge of their duties.

Compensation of clerk.

4. *And be it enacted*, That the said clerk of the grand juries shall receive from the board of chosen freeholders of said county, at each term at the rising of the grand jury, the sum of fifty dollars as compensation for his services.

Penalty for not delivering complaints, etc., to clerk.

5. *And be it enacted*, That it shall be the duty of the justices of the peace and coroners, and keeper or warden aforesaid of said county of Hudson to deliver to the clerk of grand juries, seven days before each session of the courts of said county, all complaints, examinations, commitments, informations, inquisitions and recognizances before them had or taken and remaining; and if any justice shall omit so to do, he shall forfeit and pay to and for the use of the county, twenty dollars, to be sued for in an action of debt by the chosen freeholders thereof.

Grand jury may issue capias ad testificandum.

6. *And be it enacted*, That it shall be lawful for the grand jury of said county, or the clerk of the grand juries, whenever they shall think it necessary for the furtherance of public justice, to procure to be issued a capias ad testificandum for the bringing before them of any person whom it shall be necessary or proper to examine as a witness before said grand jury, which process shall be issued under the seal of the court as heretofore, by the clerk thereof; and shall be endorsed with his signature by the clerk of the grand juries; Proviso. *provided*, that no person shall be detained under such process after being examined before the grand jury, unless the court on representation of said grand jury shall so direct or shall

order him to recognize for appearance to testify on the trial of any indictment found or to be found; *and provided further*, that all such process not ordered by the grand jury shall be endorsed with his approval by the prosecutor of the pleas for said county, or by the attorney-general of the state. Proviso.

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

Approved March 22, 1860.

CHAPTER CXCIV.

AN ACT to repeal the charter of the Paterson and Hamburgh Turnpike Company.

WHEREAS, the president and directors of the Paterson and Hamburgh Turnpike Company have for more than fifty years maintained a turnpike road from the Delaware river to the Passaic river, at Auquackanonk; and whereas, in consequence of the great expense of making and maintaining a road through such a mountainous section of country, and also the great expense of keeping the great number of bridges in repair, so that all the receipts of the road have been expended in repairs, and nothing paid in dividends to the stockholders, and in consequence of numerous railroads leading the travel from said road, so that the receipts are not sufficient to keep the said turnpike road and Preamble.

bridges in satisfactory repair, therefore it was unanimously resolved at the last annual meeting of the stockholders of the Paterson and Hamburgh Turnpike Company, held at Newfoundland on the tenth of May last, as follows: "That if the board of directors considered it advisable to surrender the said road to the public, to be held as a public highway, they were authorized and instructed to make the application to your honorable body to grant the same;—therefore,

Charter repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the charter of the Paterson and Hamburgh Turnpike Company, passed the sixth of March, eighteen hundred and six, and all the supplements which have been passed since that time, authorizing the building of a turnpike road from the Passaic river at Auquackanonk to the Delaware river, opposite Milford, be and the same are hereby repealed.

Portion of road to be public highway.

2. *And be it enacted*, That all that part of the said turnpike road between the city of Paterson, through the counties of Passaic, Morris and Sussex, to the small brook at the foot of the Hamburgh mountain, on the west side of the same, shall hereafter be deemed and taken as a public highway, and shall be worked and kept in order in the same manner as other highways and bridges are built, maintained and kept in order in this state.

Act, when to take effect.

3. *And be it enacted*, That this act shall take effect on the second Tuesday of May next.

Approved March 22, 1860

CHAPTER CXCV.

AN ACT to incorporate the Westfield and Hackensack Horse Railroad Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jacob P. Westervelt, Peter Westervelt, junior, Peter V. B. Demarest, George C. Demarest, Peter Bogert, junior, Samuel S. Demarest, Jacob C. Terhune, Richard W. Earl, Abraham Bartholf, Casper P. Westervelt, John V. H. Terhune, Henry J. Demott, Jacob H. Kipp, Casper J. Westervelt, Albert Z. Bogert, Peter D. Moore, Jacob H. Brinkerhoff, Nicholas C. Westervelt, Peter Van Houten, and Barney Romaine, and such other persons as may hereafter be associated with them, shall be and they are hereby ordained, constituted, and made a body politic and corporate, in fact and in law, by the name of "the Westfield and Hackensack Horse Railroad Company," and shall be capable of purchasing, holding, and conveying any lands, tenements, goods, and chattels whatsoever, necessary or expedient for the objects of this corporation.

Amount of capital stock.

2. *And be it enacted*, That the amount of capital stock of said company shall be fifty thousand dollars, with the privilege of increasing the same to one hundred thousand dollars, and shall be divided into shares of fifty dollars, 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 said company, at such time or times and place or places as they, or a majority of them, may think proper, giving at least two weeks' notice of the same in a newspaper published in the county of Bergen, and if more than fifty thousand dollars of stock be sub-

scribed, it shall be the duty of the said commissioners to make a fair and just apportionment of the stock among the subscribers in such manner as they may think best calculated to secure the speedy construction of said road.

Election of directors.

4. *And be it enacted*, That at the time of subscribing for said stock ten per centum shall be paid upon the amount subscribed for, to the commissioners, or some one of them, and as soon as fifteen thousand dollars of the capital stock is subscribed for, the persons named in the first section of this act, or a majority of them, shall call a meeting of the stockholders, upon like notice as above, to choose seven directors, and the said commissioners, or a majority of them, shall be inspectors of said election of the first directors of said corporation, and shall certify under their hands the names of the directors duly elected, and deliver over to them the subscription books and money paid in, after deducting their expenses and a reasonable compensation for their services, and that annually thereafter, upon like notice being given by the directors for the time being, the stockholders shall in the same manner elect seven directors; and the first directors, as soon as convenient after their election, and the directors chosen at every annual election of said company, shall choose out of their own number a president, who shall be a resident of this state; and in case of the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year in which they may happen by a majority of the said directors, and in the absence of the said president, a majority of the said directors may appoint a president pro tempore, who shall have such powers and functions as the by-laws of said company shall provide.

Corporation not dissolved for failure to elect on day prescribed.

5. *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 dissolved, but such election may be held at any other time, on notice as aforesaid, and the directors for the time being shall continue in office until others shall have been chosen in their place.

6. *And be it enacted*, That a majority of the dire[illegible]f said company shall be competent to transact all busin[illegible]f the said corporation, and shall have power to call in the [illegible]maining stock of said company, by such installments, and at such times, as they may direct, by giving at least two weeks' previous notice in a newspaper published in the county of Bergen; *provided*, that no installment shall exceed ten dollars on each share, and that no two installments shall be required to be paid within two weeks of each other; and in case of the non-payment of said installments, or any one of them, they shall have power to forfeit the share or shares upon which said default shall arise, to the said corporation; and the said directors shall have power 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, effects and business 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 to the president as to the said directors shall seem proper.

Payment of installments.

Proviso.

7. *And be it enacted*, That the president and directors of the said company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from some suitable point at or near the Fort Lee station, on the northern railroad of New Jersey, in the county of Bergen, to some suitable point in Passaic street, in the village of Hackensack, with one or more branches in said village; and to locate and construct said railroad, not exceeding one hundred feet in width; and it shall be lawful for the said president and directors, their agents, engineers, superintendents, and others in their employ, to enter at all times upon lands for the purpose of exploring, leveling, surveying and laying out the route of such railroad, and of locating the same, and to make and erect all necessary works, buildings and appendages, doing no unnecessary damage to private property; and when the route and location of said railroad shall have been deter-

Company authorized to construct railroad.

mined upon, and a survey thereof deposited in the office of the secretary of state, then it shall be lawful for said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, use, occupy and excavate any such land, and to erect embankments, and all other necessary works thereon, and to lay rails, and to do all other things which may be suitable and necessary for the completion or repairs of the said railroad and to carry into full effect the objects of this act, subject to such compensation, and upon such terms as are hereinafter provided for.

Construction of road.

8. *And be it enacted*, That the said railroad shall cross the Hackensack river upon, or immediately adjoining, the public bridge over the same in the south part of the village of Hackensack, so as not to obstruct navigation unnecessarily; and that the said railroad and the rails thereof shall be constructed and maintained in such manner, and of such size and pattern as to impair as little as practicable the ordinary travel in any street or highway in which the said road may be located: and that the track of said road shall be restricted to the run or track of wagons as now established by law of this state;

Proviso.

provided, that before any part of said bridge shall be occupied or used by said railroad, the consent of the board of chosen freeholders of the county of Bergen shall be first obtained for that purpose.

Proceedings when company and owners cannot agree.

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

mon pleas of the county of Bergen, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown or out of this state, to make publication thereof, as he shall direct, for any time not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time and place, upon satisfactory evidence to him of the service or publication of such notice as aforesaid, he shall appoint under his hand and seal three disinterested, impartial and judicious freeholders, residents of this state, commissioners to examine and appraise the said lands and assess the damages, upon such notice (not less than ten days) to be given to the persons interested or otherwise, as shall be directed by the judge making the appointment of commissioners; and it shall be the duty of said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer the same, faithfully and impartially to examine the matter in question, and make a true report according to the best of their skill and understanding, to meet at the time and place appointed, and to proceed to view and examine the said land, and to make a just and equitable appraisement of the value of the same, and an assessment of the damages to be paid by the said company, which report shall be made in writing, under the hands and seals of said commissioners, or any two of them, and filed within twenty days thereafter, together with the aforesaid description of the lands and the appointments and oaths or affirmations aforesaid, in the clerk's office of said county, to remain of record therein, which report, or in case of an appeal, the verdict of a jury and the judgment of the court, and a copy thereof, certified by the clerk of said county, (the damages and costs assessed and adjudged being first paid as hereinafter mentioned,) shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said lands; and either of the judges of the said court shall, on application of either party, on reasonable notice to the other, tax and allow such costs, fees and ex-

penses to the judges of the said court, commissioners, clerk and other persons performing any of the duties prescribed in this section, as he shall think equitable and just, and to order and direct by whom the same shall be paid.

Parties aggrieved may appeal.

10. *And be it enacted*, That in case the said company, or owner or owners of the said land, shall be dissatisfied with the report made by the commissioners named in the preceding section, the party so aggrieved may appeal to the circuit court of the county of Bergen, by petition to the said court, to be filed with the clerk thereof within ten days after the filing of the report of the commissioners aforesaid; and notice in writing of such appeal shall be given to the opposite party within ten days after the filing of said petition, which proceeding shall vest in said circuit court full right and power to direct a proper issue for the trial of the said controversy between the said parties, and order a jury to be impanneled and sworn as in other cases, and a view of the premises to be had, if either of the parties desire it, and the issue to be tried at the next term of said court to be holden in said county, upon like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the jury to assess the value of said land and the damages sustained, and if they shall find a greater sum than the commissioners have awarded or the company have offered to the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded thereon; and if the said appeal shall be applied for by the owner or owners, and the jury shall find the same or a less sum than the commissioners awarded or the company offered, then the said costs shall be paid by the said applicant or applicants, and either deducted out of the said sum found by the said jury or execution awarded therefor, as the court shall direct; and the sum awarded by the commissioners, or in case of an appeal from the award of the commissioners, then the sum assessed by the jury, and such costs as the court shall direct, shall be paid by the company to the owner or owners of the land in controversy, or into the court of common pleas of said county,

to the clerk thereof; and from the owner or owners of land not in controversy they shall obtain consent in writing before they enter upon or break ground on the premises, except for surveying and laying out said road; *provided*, that the party or parties entitled to receive the amount assessed by the commissioners may, upon tender thereof, receive the same without being thereby debarred from the appeal hereby provided for. Proviso.

11. *And be it enacted*, That whenever said railroad is located on or across any road or highway, the said company shall restore such road or highway to such state or condition as not to impair its usefulness. Roads to be repaired.

12. *And be it enacted*, That the president and directors of said company shall have power to have constructed, or to purchase with the funds of the company, and place and use on said railroad, cars, wagons, carriages or vehicles for the transportation of persons, or any species of property, with such motive power as they may think reasonable, expedient or right, but that no steam power shall be used in passing on or over any public road or highway, without the permission of the public authorities of the township in which it is to be used; and they are hereby authorized to demand and receive such sum or sums of money for the transportation of persons, and every species of property whatsoever thereon, as they from time to time shall think reasonable and proper; *provided*, that they shall not charge more than five cents per mile for each passenger, and eight cents per ton per mile for the transportation of merchandize in the carriages of the company, four cents per mile for every passenger carried on said railroad in the carriages of others, and four cents per mile for every empty carriage not the property of the company, and six cents per ton per mile for merchandize carried on said railroad in the carriages of others, and that the road authorized by this act shall be, and is hereby declared, a public highway, and free for the passage of any carriage thereon with passengers or property, upon payment of the tolls prescribed by this act; *provided always*, that the car- Rates for transportation. Proviso. Proviso.

New Jersey State Library

riages so used thereon shall be regulated as to the time of starting and running and rates of traveling, by the company, in the same manner as the carriages of the company are, and said company shall not charge toll on the carriages of others, or for persons or merchandize transported on their railroad by others, in the carriages of others, for any part of their railroad which they shall locate upon a public road or street, unless such carriages, persons or merchandize are transported in competition with their regular business.

Dividends.

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

Company may hold real estate.

14. *And be it enacted*, That the said company may purchase, have, hold and occupy such real estate, at or near the commencement and termination of said road, and at such points along the line of said road as may be necessary for the convenient transaction of business, not exceeding five acres in each place, and may erect and build thereupon depots, warehouses, and such other buildings and improvements as they may deem expedient for the safety of their property, and the necessary uses appertaining to their business.

Penalty for injuring works

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

State tax to be paid.

16. *And be it enacted*, That as soon as the said railroad is finished, the president of the said company shall file, under oath or affirmation, a statement of the amount of the costs of the said railroad, including all expenses, in the office of the

secretary of state, and annually thereafter he shall, under oath or affirmation, make a statement to the legislature of this state of the proceeds and expenses of said road; and as soon as the said company shall declare to their stockholders dividends equal to seven per centum per annum, from and after the commencement of the building of said road, and so long as the said company pays dividends of seven per centum per annum, the said company shall pay to the treasurer of this state a tax of one half of one per centum on the cost of the said road, to be paid annually on the first Monday in January; *provided*, that no other tax or impost shall be levied or raised from said corporation by virtue of any law of this state. Proviso.

17. *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 company with all necessary rails, buildings, cars, vehicles and animals for the use and object of the said corporation, and to secure the payment thereof by bond and mortgage, or otherwise, on the said road, land, franchises and appurtenances of or belonging to the said corporation, at a rate of interest not exceeding seven per centum per annum; *provided however*, that the said company shall not plead the statute of usury in consequence thereof. Corporation may borrow money. Proviso.

18. *And be it enacted*, That it shall be lawful for the said corporation, at any time during the continuance of its charter, to make contracts and engagements with any other company or corporation, or with individuals, for operating said railroad, for transporting or conveying any kind of goods, produce, merchandize, freight or passengers, and to enforce the fulfillment of such contracts, and also to demand and receive for the transportation of all passengers and freight by them carried and transported over the road of any other company, the same rates of fare and tolls as the said company are entitled to demand and receive by virtue of this act for transportation and passage over their own road. Corporation may make contracts with other companies.

19. *And be it enacted*, That from and after the fourth day Time for completion of road.

of July, eighteen hundred and sixty-three, this act shall become void as to so much of said railroad as shall not have been completed and in use by said fourth day of July.

Limitation.

20. *And be it enacted*, That this act shall go into effect immediately, and shall continue in force for thirty years.

Approved March 22, 1860.

CHAPTER CXCVI.

AN ACT for the more effectual organization of the Militia.

Enrollment and exemption.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the persons now by law liable to do duty in the militia shall be enrolled in the militia; and the persons now by law exempt from such duty shall continue to be so exempt.

Militia to be divided into classes.

2. *And be it enacted*, That the militia shall be divided into two classes, the active and the reserve; the former shall consist of all persons liable to do militia duty who now, or hereafter may be enrolled in any uniformed company, and the latter shall include the residue of the militia of this state.

Term of service.

3. *And be it enacted*, That every officer, non-commissioned officer, musician and private, who is or may become attached to the active militia, shall ipso facto be held to be enlisted therein, and shall be holden to duty therein for the full term of seven years from the date of such his enlistment, unless disability incapacitate him, or he shall remove from this state.

4. *And be it enacted*, That the enrollment of the militia shall continue to be made in the manner now provided by law. Enrollment, how made.

5. *And be it enacted*, That the militia of each county, except Essex, Monmouth, Atlantic, Ocean and Cape May, shall form a brigade; there shall be three brigades in said county of Essex, that is to say, the militia of all of said Essex county, except that of the city of Newark and that of the township of Orange, shall form a brigade; and the militia of the said city and of said township respectively shall each form a separate brigade; the militia of the county of Cape May shall form an independent regiment or battalion, which, together with the militia of the county of Atlantic, shall form a brigade; the militia of the county of Ocean shall form an independent regiment or battalion, and with the militia of the county of Monmouth shall form a brigade; the militia of the counties of Burlington, Gloucester, Atlantic, Cape May, Camden, Salem and Cumberland shall form the first division; the militia of the counties of Union, Essex, Passaic, Bergen, Morris and Hudson shall compose the second division; the militia of the counties of Hunterdon, Mercer, Middlesex, Ocean and Monmouth shall compose the third division; and the militia of the counties of Warren, Sussex and Somerset shall form the fourth division. Brigades and divisions.

6. *And be it enacted*, That the militia of this state shall be officered as follows, and not otherwise: the governor shall be commander-in-chief, and shall appoint his staff of four aids-de-camp, with the rank of lieutenant-colonel; one quarter-master-general, one adjutant-general, each with the rank of brigadier-general; there shall be one major-general to each division; each major-general shall appoint for himself a staff of two aids-de-camp, one pay-master, one quarter-master, one judge advocate, one inspector with the rank of major, one chaplain and one surgeon; there shall be one brigade-general to each brigade, who shall be elected by the field officers of the brigade, his staff shall consist of one brigade inspector, with the rank of major, who Organization of militia.

shall also act as brigade major, one quartermaster and one paymaster of the brigade, who shall rank as major, and one brigade judge-advocate, and one aid-de-camp, who shall rank as captains, also one chaplain, all of whom, except the brigade inspector, who shall be elected by the field officers of the brigade, shall be appointed by the brigadier-general, and he shall certify the appointments to the commander-in-chief; to each regiment there shall be one colonel, one lieutenant-colonel and one major, who shall respectively be chosen by the captains and lieutenants of the companies of the regiments; to each independent battalion there shall be one major, who shall be chosen by the captains and lieutenants of the battalion; the colonel of each regiment and the major of each battalion shall appoint a staff of one adjutant, one quartermaster and one paymaster to rank as first lieutenants, one surgeon and one assistant surgeon, one chaplain, one sergeant-major, one sergeant of field music and one quartermaster-sergeant, and shall certify their appointment to the commander-in-chief; to each company there shall be one captain, one first and one second lieutenant, who shall severally be chosen by the privates of the company; each company shall appoint four sergeants and four corporals; there shall be to each troop of horse one captain, two lieutenants, one cornet, four sergeants, four corporals, one saddler, one farrier and one trumpeter; besides said officers in this section enumerated no others of any grade shall be appointed, elected or commissioned in time of peace; all elections shall be by ballot, on ten days' notice of time and place, to the persons entitled to vote, and a majority of all the votes cast shall be necessary to a choice.

Election of officers.

7. *And be it enacted*, That whenever the office of brigadier-general of any brigade shall for any cause be vacant, the major-general of the division to which such brigade belongs, shall give notice of an election to be held to fill the vacancy; he shall preside at the election, and shall immediately certify its result to the commander-in-chief; whenever the office of colonel, lieutenant-colonel or major of a regiment, or the

office of major of a battalion shall be vacant, the brigadier-general of the brigade to which such regiment or battalion belongs, shall in like manner give notice and preside at, hold and certify the result of the election; whenever the office of captain or lieutenant of a company shall be vacant, the commanding officer of the regiment or battalion to which such company belongs, shall give notice of an election to fill such vacancy, and he shall hold accordingly and preside at the election, and certify its results to the commander-in-chief.

Elections in cases where there are no officers qualified to hold elections.

8. *And be it enacted*, That when there shall not be an officer qualified to hold any election as prescribed in section seven, the commander-in-chief shall issue his warrant to any person whom he may select to hold such election, who shall give notice of and conduct it in all respects as prescribed in section six, and he shall certify its results to the commander-in-chief.

Commissions and resignations of officers.

9. *And be it enacted*, That all general, field, line and staff officers who shall have been duly elected or appointed shall be commissioned by the commander-in-chief, and their commissions shall be sent by the adjutant-general to the officer or the person who held the election or who made the appointment, but shall not be delivered to the person elected or appointed until he shall be uniformed and equipped according to the regulations of the military service of the United States, or the regulations of this state if a different regulation exist in this state, and should he refuse or neglect so to uniform and equip for two months from the time of his election or appointment, the commission shall be returned to the adjutant-general, with the cause of its return endorsed upon it, and the election or appointment shall thereupon be void; in case any officer now in commission shall not in like manner be uniformed and equipped according to the regulations of the United States military service, within two months from the passage of this act, and make oath or affirmation that he has, in accordance with the provisions of this act, so bona fide uniformed and equipped himself, and transmit such affidavit to the adjutant-general within the said two months, his office

shall thereupon be vacant; any commissioned officer wishing to resign, shall to that end make application in writing, if a line officer, to the commandant of his regiment or battalion, if a field officer, to the commandant of his brigade, if above the rank of a field officer, to the commander-in-chief, if a staff officer, to the officer upon whose staff he serves; and if sufficient reason for such resignation appear to the officer to whom the application is made, he shall so certify by written endorsement on such application and on the commission, and transmit such application forthwith to the adjutant-general, who shall file the same in his office, and thereupon such resignation shall be held to have been accepted, and the commission to be void; and no commissioned officer shall be permitted in any other manner to resign.

Warrants of non-commissioned officers.

10. *And be it enacted*, That all non-commissioned officers shall receive warrants from their respective commandants; every commissioned officer who shall not already have taken the same, shall, before entering upon the duties of his office, take and subscribe the oath or affirmation now by law in that behalf required, the same to be taken and certified as by law now directed.

Paymasters to give bond.

11. *And be it enacted*, That all division, brigade, regimental and battalion paymasters shall, before entering on the duties of their respective offices, give bond, to be approved by the commandant of the division, brigade, regiment or battalion, as the case may be, with sufficient sureties: division and brigade paymasters in the sum of two thousand dollars, regimental and battalion paymasters in the sum of one thousand dollars, with condition for the faithful performance of the duties of their respective offices, which bonds (with the oath now by law in that behalf required,) shall be filed in the office of the clerk of the county, to be prosecuted whenever the brigade board shall direct; the said clerk shall certify, under his hand and the seal of the county, upon the paymaster's commission, the filing of said bonds, which certificate shall be received as evidence of the authority of the said paymaster.

Powers and duties of brigade board.

12. *And be it enacted*, That to each brigade there shall

be a brigade board, to be composed and regulated as now by law provided, with all the powers and duties now by brigade boards possessed and on them imposed; a majority of the board shall constitute a quorum; the board shall meet at least once in each year, and also whenever convoked by the brigadier-general or commandant of the brigade; in addition to the powers now possessed by them, said brigade boards shall be and they are hereby respectively empowered to make such alterations and arrangements of the regiments, battalions, squadrons, troops and companies within their respective brigades as may from time to time to them seem necessary or expedient.

Organization of reserve militia.

13. *And be it enacted*, That the reserve militia shall not be organized except in view of the performance of active service thereby, in which case the brigade boards of the respective brigades shall at the direction of the commander-in-chief organize the same, and when so organized the same shall form part of the respective brigades in the bounds whereof they reside; the reserve shall not be officered until thus organized.

Organization of companies.

14. *And be it enacted*, That no company of militia shall be organized with less than twenty-five privates, and any company containing less than twenty-five privates may be disbanded by the brigade board of the brigade to which it is attached.

Uniform of militia.

15. *And be it enacted*, That every company of the active militia shall be uniformed and equipped according to the regulations of the service of this state, and until the regulations of this state be promulgated the uniform of companies shall be established by the boards of the regiments or battalions to which they may respectively be attached.

Regimental board.

16. *And be it enacted*, That there shall be a regimental board of officers to each regiment, and a battalion board of officers to each independent battalion, to consist of all the commissioned officers of the regiment or battalion, which shall have power to pass laws for their own government, and that of the regiment or battalion, to establish penalties for

the non-attendance and delinquencies of the officers, non-commissioned officers and privates at any drill of the regiment or battalion; all companies of the uniformed militia shall have power to adopt by-laws for their internal government, to establish fines and penalties for violation of such by-laws, and to provide for the expulsion of unruly and insubordinate members.

Returns of brigade inspectors.

17. *And be it enacted*, That the brigade inspectors shall make their return annually on or before the first day of December in every year, to the adjutant-general of the state; in case of the absence of the brigade inspector, the commanding officer present at the inspection shall appoint some person to perform the duties thereof.

Duties of orderly sergeants.

18. *And be it enacted*, That the orderly sergeant or acting orderly sergeant of each company shall notify every member thereof of any parade, ordered in pursuance of this act, by a written or printed notice, to be left at the residence or place of business of such member, at least three days before the time specified for such parade, unless the company by its by-laws shall make other provision for such notice, in which case such provision so made shall be equally valid; and at the time and place of meeting named in orders, he shall call the roll of the company, and also at the time of the dismissal of each parade, and shall make a true list, under oath or affirmation, of all present or absent at each roll call; he shall note all violations of discipline, and by whom committed, and shall transmit a report thereof to the commandant of his company within two days afterwards; and if the company be part of any battalion, regiment or brigade, then the commandant of the company shall make copies of the return of the sergeant, and certify and forward the same to the commandant of the battalion or regiment; and adjutants and brigade majors shall, in like manner, by service of written or printed notice, or by advertisement in a newspaper of the county, to be published at least ten days prior to the day fixed for parade, notify commissioned officers, call the roll of officers,

and make returns to their commanding officers, in cases of battalion, regimental or brigade parade.

Annual parades.

19. *And be it enacted*, That every company of uniformed militia shall be required to parade for improvement not less than four nor more than six times in every year (exclusive of division parades, of which there shall be one at least,) beginning from the first day of January; such parades shall be by brigade, battalion or company, as may be ordered by the commandants of brigade.

Organization of courts-martial.

20. *And be it enacted*, That there shall be a regimental court martial to each regiment, and a battalion court martial to each independent battalion, each to consist of one field officer as president, one captain and one lieutenant, who shall be appointed annually by the respective commandants of regiments or battalions; they shall hold at least three sittings in each year, at such times and places as the said commandants respectively shall direct; they shall have power to hear and determine upon all excuses of the members of their regiments or battalions for non-attendance at regimental, battalion or company duty, and impose such fines as in their judgment may seem proper, within the provisions of this act; it shall be the duty of the presidents of said courts, within ten days after any and each sitting of said courts, to transmit, under oath or affirmation, a correct list of all delinquents upon whom said courts shall have imposed fines, and the amount of each fine, to their respective regimental or brigade paymasters; if any delinquent shall neglect or refuse to pay to the regimental or battalion paymasters the fine or fines against him, within thirty days after notice in writing to him given to pay the same, then it shall be the duty of said paymasters to proceed to collect the fines in manner now provided by law for the collection of fines imposed upon militia men, and all moneys so collected by said paymasters shall be expended for the use and purposes of the regiments or battalions, as the respective regimental or battalion boards of officers may direct; and all moneys received by the brigade paymasters shall be paid out under the direction of the brigade board,

and said paymasters shall keep true and accurate account of all receipts and disbursements by them.

Fines and penalties.

21. *And be it enacted*, That the fines which may be imposed under this act are as follows: For non-attendance, or attendance without being completely uniformed, armed and equipped, at any parade in pursuance of this act, for field and staff officers, eight dollars; for line officers, six dollars; for non-commissioned officers, musicians and privates, not more than four dollars nor less than two dollars; for any act unbecoming an officer or soldier while on parade, not more than fifteen dollars, or liability to be cashiered or expelled, at the discretion of the court having jurisdiction by rank over the person offending.

Breach of discipline, how punished.

22. *And be it enacted*, That all breaches of discipline by any commandant of brigade shall forthwith be reported in writing by the division inspector, to the commandant of the division and to the adjutant general; and all breaches of discipline by a commandant of a regiment or battalion at any brigade parade, shall forthwith be reported in writing by the brigade inspector to the commandant of the brigade and to the adjutant general; and all breaches of discipline at any regimental or battalion parade, shall forthwith be reported by the adjutant to the commandant of the regiment or the battalion in which the same occurs, and to the adjutant general, and a short memorandum in writing of the calling of every court martial, other than a regimental or battalion court martial, its object, and of whom composed, shall forthwith, after the ordering of such court martial, be transmitted to the adjutant general by the officer ordering the court, and if no such memorandum of the ordering of a court martial for the trial of any reported breach of discipline shall be received by the adjutant general within sixty days after any such breach of discipline shall have been reported to him, he shall forthwith order and appoint a court martial for the trial of the alleged offender or offenders, and said adjutant general is empowered, with the approval of the commander-in-chief, to

order a court martial, whenever in his judgment the good of the service demands one.

Courts-martial, how conducted.

23. *And be it enacted*, That courts martial for the trial of officers shall be ordered and conducted as now provided by law in that behalf, and all the provisions now existing by law in regard to courts martial for the trial of officers, and the proceedings and sentences of those courts (except so far as respects the number of officers composing a general court martial, which may be any number more than four and not more than thirteen,) shall continue in force.

Notice of court-martial to be given.

24. *And be it enacted*, That ten days' notice in writing, to be served personally, or by leaving the same at his place of abode or business, shall be given to every person to be tried by a brigade board, regimental or battalion court martial, and the court shall proceed to try in his absence any such person, having been duly notified and not appearing, and if found guilty, to impose a fine upon him according to the provisions of this act.

Members of companies exempt from jury duty.

25. *And be it enacted*, That every member of any company organized in accordance with all the requirements of this act, who shall serve as required by this act, or who may have been prevented from performing such service by sickness, bodily infirmity, or any other reasonable cause, and has a certificate of the performance of such service or of such reasonable excuse, signed by the commandant of such company and countersigned by the commandant of the battalion, regiment or brigade to which the same may be attached, shall be exempt from the performance of jury duty and payment of poll tax for the term of one year from the date thereof.

Discharges, how granted.

26. *And be it enacted*, That every officer, non-commissioned officer, musician and private now belonging to or who shall hereafter enlist in the active militia, who shall serve faithfully therein for the term of seven years, shall, at his request, receive a discharge entitling him to exemption thereafter from jury duty and from all militia duty, except in time of war or insurrection; the commandant of the brigade shall grant such discharge to the commissioned officers, and the

commandant of companies shall grant discharges to be attested by the commandant of the regiment or battalion to which they belong, to every such non-commissioned officer, musician or private; to entitle any such officer, non-commissioned officer, musician or private to said privileges and exemptions, he shall have attended every division, brigade, regimental or battalion and company parade, or paid the fine for any delinquency, or have been excused therefrom by the proper authority.

Officers now in commission to be duly commissioned under this act.

27. *And be it enacted*, That all officers now in commission, shall be, (they having conformed or conforming to the regulations of this act as to uniforming and equipping themselves,) deemed and held to be duly commissioned under the provisions of this act, and to hold command in or be attached to the militia of this state accordingly; and all time during which any officer, non-commissioned officer, musician or private, now attached to the uniformed militia of the state, shall have faithfully served continuously, since the first day of January, in the year eighteen hundred and fifty-five, shall be computed and allowed as so much of the term of enlistment, such service and the length thereof to be ascertained by the officer entitled to grant a discharge, upon the oath of such person and other proof.

Father to have the benefit of minor son's service.

28. *And be it enacted*, That any father shall be allowed as for his own service in the militia, the time which his own son, under the age of eighteen years shall have served as a musician in the militia of this state.

Report to be made of persons expelled.

29. *And be it enacted*, That the commandants of regiments, battalions and companies, shall report the names of any persons in their respective companies who shall have been expelled, or who shall from any other cause become liable to serve as jurors and to pay a poll tax to the sheriff of the county and to the assessor of the ward or township in which such persons may respectively reside; and any person who shall be expelled or from any other cause leave the active militia prior to the expiration of the time of service, shall not be entitled to claim any benefits for the time he may have

served; if any commissioned officer shall remove out of the state or out of the bounds of his command, his office shall thereby become vacant; *provided*, that this section shall not apply to any officer now in commission now residing in this state, and not more than five miles from the bounds of his command, nor be held or construed to vacate the commission of any major-general, the bounds of whose command are by this act changed. Proviso.

30. *And be it enacted*, That any officer who shall neglect to obey any order from the commander-in-chief, or any call for aid from the sheriff of his county, or a mayor of a city in his county, or any officer charged with wilful neglect of duty, or with disobeying his superior, or of improper or unofficer-like conduct in the performance of any duty required by this act, shall be tried by court martial, and if found guilty of the offence charged, shall be cashiered, suspended or dismissed from the service; and any non-commissioned officer, musician or private who shall neglect to obey such order, or be guilty of disobedience of orders, shall be liable to pay a fine not exceeding ten dollars, or to expulsion from his corps, or both, at the discretion of the court martial. Penalty for disobedience of orders.

31. *And be it enacted*, That for the performance of actual service (not in the service of the United States) officers, non-commissioned officers, musicians and privates shall receive from the state the like pay and rations as are received from the United States by the officers, non-commissioned officers, musicians and privates of the regular army, and whenever the service shall continue for the space of three months, each non-commissioned officer, musician and private shall receive one full and complete suit of uniform. Pay for actual service.

32. *And be it enacted*, That the widow, or minor children if there be no widow, of any officer or soldier who may be killed in the performance of any actual service of this state, (not in service for the United States,) or any officer or soldier who may be wounded or disabled in performing such service, shall receive from the treasury of the state the like reward Widows and children of persons killed to receive pension.

that similar persons receive under similar circumstances from the United States.

Militia may be called out.

33. *And be it enacted*, That the commander-in-chief of the state may, in case of invasion or other emergency, order out any company, battalion, regiment, brigade or division of the militia of this state, to march to any part thereof, and continue on service so long as he may think necessary, not exceeding three months.

Quarter-master general to furnish arms.

34. *And be it enacted*, That the quartermaster-general shall, upon the application of the commandant of any corps of militia who are uniformed according to law, furnish from the state arsenal, when in his opinion they can be spared without manifest injury to the service of this state and of the United States, the number and kind of arms and equipments suited to the corps, he being first satisfied that the said corps is provided with a proper depository for such arms and equipments; and he shall require the commissioned officers of the company to give bond, with sufficient security that the same shall not be loaned nor suffered to go out of the possession of the company, and shall be kept in good order and returned to the state arsenal when he shall so require.

Duty of Quarter-master general with respect to brigade returns.

35. *And be it enacted*, That it shall be the duty of the quartermaster-general hereafter, carefully to compare the returns made by the respective brigade inspectors of the number and condition of public arms and equipments in the respective regiments and battalions inspected, with the number actually loaned to the respective companies in such regiment or battalion, and if the number does not fully appear on the respective returns, or their good condition is not manifested, the said quartermaster-general shall, as soon as may be, cause the public arms and equipments of such companies to be returned to his care; he is also authorized to cause all such arms belonging to the state, deposited in any place, or in possession of any person or persons not under lawful responsibility, to be returned to the arsenal, and he is hereby required to keep any arms and equipments returned in pursuance of this act, separate from those now in the arsenal;

and it shall be the duty of the quartermaster-general on the first week of every annual session of the legislature, to lay before them a particular return of all the arms and equipments belonging to the state, the number loaned out, in whose hands, and whether they remain under proper responsibilities, including in said return all the camp equipage in his charge; and the quartermaster-general is authorized to require from the respective brigade inspectors, adjutants and commandants of company, such particular returns as may give all information requisite fully to carry this section into effect.

Arms of militia.

36. *And be it enacted*, That the arms and equipments of the several corps of the militia of the state shall conform in all respects to those used by similar corps in the army of the United States.

Arms, &c., to be exempt from execution.

37. *And be it enacted*, That the uniforms, arms, equipments, and other military property of a member of a uniform corps, shall be exempt from sale under execution, and from every process of law.

Uniform corps to provide armory.

38. *And be it enacted*, That every uniform corps, before being furnished with arms and equipments, shall provide themselves with a suitable armory or place of deposit, within the bounds of the corps, wherein the arms and equipments furnished by the state shall be carefully kept for the use of such corps for military purposes only, and shall not be loaned or hired out nor used for any other purpose whatsoever.

Quarter-master-general to cause armory and arms to be examined.

39. *And be it enacted*, That the quartermaster-general may from time to time, at least once in each year, depute an officer to examine the armory or place of deposit of the arms and equipments issued by the state to any company, and to inspect said arms and equipments, and report to him the condition of said armory or place of deposit and of the said arms and equipments, and if upon such report, or upon a personal examination or inspection by the quartermaster-general, it shall appear that such armory is unsuited or insecure for the proper care and preservation of said arms and equipments, or that said arms and equipments are not in good condition, he may require said arms and equipments to be returned to the

state arsenal; and the said quartermaster-general may from time to time make such orders and regulations as he may deem necessary and proper for the care and safe keeping and return of the military property of the state in the use of the uniform companies.

Officers' arms.

40. *And be it enacted*, That the arms and accoutrements required by an officer for his use in the military service of the state, may be issued to him by the quartermaster-general on payment of the regulated price, said price to be placed to the credit of the arsenal and accounted for by the quartermaster-general in his annual report.

Board of officers to prepare rules and regulations.

41. *And be it enacted*, That there shall be a board of officers, to consist of the adjutant-general, quartermaster-general and three other commissioned officers of the militia of this state, to be appointed by the commander-in-chief, who, from time to time shall prepare and submit rules and regulations, forms and precedents, for the use and government of the militia of this state, and the same upon the approval of the commander-in-chief shall be published in orders by the adjutant-general, and be distributed to the commissioned officers of the state, and from the publication thereof the same shall be binding upon the militia of this state.

Parts of former act repealed.

42. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act are so far forth only as the same are so inconsistent hereby repealed; *provided always*, that all acts of special or particular application, or enacted with reference to any particular brigade or brigades, regiment or regiments, battalion or battalions, shall be and remain in full force and effect, notwithstanding the passage of this act, or any matter, thing, or provision herein contained.

Proviso.

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

Approved March 22, 1860.

CHAPTER CXCVII.

AN ACT to incorporate the Mendham and Chester Railroad Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Daniel Budd, George H. Thompson, William H. Anderson, Samuel O. Briant, John R. Nesbit, John Marsh, Henry C. Sanders, Nathan A. Cooper, James Anderson, 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 Mendham and Chester 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. Names of corporators.

2. *And be it enacted*, That the amount of the capital stock shall be one hundred and fifty 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. Amount of capital stock.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of 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 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 seventy-five thousand dollars of the capital stock shall be subscribed, such commissioners shall give like notice for a meeting of the Commissioners to receive subscriptions.

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 corporation, 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 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 board of directors, or a majority of them; and in case of the absence of the president the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such powers and functions as the by-laws of the said 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 said 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 Morris and Essex Railroad, at or within four miles of Morristown, running through the county of Morris, terminating at or near John R. Nesbit's, in the township of Mendham, with privilege to extend the same, to some point near Chester, in the same county, or to some point near Peapack, in the county of Somerset, or both; *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

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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 persons 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 said lands be first had and obtained.

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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 land or materials, for the use or purchase thereof, or when by reason of the legal incapacity or absence of such owner or owners no such agreement can be made, a particular description of the 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 this state, to make publication thereof as he shall direct, for any term not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of 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 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 oath 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 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, upon 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, commission-

ers, 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 feel himself, herself or themselves aggrieved by the decision 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.

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Proceedings upon appeal from decision of commissioners.

8. *And be it enacted*, That every appeal from the decision of the 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 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 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

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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 land 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 the same without being barred thereby from his, her or their appeal from the report of the commissioners.

Company to construct bridges.

9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over or under said railroad where any public road shall intersect or cross the same, so that the passage of carriages, horses and cattle across the said railroad shall not be obstructed, and likewise where the said railroad shall intersect any farm or lands of any individual, to provide and keep in repair suitable wagon ways over or under said 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 improve-

ments 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 dividends as they may deem prudent and proper from time to time, out of the net profits of said railroad.

Rates of 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 the 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.

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Corporation may make contracts with other companies.

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 corporations, or with individuals, for transporting or conveying any kind of goods, produce, merchandise, freight or passengers, and to enforce the fulfillment of such contracts.

Penalty for injuring works

14. *And be it enacted*, That if any person shall wilfully injure, impair, 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.

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 "Mendham and Chester 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 costs; and as soon as the net proceeds of said railroad shall amount to seven 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 in January of each year; *provided*, that no other tax or impost shall be levied or assessed upon said company. State tax to be paid.

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. Commencement and completion of road.

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, while travelling for the purpose of discharging the duties of their offices, and the members and officers of both houses of the legislature of this state, during their annual or other sessions, shall pass and repass on the railroad of said company, in their cars, free of charge. Certain officers to pass free.

Approved March 22, 1860.

CHAPTER CXCVIII.

AN ACT to incorporate the Farmer's Mutual Fire Insurance Association of Warren county.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Daniel Axford, John S. Johnston, John H. Fleming, Jacob Cummins, E. J. Post, Abraham M. Fleit, William Gardner, Amos Hoagland, Abraham Newman, David W. Wyckoff, and all other persons who may hereafter associate with them in the manner hereafter prescribed, shall be a corporation by the name of the Farmer's Mutual Fire Insurance Association of Warren county, for the purpose of insuring their buildings, household furniture, merchandise and other property against loss or damage by fire, and by that name they and their successors may, for thirty years, have power to sue and be sued, and to defend and be defended in all courts, whether in law or equity, and by that name may also have, purchase, possess and enjoy to them and to their successors, lands, tenements, hereditaments, goods, chattels and effects of what nature and kind soever necessary for the purpose of said corporation; and the same may grant, demise, alien, and dispose of at pleasure for the benefit of said company, and may also have a common seal and alter and renew the same at pleasure; also, may make and establish such by-laws and regulations, as to them shall seem necessary and expedient for the well-ordering and government of the said company, and put the same into execution; *provided*, that they be not contrary to the constitution or laws of this state or of the United States.

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Persons insuring to be members.

2. *And be it enacted*, That all persons who shall insure with the said corporation, and also their heirs, executors, administrators and assigns continuing to be insured in the same, as hereinafter provided for, shall thereby become mem-

bers thereof during the period they remain insured by said corporation, and no longer.

Affairs to be managed by ten directors.

3. *And be it enacted*, That all the affairs, property and concerns of said corporation shall be managed and conducted by ten directors, who shall continue in office one year and until others shall be chosen in their place, all of whom shall be members of the said corporation, and shall take an oath or affirmation of office, and choose out of their body a president; all vacancies may be filled for the remainder of the year by such person or persons as a majority of the board of directors for the time being may appoint, and a majority of the whole shall constitute a quorum for the transaction of business.

First directors.

4. *And be it enacted*, That Daniel Axford, John S. Johnston, John H. Fleming, Jacob Cummins, E. J. Post, Abraham M. Fleit, Wm. Gardner, Amos Hoagland, Abraham Newman, David W. Wyckoff, shall be the first directors of said corporation, and that annually hereafter a board of directors may be elected, at such time and place in the county of Warren and state of New Jersey as the said corporation in their by-laws shall appoint; of each election due notice shall be given in at least one of the public newspapers printed in said county, for two weeks immediately preceeding such election, and it shall be the duty of the board of directors to appoint three discreet persons, not members of said board, to be inspectors of such election, and to count the votes that may be given in, and to declare the result of such election, which shall be by a plurality of the votes of the members or their proxies then present, allowing one vote to each member for every one hundred dollars insured in said company at the time of such election, and it shall be the duty of such inspectors, or a majority of them, to make and sign a certificate of the result of such election, stating who are elected by the greatest number of votes and deliver such certificate to the secretary of the company for the time being, which certificate shall be filed and recorded by the secretary, and be conclusive evidence of the result of such election until set aside by some court having competent authority to do so.

Annual election of directors.

Officers of corporation.

5. *And be it enacted*, That the board of directors may appoint a secretary and such other officers and agents as may be requisite for effecting the business of said company, and allow them such compensation as may be agreed upon, and also determine the rates of insurance, the sum to be insured, and the sum to be deposited for any insurance.

Policies of insurance.

6. *And be it enacted*, That all policies or contracts founded thereon, which shall be made or entered into by the said company, may be made under the seal thereof, and shall be subscribed by the president and attested by the secretary, and being so subscribed and attested by the secretary, shall be binding and obligatory upon said company, and the company shall be liable for all loss or damage sustained, agreeable to and on such terms and conditions as shall be contained in the policy.

Company may loan surplus money.

7. *And be it enacted*, That every person who shall become insured in said company shall, before he receives his or her policy, pay such sum of money, and deposit their promissory note or notes, with approved security if required, for such sum or sums of money as shall be determined upon by the directors, such note or notes to be paid at such time and in such a manner as the by-laws may determine; and it shall be lawful for said company to loan or put out on interest their moneys, or any part thereof not immediately wanted for the purposes of said corporation, on bonds and mortgage, on real estate, government stocks, and may from time to time call in such money or change such investments.

Policy may be surrendered on alienation of property.

8. *And be it enacted*, That when any property insured by the said corporation shall be alienated by sale or otherwise, the policy of such insurance may be surrendered to the directors of said company to be cancelled, and upon such surrender, the assured shall be entitled to receive his note or notes upon the payment of his proportion of all losses, risks and expenses that have accrued prior to such surrender, but the grantee or alienee having the policy assigned to him, may have the same ratified and confirmed to him for his own proper use and benefit upon application to the directors, and

with their consent, within thirty days next after such alienation, on giving proper security to the satisfaction of said directors, and by such ratification and confirmation such grantees or alienees shall be entitled to all the rights and privileges, and subject to all liabilities to which the original party to whom the policy insured was entitled and subjected.

Annual estimate to be made.

9. *And be it enacted*, That the officers of said company, at the expiration of one year from the time the first policy shall have been issued, or within one month thereafter and within one month of every subsequent year, shall cause an estimate to be made of the profits or losses and true state of the affairs of said company to be made as near as may be for the preceding year, and so on for each successive year, which estimate shall be conclusive upon all persons entitled to receive certificates of profits as hereinafter provided for.

Certificates for proportion of profits to be issued.

10. *And be it enacted*, That each member entitled shall receive a certificate for his proportion of the profits, if any, of each year's business in proportion to the amount of premiums paid by him, but no person shall be entitled to a certificate for premiums paid on a policy that occasions loss, nor no certificate shall be issued for the fractional parts of sums between even fives of dollars, nor for any sum less than five dollars, but all such fractional parts of sums or sums less than five dollars shall be passed to the contingent account of said company, and applied to the payment of expenses and other charges of said company.

Payment of certificates.

11. *And be it enacted*, That when the cash means on hand shall exceed twenty-five per cent. of the amount of risks the company is liable for at any annual meeting, the excess may be applied to the payment of the certificates in such manner as the directors may determine.

Suits may be maintained for deposit notes.

12. *And be it enacted*, That suits at law or in equity may be maintained by said corporation against any of its members for the collection of their deposit notes or any part thereof, or for any other cause relating to the business of said company, also suits at law or in equity may be prosecuted and maintained by any member against said corporation for losses;

if payment be withheld more than four months after the company are duly notified of such loss or damage, and no member of the corporation, not being in his individual capacity a party to such suit, shall be incompetent as a witness in any case on account of his being a member of said corporation.

Especial insurances.

13. *And be it enacted*, That especial insurances may be taken without the parties thereto becoming members of said corporation, if desired by the insured.

14. *And be it enacted*, That no policy shall be issued by said company until application shall be made for insurances to the amount of fifty thousand dollars at least.

Place of business.

15. *And be it enacted*, That the operations and business of the corporation shall be carried on and conducted at such place in the county of Warren, as shall be designated by a majority of the directors, at their first regular meeting in every year.

Limitation.

16. *And be it enacted*, That this act shall continue in force thirty years, subject to be altered, amended, modified or repealed by the legislature at any time hereafter, when in their opinion the public good may require it.

Approved March 22, 1860.

CHAPTER CXCIX.

AN ACT to regulate the length of nets and seines to be used in Lower township, Cape May county, and in Cape Island Sound.

Length of seines to be used.

1. BE IT ENACTED *by the Senate and General Assembly of*

the State of New Jersey, That it shall not be lawful for any person or persons whatsoever to set or draw any net or seine which shall exceed twenty-five fathoms in length, in any of the rivers, bays, creeks, or waters of the Lower township, in the county of Cape May, or in Cape Island Sound, within the jurisdiction of the said county.

Penalty for violating provisions of act.

2. *And be it enacted*, That every person offending against the provisions of this act shall forfeit and pay the sum of fifty dollars for each offence, to be recovered in any court of competent jurisdiction, to the use of any person who may sue for the same.

Approved March 22, 1860.

CHAPTER CC.

AN ACT to provide for the collection of delinquent taxes in the township of Clayton, in the county of Gloucester.

Collection of taxes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township collector in the township of Clayton, in the county of Gloucester, 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.

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 March 22, 1860.

CHAPTER CCI.

AN ACT giving the assent of this state to the act of the legislature of Pennsylvania entitled, "An act to incorporate the Kittatinny Improvement Company."

Assent of this state given.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the assent of this state be and the same is hereby given to the provisions mentioned and contained in an act of the legislature of the commonwealth of Pennsylvania, passed the nineteenth day of February, one thousand eight hundred and sixty, entitled "An act to incorporate the Kittatinny Improvement Company;" and the said act is hereby adopted, ratified, and confirmed by this state, and the provisions thereof shall be in full force and effect within this state; and the said act shall be annexed to this act, and be published in the same manner as the laws usually are, and the governor shall cause an exemplified copy thereof to be filed in the office of the secretary of state, and transmit an attested copy of this act to the governor of the

commonwealth of Pennsylvania; and this act shall not go into effect until an exemplified copy of the act of Pennsylvania shall have been filed in the office of the secretary of state, and an attested copy of this act transmitted to the governor of the commonwealth of Pennsylvania. Act, when to take effect.

Approved March 22, 1860.

COMMONWEALTH OF PENNSYLVANIA.

AN ACT to incorporate the Kittatinny Improvement Company.

WHEREAS, a large section of country in the commonwealth of Pennsylvania and the state of New Jersey, lying on the river Delaware, between the Delaware Water Gap and Matamoras, in Pike county, is without any cheap, safe, and convenient channel of communication with the great markets of the country, and such communication may be supplied by the improvement of the channel of the Delaware river, between the Foul Rift, in Northampton county, and Matamoras, in Pike county, Pennsylvania; and whereas, considerable money has already been expended by persons whose names are hereafter mentioned, in clearing out and improving the channel of the river, between the points last above named, and building steamboats for the navigation of the same, and the object contemplated by such persons cannot be effectually carried out without legislative aid—therefore, Preamble.

Section 1. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Charles Brodhead, Conrad Shimer, Albert G. Brodhead, William R. Sharpe, Alfred Thomas, John H. Wallace, Oliver S. Dimmick, and Richard Holcomb and all other persons who shall become subscribers and owners of the cap- Names of corporators.

ital stock hereby created, are hereby made and declared to be a corporation and body politic, in deed and in law, by the name of "the Kittatinny Improvement Company," with power and authority to procure, purchase, construct, and equip one or more boats and vessels to be propelled or driven by steam or caloric engines or otherwise, with such appurtenances and equipments as may be deemed adequate and proper for the object and purposes of this incorporation, and the same to use and employ to the exclusion of all other boats or vessels (except those of such class, description, or build as have been heretofore accustomed to be employed in the navigation of the river Delaware, between the points aforesaid,) in the transportation of freight and passengers and the towing of other craft to and from all points upon the Delaware river, between the head of Foul Rift, in the county of Northampton, and the village of Matamoras, in the county of Pike, and state of Pennsylvania.

Amount of capital stock.

Section 2. That the capital stock of the said corporation shall be one hundred thousand dollars, and shall be divided into one thousand shares of one hundred dollars each, with the privilege of increasing the said capital stock to two hundred thousand dollars, certificates of said stock shall be issued and signed by the president and secretary and sealed with the common seal of the corporation, said stock shall be personal property and may be transferred in person or by attorney, under such regulations as may be prescribed by the by-laws.

Election of directors.

Section 3. That the affairs of the said corporation shall be managed by a board of not less than six nor more than eleven directors, (one of whom shall be president,) and a secretary and treasurer, and that the said corporators hereinbefore mentioned are hereby declared and appointed the first directors, who shall serve until the first day of October, one thousand eight hundred and sixty-one, and until others are elected, and that all directors subsequently elected shall be elected at such times and places, and shall hold their offices for such terms and periods, as the by-laws may direct, the secretary and

treasurer shall be appointed by the board of directors, a majority of the directors shall constitute a quorum for the transaction of business, and shall, through the secretary, give notice to all stockholders of the time and place of corporate meetings and of elections, and shall also have power to appoint such officers and agents, and take such security for the faithful performance of their respective duties as they may deem necessary, and fix the amount of salaries to the several officers, and shall generally exercise all the powers necessary to promote the interests of the corporation; at any election of directors the stockholders may vote, themselves or by their legally appointed attorneys or proxy, and each share of the capital stock shall entitle the holder thereof to one vote.

Company may hold real estate.

Section 4. The said company shall have all the privileges and immunities belonging to a corporation, may sue and be sued, plead and be impleaded, and defend in all courts of law and equity, may make and have a common seal, and alter the same at pleasure, may purchase, receive, have, hold, and enjoy, to them and their successors and assigns, all estate, real, personal, or mixed, that may be necessary or proper for the purposes of the incorporation, and the same from time to time may sell, lease, mortgage, or dispose of, may build and erect wharves and buildings at all suitable places on the said river, between the points last above mentioned, may make dividends of such portions of their profits as they may deem proper, may establish and collect reasonable tolls for the transportation of passengers and freight and towing other craft, may adopt and enforce such by-laws and ordinances and regulations as shall appear necessary and convenient, and generally may do all and singular the matters and things which shall to them lawfully appertain to do for the well being and profit of the corporation, and the business of the same.

Corporation may borrow money.

Section 5. That the said corporation shall have full power and authority to borrow any sum of money not exceeding one hundred thousand dollars, upon such terms and conditions as the directors may think proper, with full power also to mortgage and pledge as security for such loan any and all

their property, real and personal, together with their corporate rights, powers, privileges, and franchises, and the sale thereof under such mortgage shall convey the same to the vendee; *provided*, that no mortgage shall be issued for a less sum than one hundred dollars.

Corporation may use part of capital stock in improving navigation.

Section 6. That the said corporation shall use and employ so much of their capital stock as they may find necessary in improving the navigation of the river Delaware, between the points heretofore named, in removing from the channel rocks or other obstructions, in straightening and deepening the channel from time to time as occasion may require, in protecting the banks and confining the current by cribs or riprappings, and in guarding bars and islands with piers or sheer-booms, as occasion may require; *provided*, that nothing be done which shall in any manner injuriously affect the passage of rafts or batteaux, it being declared to be the intent of the corporation not to exclude or interfere with the navigation of said river with boats of such build and description as have heretofore been accustomed to be used in the navigation of the said river between the points aforesaid, except and unless when the water in the said river shall be at so low a stage as would now prevent the navigation of said river, between the points aforesaid, with such boats as have heretofore been used.

Proviso.

Corporation may remove obstructions.

Section 7. That the said corporation shall have power to abate, clear out, and remove all wings, dams, fish-baskets, eel-weirs, and other obstructions now or hereafter erected or placed in the said river which shall interfere with the navigation of the same, and no dam, wing, fish-basket, eel-weir, or other erection shall hereafter be placed or erected by any person or persons in the said river, between the points heretofore specified, in such manner as to interfere with the free navigation of the said river by such boats and vessels as the said company shall employ or use in the navigation thereof, and the said corporation shall also have power to require and enforce any person or corporation owning or working any ferry over the said river, between the points above mentioned, and using any rope, wire, chain, or cable for such ferriage to

raise any and all of said ropes, wires, chains, or cables so high above the waters of the said river as not in any manner nor at any stage of water to obstruct or in anywise interfere with the ascending or descending navigation of the said river with such vessels, boats, and craft as the company hereby incorporated may use in the navigation thereof.

Persons not allowed to navigate river.

Section 8. That no person or persons shall be allowed to navigate the said river, between the head of the Foul Rift and the village of Matamoras aforesaid, with boats propelled by steam or caloric, or flat bottomed or other boats, of a draft or build not heretofore accustomed to be used in the navigation of the river, between the said points, for the purpose of transporting passengers or freight, nor shall any person or persons use the channel, as improved by the said corporation, for navigation with durham and other boats of the draft or build heretofore used on the said river, between the points aforesaid, when the waters of the said river are so low as would prevent the use of such boats in the condition the channel is now in, and without the improvements made by the company, unless by the permission of the said corporation, and at such reasonable rates of toll as the said corporation may adopt.

Corporation may purchase boats, &c.

Section 9. That the said corporation shall purchase and take, of such of the corporators herein named as may be the owners of the same, at a fair valuation, all boats and machinery which, at the passage of this act, they shall have constructed or purchased for or used in the navigation of the said Delaware river, between the points last above named, and shall also refund and pay to the said corporators, and each of them, all moneys which they or any part of them have heretofore laid out and expended in exploring, surveying, or improving the channel of the said river, between the said points, for the purposes of and with a view to the navigation thereof, in the manner contemplated by this act.

Penalty for injuring works

Section 10. That if any person or persons shall wilfully injure or obstruct the said corporation in the navigation of the said river, between the points aforesaid, or shall in any

manner injure, impair, or obstruct the channel of the said river, or any walls, wings, or other erections made by the said company for the improvement of the navigation thereof, or the wharves, slips, piers, or other erections made by said corporation, or any of their boats, engines, or machinery, or shall in any manner interfere with, violate, or infringe upon any of the privileges or franchises herein granted or conferred upon the said corporation, such person or persons so offending shall forfeit and pay to the said corporation the sum of one hundred dollars, for each and every offence, to be recovered as debts of like amount are recoverable by law, and shall also be liable to double the amount of damages sustained thereby, to be recovered in any court of competent jurisdiction.

Limitation.

Section 11. That this act shall continue in force for thirty years, and no longer.

State tax to be paid.

Section 12. That the said company shall pay a bonus of one-half of one per centum on the capital stock of said company, and that this act shall not take effect until it shall receive the concurrence of the legislature of New Jersey.

JOHN M. THOMPSON,
Speaker of the House of Representatives, pro tem.
WM. M. FRANCIS,
Speaker of the Senate.

Approved the twentieth day of March, Anno Domini one thousand eight hundred and sixty.

WM. F. PACKER.

OFFICE OF THE SECRETARY OF THE COMMONWEALTH,
HARRISBURG, March 20, A. D. 1860.

Pennsylvania, ss.:

[L. S.] I do hereby certify that the foregoing and annexed is a full, true, and correct copy of the original act of the general assembly, as the same remains on file in this office.

In testimony whereof, I have hereunto set my hand, and caused the seal of the secretary's office to be affixed, the day and year above written.

WM. M. HIESTER,
Secretary of the Commonwealth.

CHAPTER CCII.

A supplement to the act entitled "An act to increase the revenues of the state of New Jersey," approved March sixth, eighteen hundred and fifty-eight, fixing the transit duty to be paid by the Camden and Amboy Railroad Company, on commuting passengers.

Transit duties on commutation tickets.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the transit duty hereafter to be paid by the Camden and Amboy Railroad Company, on commutation tickets from Trenton to New York shall be six per cent. on the amount received from such commutation or season ticket passengers from Trenton to New York and returning.

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

Approved March 22, 1860.

CHAPTER CCIII.

A supplement to the act entitled "An act to authorize the inhabitants of the township of Rahway, in the county of Essex, to vote by ballot at their town meetings," approved April fifth, eighteen hundred and forty-five.

Opening and closing of polls

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at all town meetings hereafter to be held in the township of Rahway, (formerly in Essex, now in Union county,) the polls shall be opened at eight o'clock in the morning and close at seven o'clock in the evening.

Parts of former act repealed.

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

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

Approved March 22, 1860.

CHAPTER CCIV.

A supplement to the act entitled, "An act to consolidate the Bergen Point and Staten Island and Constable's Hook and New York Ferry Companies," approved March twenty-third, A. D. eighteen hundred and fifty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Bergen Point, Staten Island and New York Ferry Company shall not be required to establish and commence running their ferry across Kill Van Kull until the Jersey City and Bergen Railroad Company shall have constructed their railroad to Bergen Point, and that all powers and franchises granted in the acts to incorporate the companies consolidated by the act to which this is a supplement, and by said supplement, shall be vested in said consolidated company, and shall remain in them, notwithstanding any failure to establish or commence said ferry before that time; *provided*, it be then established and commenced, and said consolidated company are hereby authorized and required to establish said ferry at the termination of said road on Kill Van Kull. Time for commencement of ferry. Proviso.

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

Approved March 22, 1860.

CHAPTER CCV.

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

Rates of toll.

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 demand and receive toll for traveling on the road of the said company for a less distance than one mile, at the same proportionate rate which they now have by their charter the right to demand and receive for traveling a mile.

Proceedings in case road and bridges are not kept in repair.

2. *And be it enacted*, That if the said company shall not keep their turnpike road, or any bridge or bridges thereon in repair, any person or persons aggrieved thereby may make complaint thereof, in writing, to any judge of the common pleas of the county of Cape May, the said judge of the common pleas shall thereupon, by order in writing, designate a time and place when and where he will proceed to appoint three disinterested freeholders of the county of Cape May, who shall act as commissioners with the powers hereinafter mentioned, a copy of which order for the appointment of said commissioners shall be served either on the president, secretary, treasurer, or any keeper of any toll gate of the said company within the county of Cape May, five days prior to the time so designated; upon production of proof of service of such order in manner aforesaid to said judge of the common pleas, he shall thereupon, at the time and place so designated, appoint by writing, under his hand, three disinterested freeholders of the county of Cape May aforesaid; the said freeholders, having had notice of such appointment, shall thereupon fix a time and place when and where they shall meet, which place of meeting shall be in the city of Cape Island; the said commission-

ers, or any person or persons aggrieved as aforesaid, shall thereupon give two days notice in writing to the said company, of the time and place of such meeting, as last aforesaid, which said notice shall be served on said company in the same manner as the order for the appointment of commissioners is hereinbefore directed to be served; the said commissioners shall, after they arrive at their place of meeting, and on the day designated for such meeting, each be duly sworn or affirmed to act fairly and impartially, and faithfully to perform the duties of his appointment, which said oath or affirmation shall be in writing, and shall be subscribed by each commissioner; the said commissioners shall thereupon proceed to view the said turnpike road, or any bridge or bridges thereon, and shall be authorized in their discretion to examine witnesses, and can adjourn from time to time, and if in the judgment of said commissioners the said turnpike road, or any bridge or bridges thereon, shall be out of repair so as not to be in a proper condition to accommodate the public travel, they shall make and sign a report to that effect, and shall by such report direct the toll gate or gates on said road to be opened, and no toll to be taken thereon, which report shall be served on the toll gate keeper or keepers at any toll gate on the said road; and that evidence of such report may be preserved, they shall be authorized to sign several reports of the same tenor; if any keeper of any toll gate shall, after such report shall have been made and served, exact toll of travelers, he shall for every 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; after such adverse report as aforesaid, the said company shall pay to the person or persons complaining, the legal expenses of such proceedings hereby authorized; notwithstanding such adverse report whereby the said toll gate or gates shall be directed to be opened as aforesaid, if the said company shall amend and repair the said road, or any bridge or bridges thereon complained of and reported against as aforesaid, then it shall be lawful for the said company again to call together the said

commissioners, whose duty it shall be again to view the said turnpike road, or any bridge or bridges thereon reported against as aforesaid; two days' notice in writing shall be given by the said company of the time and place of such meeting to the person or persons who made complaint in writing, as aforesaid, to such judge of the common pleas, if he or they shall reside in the county of Cape May, which notice can be served personally, or on a member of the family of such person or persons, at the residence of such person or persons; the said commissioners shall, at the time and place designated, proceed again to view the said turnpike road, or any bridge or bridges thereon, and shall be authorized to examine witnesses, and adjourn as hereinbefore stated; and if, upon such review, the said commissioners shall adjudge the said turnpike road, or any bridge or bridges thereon complained of as aforesaid, to be in repair and in a condition to accommodate the public travel, they shall make and sign one or more reports to that effect, all of which shall be of the same tenor, and shall thereby allow the toll gates on said road to be closed, and toll to be taken for travel, which said report shall be served on the toll keepers of said road; in case of the death, absence, or other disability of any of the said commissioners, after any unfavorable report shall have been made, so that the same commissioners cannot be called on to review the said road, or any bridge or bridges thereon complained of as aforesaid, then it shall be lawful for the said company to apply to a judge of the supreme court to appoint three new commissioners, of like qualifications as aforesaid, who shall meet at such time and place as such judge shall direct, who shall take such oath as aforesaid, and such notice of the meeting of said commissioners shall be given to such person or persons who shall have complained in writing as aforesaid, if he or they can be found in the said county, as the said justice shall direct; and if such new commissioners adjudge that the said turnpike road, or any bridge or bridges thereon, are in repair and in a condition to accommodate the public travel, they shall make and sign one or more reports as aforesaid,

which shall be served as aforesaid, and thereupon the said company shall be authorized to close their gates and take toll as by their charter is allowed.

Compensation to officers.

3. *And be it enacted*, That the said judge of the common pleas shall be allowed one dollar for every order he may make, and the commissioners shall be allowed one dollar and fifty cents each per day, for every day's attendance in the performance of any duty in this act required.

Proceedings may be reviewed.

4. *And be it enacted*, That the report or proceedings of any commissioners as aforesaid can be reviewed both as to law and fact and on the merits of the case, by a writ of certiorari, to be issued out of the common pleas of this county, which can be allowed in term time, or in any vacation, by any justice of said court.

Part of former act repealed.

5. *And be it enacted*, That the fifteenth section of the act incorporating said company is hereby repealed, and that this act shall take effect immediately.

Approved March 22, 1860.

CHAPTER CCVI.

A further supplement to an act entitled "An act to establish and regulate pilots for the ports of Jersey City, Newark and Perth Amboy, by the way of Sandy Hook," approved April seventeenth, eighteen hundred and forty-six.

Selection of commissioners of pilotage.

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

referred to in the first section of the act to which this is a supplement, shall in future be selected from among such persons as have been officers in our naval, revenue or merchant service, or such as have been commanders of vessels engaged in our coasting trade.

2. *And be it enacted*, That this act shall go into operation immediately upon the passage thereof.

Approved March 22, 1860.

CHAPTER CCVII.

A further supplement to the act entitled, "An act to create the county of Union.

Jail of Essex county to be used for confinement of prisoners from Union county.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the jail of the county of Essex be and is hereby constituted a jail for the confinement of all prisoners of or from the said county of Union, until the first day of January, eighteen hundred and sixty-one, unless a jail shall sooner be provided in said county of Union; and the sheriff, or other officers, having the legal custody of any prisoner or prisoners within said county of Union, are hereby authorized and empowered to carry and confine such prisoner or prisoners to and in the jail of said county of Essex; and the keeper of 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 or prisoners shall be demanded by the proper officer or officers of the said county of Union, or by some other due or legal authority; and the 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 last named, as are or shall be allowed by the board of chosen freeholders of the county of Essex in like cases.

In cases of crimes punishable with death.

2. *And be it enacted*, That in case of conviction before the day aforesaid of any person or persons within the said county of Union, for any crime punishable with death, the court before whom such person or persons shall be convicted, shall be and are hereby empowered to sentence the said person or persons to suffer the said punishment within the said jail, or the enclosed yard thereof; and it shall be the duty of the sheriff of said county of Union, for the time being, to carry the said sentence into effect, according to the terms thereof, in the said jail, or the enclosed yard, of the county of Essex, which for that purpose shall be deemed and taken to be the prison and prison yard of the county of Union, any law restricting the jurisdiction and authority of said sheriff to the contrary notwithstanding.

Part of former act repealed.

3. *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.

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

Approved March 22, 1860.

CHAPTER CCVIII.

A further supplement to the act concerning roads, approved April sixteenth, eighteen hundred and forty-six.

Provisions of act not to apply to certain counties.

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

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

Approved March 22, 1860.

CHAPTER CCIX.

A further supplement to an act entitled "An act to incorporate the city of Salem," approved February twenty-five, eighteen hundred and fifty-eight.

Commissioners to lay out streets, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and common council of said city, upon petition of not less than twenty freeholders of said city shall, by ordinance, select and appoint three persons to act as commissioners to lay out, open, widen, alter or vacate any street, road, lane or alley in said city: said commissioners shall be discreet, impartial and disinterested persons, resident in said city, and shall take and subscribe an oath or affirmation to act faithfully and impartially in the premises; they shall cause ten days notice of their meeting, together with a general description of the improvements applied for, to be set up in three of the most public places in said city, and shall cause one insertion to be made in each of the papers published in said city of Salem at the time appointed, view the premises, and hear objections, if any shall be offered, after which, if they or a majority of them shall adjudge the improvement or alteration applied for proper and necessary, they shall establish it and appraise the actual damage incurred by the respective owners of property along the line thereof, and such assessment shall be deemed the just compensation to be made for private property taken for public use, as prescribed by the constitution of this state, and make return in writing under their hands, together with a map containing a particular description, by survey, of such improvement, and appoint a time for opening, or closing in case of vacating the same, which map and return shall be deposited in the office of the recorder of said city, for the inspection of the parties interested, and in case said return

shall be confirmed by the mayor and common council the same shall be endorsed "confirmed," and being subscribed by the mayor and sealed with the city seal shall, together with said map, be filed in the clerk's office of Salem county, and the return recorded by the clerk in the county road book, who shall be entitled to the same fees as for recording the return of the laying out of a public highway; *provided however*, that no return shall be confirmed until ten days after notice shall have been given, by two insertions in each of the papers published in said city of such return made to the mayor and common council, and to whom any person feeling aggrieved may appeal for relief; *provided further*, that if any person or persons shall be dissatisfied with the award of damages made by the aforesaid commissioners, he, she or they, may apply in writing to the court of common pleas of Salem county, who shall at their next ensuing session appoint six of the chosen freeholders of the county, not interested in the said improvement, and not of the city of Salem, who, or a majority of whom shall, upon ten days notice given by the applicant or applicants, and within twenty days of their appointment, proceed to view the premises, having been personally sworn or affirmed faithfully and impartially to execute the duties appertaining to their appointment, and make such award in writing of the actual damages as shall seem to them, or a majority of them, proper and just, which award shall be final and conclusive upon all parties concerned, and shall be filed in the county clerk's office, together with the return and map aforesaid; the chosen freeholders aforesaid shall be entitled to two dollars each per day for their services, and said compensation shall be paid by the applicant or applicants for their appointment.

Proviso.

Proviso.

Compensation to commissioners.

2. *And be it enacted*, That the commissioners provided for as aforesaid shall be entitled to two dollars each per day for their services, which sum shall be paid by the applicants.

Mayor and council may cause street to be opened.

3. *And be it enacted*, That the mayor and common council may, by ordinance, cause any street, road, lane or alley in said city, under this act, to be opened at the time speci-

fied by the commissioners for opening the same, and all buildings or other obstructions removed therefrom, and said street, road, lane or alley shall thereupon be a public highway; *provided however*, that it shall not be lawful for the mayor and common council of said city to enter upon any lands, to open or widen or alter any highway until the damages assessed thereon shall have been paid or legally tendered by the city of Salem. Proviso.

4. *And be it enacted*, That if any owner or owners of real estate in the said city of Salem shall neglect or refuse to comply with any ordinance of the city council, passed under authority of the eighth section of the city charter for grading, paving, curbing, cleaning and repairing the sidewalks of the streets or alleys of said city for the space of thirty days after personal notice served upon such owner or owners, or left at his, her or their place of residence, it shall and may be lawful for the city council to cause the said work to be done, and pay for the same out of any money in the city treasury not otherwise appropriated; a particular statement whereof shall be filed in the office of the city recorder; and such cost shall remain a lien upon the said real estate until paid; and the city council may either sue and recover the amount so paid as aforesaid from the owner or owners of such real estate, or their legal representatives, with interest and costs of suit, in any court having cognizance thereof, in an action on the case, in the name of the treasurer of the city of Salem, for so much money by them paid out and expended to and for the use of such owner or owners, and the statement of the expenses filed with the recorder, with proof of the amount paid, shall be conclusive evidence for the plaintiff; or the said city council may cause the said real estate, or such part thereof as they may think proper, to be advertised for four weeks in one or more newspapers of the city, and in handbills, to be put up in five of the most public places in the said city, and then proceed to sell at public outcry the said real estate, for the shortest period of time any person or persons will purchase the same and pay the amount against it, to- Proceedings in case of refusal to comply with ordinance.

gether with the cost and expenses attending the sale thereof, and when so sold may execute, under the seal of the city, a deed for the same; *provided always*, in the case of non-residents it shall be the duty of the city council to cause a notice, describing the property and the nature of the improvement required to be done, to be inserted in one or more newspapers of the city for two weeks, setting forth that unless the owner or owners appear and comply with the ordinance, the council will cause the same to be done at the expense of such owner or owners, the cost of which advertisement shall be borne by said owner or owners.

Proviso.

Proceedings may be reviewed.

5. *And be it enacted*, That all proceedings made contrary to law or the provisions of this act may be reviewed and set aside by the circuit court of Salem county, or the supreme court of the state of New Jersey, upon certiorari.

Former acts repealed.

6. *And be it enacted*, That all laws conflicting with the above supplement be and are hereby repealed.

Election of constables.

7. *And be it enacted*, That the legal voters of the city of Salem shall, at their annual city election, in addition to their present officers, elect one constable, with the same powers, immunities and liabilities as all other constables of the county of Salem.

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

Approved March 22, 1860.

CHAPTER CCX.

An additional supplement to the act entitled, "An act to provide for the support of the government of this state, and to fix the salaries of public officers," approved April fourth, eighteen hundred and forty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the moral instructor of the state prison shall receive the annual salary of six hundred dollars. Salary of moral instructor.

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

Approved March 22, 1860.

CHAPTER CCXI.

A supplement to the act entitled, "An act to incorporate the Weequahick Lake Association," approved March twenty-third, eighteen hundred and fifty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the pre- Map of location to be made and filed.

sident and directors of the association incorporated by the act to which this is a supplement, or others in their employ, at all times after the passage of this act, to enter upon all swamp, meadow, or other lands or water in the township of Clinton, in the county of Essex, above or about the stone bridge on the creek known as Bound creek, in the said township, and survey the same, and locate the dam authorized by the act to which this is a supplement, and to locate the artificial lake and the roads and carriage ways around the same, and to take the lands and grounds necessary for said roads and carriage ways, and for the parks, squares, walks, water works, and other divisions and improvements therein and hereby authorized; and when said location shall have been determined upon, the said president and directors shall cause a map to be made of all the lands and water which they may require for the purposes aforesaid, and file the same in the office of the register of the county of Essex aforesaid, and then it shall be lawful for the said association, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, and occupy, use, excavate, and embank any such lands, erect and maintain dams, construct roads, walks, and all other works, and to do all other acts and things which shall be suitable or necessary for forming and completing the lake and other improvements contemplated by the act aforesaid, compensation having first been made as herein provided for.

Proceedings in case company and owners cannot agree.

2. *And be it enacted*, That if the said association, or its agents, cannot agree with the owner or owners of such required lands, for the use or purchase thereof, or if by reason of their legal incapacity or absence of such owner or owners, no such agreement can be made, the said association shall give notice to the persons interested, if known and in this state; or if unknown, or out of this state, by publication in at least two of the daily newspapers published in the city of Newark, that they intend to make application to one of the judges of the court of common pleas in said county, on a day

and at a place to be named in said notice, and not less than twenty days from the date of service, or publication thereof, for the appointment of three commissioners; and on the said day, and at the place named in said notice, the said judge shall make said appointment of three commissioners, under his hand and seal; and it shall be the duty of said commissioners, (having first taken an oath or affirmation before some person authorized to administer the same, faithfully and impartially to examine the matter in question, and make a true report, according to the best of their skill and understanding,) to meet at such time and place as they shall designate, giving at least fifteen days' notice of their said meeting; and on the day so appointed, or on some subsequent day or days to which they may adjourn, to proceed to view and examine the said lands, and make a just and equitable estimate of the value of the same, and the said commissioners shall report in writing the whole amount which the said association must pay to each owner, stating in said report the metes and bounds of the lands assessed, which said report the association shall file in the office of the register of the county of Essex, and cause the same to be there recorded, and a copy thereof certified by the register of said county, shall at all times, after making the payment hereinafter mentioned, be considered as plenary evidence of the right of said association to have, hold, use, occupy, possess, and enjoy the land so described, in fee or otherwise; and it shall be the duty of said association to pay to the said owner or owners the amount assessed as aforesaid; or in case the owner or owners refuse to receive the same, or are incapacitated by law to receive the same, then said sum shall be delivered to the clerk of said county, to be by him retained for such owner, under the order and direction of the court of common pleas of said county; and upon making payment in either of the ways above stated, the title of the premises mentioned in said award, and so paid for, shall be vested in said association.

Parties dissatisfied may appeal.

3. *And be it enacted*, That if the said owners, or any of them, are dissatisfied with the report of the commissioners

named in the preceding section, the said party so dissatisfied may appeal to the circuit court of said county at the term next succeeding the filing and recording of such award, whereupon the said court shall proceed to hear and determine the whole matter in the same manner as if such owner had summoned said association to appear before said court; and if the jury, upon the trial of the cause, shall find a greater sum than the commissioners have awarded, or the association offered, in favor of said owner or owners, then judgment thereon, with costs, shall be entered against the association, which shall constitute a lien upon the property of the association, which said lien shall have priority over any other incumbrance which said association may have given; but if said jury shall find the same or a less amount than the company shall have offered or the said commissioners awarded, then the person appealing shall pay the costs in such manner as the court shall direct.

Commissioners may lease land.

4. *And be it enacted*, That the commissioners named in the act to which this is a supplement, shall have the power and authority to lease or purchase, within three years from the date of this supplement, such tract or parcels of land, for the uses and purposes of the association as they may deem suitable therefor; *provided*, such tract or parcels of land shall be located in the township of Clinton, in the county of Essex, and shall not exceed twenty-five acres; and the said association shall have the right to construct, keep and maintain such wells, reservoirs, fixtures and apparatus as may be necessary and useful to supply the neighborhood with good and wholesome water from said lake for domestic and other purposes, and to make contracts with persons and corporations for the preservation, supply and use of said water, and to erect, construct, and maintain all works necessary for that purpose.

Proviso.

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

Approved March 22, 1860.

CHAPTER CCXII.

A supplement to the act entitled "An act to incorporate the Merchants' Mutual Fire and Marine Insurance Company," approved February eighteenth, eighteen hundred and fifty-eight.

Capital stock may be increased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the directors of the Merchants' Mutual Fire and Marine Insurance Company to provide additional security for the insured by establishing all necessary rules and regulations for raising a capital for said company to the amount of fifty thousand dollars, with privilege to increase the same at any time to two hundred thousand dollars, to be divided into shares of twenty-five dollars each, the half of which capital shall be paid in cash, and constitute the capital stock of said company, and the other half may be secured to the company by good guaranteed notes or obligations, which shall be subject to ratable assessment, in accordance with the by-laws, to meet losses.

Stock transferable.

2. *And be it enacted*, That the stock of said company shall be deemed to be personal property, and shall be assignable and transferable as the rules of the company may direct.

Capital stock may be invested.

3. *And be it enacted*, That it shall be lawful for the said company to invest its cash capital, or the funds accumulated by its business, or any part thereof, in the stocks of the incorporated cities of this state or of the United States, or the states of Massachusetts, New York, Ohio, Kentucky, Virginia or Pennsylvania, and in bonds secured by mortgages on unencumbered real estate within this state worth double the amount so invested.

Dividends.

4. *And be it enacted*, That it shall be lawful for the directors to make dividends of so much of the profits of the company as shall appear advisable, among the stockholders,

upon such ratio as shall be established by the by-laws, and pay out said dividends to the parties entitled thereto.

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

Approved, March 22, 1860.

CHAPTER CCXIII.

A supplement to an act entitled "An act to regulate the grading of the streets and sidewalks, paving and curbing, in the town of Mount Holly."

Commissioners may erect gas posts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the duties and powers conferred upon the commissioners, or their successors in office, designated in the act to which this is a supplement, they, or any two of them, shall have further power to erect, within the boundaries of the town of Mount Holly, as specified in the sixth section of the act to which this is a supplement, at such points and at such distances as will best answer the design of this supplement, gas posts, burners and reflectors in the streets, avenues, roads, alleys, lanes and public grounds, and to do all things necessary for the lighting of the same with gas.

Commissioners to make estimate of costs, &c.

2. *And be it enacted*, That it shall be the duty of the said commissioners, on or before the twentieth day of May, in

each and every year, to make an estimate of the probable cost and expense of lighting the streets, avenues, roads, alleys, lanes and public grounds in said town, with gas, and certify the same in writing on or before the time aforesaid, to the assessor of the township of Northampton, whose duty it shall be to assess and raise by tax, in the same manner as other taxes are assessed and raised, the amount so estimated by said commissioners on and from persons residing in, and the owners of lands located within the boundaries of said town designed to be lighted; and the tax so as aforesaid assessed shall be collected by the township collector of the township of Northampton, in the same manner as is prescribed by law for the collection of township taxes, and retained and paid out by him at such times and in such a manner as the said commissioners, or any two of them, shall designate by a written order for that purpose.

Penalty for injuring works

3. *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 gas post, burner or reflector, or any thing appertaining to the same, 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 the said street commissioners, in any court of this state having cognizance of the same, and the amount recovered to be by them appropriated towards defraying the expense of lighting as aforesaid.

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

Approved March 22, 1860.

CHAPTER CCXIV.

A further supplement to the act entitled "An act to authorize the business of banking," approved February twenty-seventh, eighteen hundred and fifty.

Notes returned to be destroyed by treasurer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all circulating notes returned to the treasurer shall immediately, in the presence of the president or cashier of the bank returning the same, be counted and cut or mutilated in the manner that checks of incorporated banks are usually cut or mutilated, and burnt or destroyed by the treasurer, in the presence of said president or cashier, on the return thereof; and the treasurer shall register in a book the amount of each denomination of notes so cut and destroyed, with the name of the association returning the same.

Part of former act repealed.

2. *And be it enacted*, That the fourth section of a supplement to said act, approved March twenty-sixth, eighteen hundred and fifty-two, and so much of the thirty-second section of the act which this is supplemental thereto which conflicts with the provisions of this act, be and the same is hereby repealed.

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

Approved March 22, 1860.

CHAPTER CCXV.

AN ACT to authorize Lucy M. Cooper, guardian of Lydia, Emma, and Caroline Cooper, and William Wade Griscom, and Sarah M. his wife, late Sarah M. Cooper, to make a sale of wood and timber, on the undivided premises of said wards, and William Wade, and Sarah M. Griscom, in the township of Deptford, in the county of Gloucester.

WHEREAS, the said Sarah M. Griscom, late Sarah M. Cooper, wife of William Wade Griscom, Lydia Cooper, Emma Cooper, and Caroline Cooper, are the owners in fee simple of a tract of woodland, in the township of Deptford, aforesaid, and whereas, it is represented by their mother and guardian above mentioned, that much of the said timber must go to decay, and much loss ensue, if it should remain uncut, until all of the said owners become of lawful age, and that it would be greatly to the interest of the said wards and children, if the said Lucy M. Cooper were authorized to make sale of a part of the wood and timber aforesaid, for their benefit; but that the same cannot be done, without the aid of a special law for that purpose—therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said Lucy M. Cooper, guardian of Lydia, Emma, and Caroline Cooper, and William Wade Griscom, and Sarah M. his wife, be, and they are hereby authorized and empowered to make sale of such and so much of the wood and timber, on the premises of the above named owners, as is now fit for market; and as in the judgment of the said guardian, and William Wade and Sarah M. Griscom, it will best subserve the interest of the said owners, to convert into money and invest the net proceeds of such sales in some safe securities, drawing interest under the direction of the orphans court of the county of Gloucester; *pro-* Guardian to sell wood and timber. Proviso.

vided always, that the proceeds of such sales shall descend and be divided as real estate, and not distributed as personal property.

Statement of sales to be made.

2. *And be it enacted*, That the said guardian shall within six months, after the sale aforesaid, make and exhibit under oath or affirmation, to the orphans court of the said county of Gloucester, a statement of the amount of such sales, which statement shall be recorded and filed in clerk's office aforesaid.

Approved March 22, 1860.

CHAPTER CCXVI.

AN ACT to confirm the sale of the Baptist Church at Jefferson Village, in the county of Essex, to the Methodist Episcopal Society of said place.

Preamble.

WHEREAS, the Methodist Episcopal Church at Jefferson Village, in the county of Essex, was formerly owned by the Baptist Church of said Jefferson Village; and whereas, the said Baptist Church have, through their trustees, by deed dated the tenth day of July, eighteen hundred and fifty-eight, and recorded in Essex county clerk's office, in book P., ten of deeds, pages three hundred and fifty-five, &c., sold and conveyed all their right, title and interest in said church to the Methodist Episcopal Society of said Jefferson Village; and whereas, it is the desire of both of said

denominations that said sale and conveyance shall be confirmed and made legal, therefore

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sale and conveyance, so as aforesaid made by the trustees of the Baptist Church at Jefferson Village, of their right, title and interest in and to said church, in the above preamble mentioned, to the said Methodist Episcopal Society of Jefferson Village, be and is hereby declared confirmed, and legal and binding upon said parties, in accordance with the terms of said sale and conveyance. Sale confirmed.

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

Approved March 22, 1860.

CHAPTER CCXVII.

AN ACT to incorporate the Morris County Agricultural Society.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George T. Cobb, Alfred M. Treadwell, Henry M. Olmstead, Nathan A. Cooper, Joseph B. Basinger, Nelson H. Drake, and Martin S. Van Ness, of the county of Morris, and their associates and successors, shall be and they are hereby constituted and appointed a Names of corporators.

body politic and corporate, by the name of "the Morris County Agricultural Society."

Society may make by-laws.

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

Proviso.

Corporation may hold real estate.

3. *And be it enacted*, That the said corporation may purchase, use, hold, possess and enjoy such real and personal estate as they may from time to time deem necessary for the well being and to promote the interest and objects of this society, and the same or any part or parts thereof from time to time to sell, mortgage, lease or otherwise dispose of at pleasure; *provided*, that such real and personal estate so held shall not exceed in its cost value the sum of twenty thousand dollars.

Property not liable to taxation.

4. *And be it enacted*, That all land or other property which may hereafter be owned or held, by lease or otherwise, by said society, and used for the purpose of promoting its objects, shall not be liable to have any taxes assessed or levied upon the same for any purpose or purposes whatsoever.

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

Approved March 22, 1860.

CHAPTER CCXVIII.

AN ACT to incorporate the Phillipsburg Manufacturing Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Joseph Howell, Jacob Siegle, William R. Beers, William Warner, James M. Andrews, John S. Bach, John Howell, Edmund Teel, John Green, John Tindall, Nelson Lake, Lewis C. Reese, Thomas J. Titus, John C. Bennett, Horace M. Norton and Charles Sitgreaves, and their associates and successors, are hereby created a body politic and corporate in law, by the name and style of "The Phillipsburg Manufacturing Company," to be located at Phillipsburg in the county of Warren, to carry on the business of manufacturing cotton fabrics, and to dye, color, and print the same, and for that purpose the said company shall or may raise by subscription a capital stock of two hundred thousand dollars, with the privilege of increasing the same to four hundred thousand dollars, to be divided into shares of twenty-five dollars each. Names of corporators.

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 Warren, 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. Company may hold real estate.

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 twenty-five thousand dollars shall have been subscribed, and fifty per centum of that amount paid 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, When company may commence business.

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.

Payment of installments.

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

Proviso.

Affairs to be managed by five directors.

5. *And be it enacted*, That the stock, property and affairs of the said corporation shall be managed by not less than five 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.

Annual statement to be made.

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 said corporation, as nearly as the same may be ascertained, and when desired by one or more of the stockholders, shall be accompanied by the oath or affirmation of an officer, or one of the board of directors, stating the same to be correct to the best of their knowledge and belief.

Semi-annual dividends to be made.

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 days of January and July of each year, and paid to the stockholders or their attorneys at such time as may be agreed upon 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, &c., may be taken for subscription.

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.

General powers.

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 is applicable.

Limitation.

11. *And be it enacted*, That this corporation shall be lim-

ited to thirty years, and that the legislature may alter, amend or repeal this act whenever the public good may require it.

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

Approved March 22, 1860.

CHAPTER CCXIX.

AN ACT to authorize the election of one collector of taxes in the township of Woodbridge, Middlesex county, instead of two, as heretofore.

Election of collector of taxes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter there shall be elected in the township of Woodbridge, in the county of Middlesex, one collector of taxes for the whole of said township, instead of two collectors of taxes, as heretofore.

Part of former act repealed.

2. *And be it enacted*, That the act to erect an election district in the township of Woodbridge, in the county of Middlesex, approved March eighteenth, eighteen hundred and fifty-eight, be and the same is hereby repealed.

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

Approved March 22, 1860.

CHAPTER CCXX.

AN ACT to incorporate the Lambertville and Rocky Hill Turnpike Company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Ingham Coryell, Charles A. Skillman, Alexander B. Holcombe, Bloomfield Blackwell, David O. Larue, Jacob Young, Joseph B. Dalrymple, John L. Case and John Riley, and such other persons as may hereafter be associated with them, shall be and are hereby constituted a body politic in law, by the name "the Lambertville and Rocky Hill Turnpike Company." Names of corporators.

2. *And be it enacted*, That the capital stock of said corporation shall be twenty thousand dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal estate, and shall be transferable in such manner as the by-laws of said corporation shall direct, and that said corporation may increase the capital stock to any sum not exceeding one hundred thousand dollars. Amount of capital stock.

3. *And be it enacted*, That Henry Mathew, Cornelius Arnet, William Runyon, Ferdinand S. Holcomb, Andrew J. Lanning, Charles Wilson, Jacob Williamson, Jacob S. Durham and John Quick, or a majority of them, shall be commissioners to receive subscriptions for the capital stock of said corporation, and they, or a majority of them, are hereby authorized for that purpose to open books of subscription, at such times and places as they, or a majority of them, shall appoint, giving twenty days notice of such times and places in at least one newspaper published in each of the counties of Hunterdon and Mercer, and at such times and places so fixed the said commissioners, or a majority of them, shall attend and receive subscriptions to the capital stock, and if more shall be subscribed than by this act is authorized, the Commissioners to receive subscriptions.

said commissioners, or a majority of them, shall apportion the same as to them shall seem fair, equitable and just, and at the time of subscribing for said stock the sum of five dollars on each share subscribed shall be paid to the said commissioners, in specie or its equivalent, and the residue may be called in and shall be paid in such amounts by installments, as is by this act hereinafter directed.

Election of directors.

4. *And be it enacted*, That whenever there shall be two hundred shares of the said stock subscribed, and six thousand dollars paid in as above directed, the said commissioners, or a majority of them, shall give public notice for ten days, in one or more newspapers of this state, of a meeting of the subscribers to said stock, for the purpose of choosing directors and organizing the said company, and of which said election the said commissioners, or a majority of them, shall be the judges, which subscribers so met shall proceed to elect by ballot from among the stockholders thirteen directors, a majority of whom shall be citizens and residents of this state, and hold their offices for one year and until others are elected, and such stockholder at such election, and at all future elections of said corporation, shall have one vote for each share he, she or they may hold in his, her or their names at least fifteen days before the time of such election, and that such stockholders may vote at any election by proxy duly authorized for that purpose.

Payment of installments.

5. *And be it enacted*, That the said board of directors so to be chosen as aforesaid shall and may elect out of their body, or from among their stockholders, a president, who shall be a resident of this state, and such other officers, with such salaries as they may deem proper; and shall and may employ such artificers, engineers, agents, laborers and workmen, with such compensation as shall appear to the said directors reasonable and just; and shall and may make, ordain and establish such by-laws and regulations for their own government, and that of the persons by them employed, as shall from time to time be necessary to effectuate this charter; and a majority of said board shall at all times be a quorum

for the transaction of business, and may have power to call in the remainder of the capital stock of said corporation by installments not exceeding five dollars on each share, by giving thirty days' notice of such required installments in one or more newspapers circulating generally in the neighborhood where such stockholders reside; and if any stockholder refuse to pay the same, he, she or they so neglecting or refusing shall forfeit their stock and all payments made thereon; and the said board of directors shall and may require from the treasurer such security as to them shall seem just; *provided always*, that no by-law or regulation of said company shall be inconsistent with or repugnant to the constitution and laws of this state or of the United States, or this charter. Proviso.

6. *And be it enacted*, That when the said board of directors are so elected and chosen, the said commissioners are hereby authorized and required to pay over to the said board of directors, or to such person as they, or a majority of them, shall direct, all moneys they have received for the subscription to the said capital stock, first deducting therefrom all expenses to which they have been exposed for books, printing or other expenditures, and the sum of one dollar per day for each and every day they have been employed in the duties of their appointment; and the directors so chosen, and their successors, shall annually thereafter cause an election to be held at such time and place as their by-laws shall direct, for directors for said corporation; and such directors, so annually chosen, shall in like manner have power to elect their president and other officers, agents, engineers, workmen, and other artificers, as is by the fifth section of this act herein provided; and shall and may have power at all times to remove their officers and other persons appointed, and to appoint others in their stead, if the interests of the company shall require it; and also to have power to fill all vacancies in the offices of said corporation which may or shall happen by death, resignation or otherwise. Commissioners to pay over money.

Corporation not dissolved for failure to elect on day prescribed.

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

Description of road.

8. *And be it enacted*, That the president and directors of the said company are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a plank or turnpike road, not exceeding sixty feet in width, to be formed a special artificial road of not less than sixteen feet in width continuous, either of substantial plank or timber, or of stone, gravel or other hard substance, laid down in a firm and workmanlike manner, so as to present a good, smooth and sufficient road at all seasons of the year, and in no case to rise above an angle of ten 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, to commence at some point in or near the town of Lambertville, in the county of Hunterdon, and thence, passing by the most convenient and eligible course, to some point near the basin of the Delaware and Raritan canal, at Rocky Hill, in the county of Somerset, with a branch from the same at or near the village of Ringoes to the Ringoes station on the Flemington railroad; and it shall or may be lawful for the president and directors, their agents, engineers, superintendents, or others in their employ, to enter at all times upon all lands or water for the purpose of exploring, surveying, leveling or laying out the route or routes of such road, and of locating the same, doing no unnecessary injury to private property; and when the route of such road shall have been agreed upon and filed in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, 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 construct said road, and to do all other things which shall be necessary or suitable to carry into full effect the objects of this charter; *provided always*, that the said corporation shall pay, or make tender of payment, for all damages for the occupancy of the lands through which the said road may be laid out, before the said company, or any person in their employ, shall enter upon or break ground in the premises, except for the purpose of surveying said route, unless the consent in writing of the owner or owners of such land be first had and obtained; and upon payment, or tender of such compensation as aforesaid to the said owner or owners, then the said corporation shall be deemed seized and possessed in fee simple of all such land or real estate. Proviso.

9. *And be it enacted*, That if the owners of the land on which said road shall be located shall not be willing to give the same for such purposes, and the said company and owners cannot agree as to the price of the same, it shall be the duty of any justice of the supreme court of this state, who is disinterested in the premises, upon the application of either party, and after ten days' notice in writing to the opposite party of such application, and after hearing the parties to appoint three disinterested commissioners, freeholders of this state, to assess the price or value of such land and all damages sustained, who shall be sworn before said justice faithfully to execute the duties of such appointment, and after ten days' notice in writing to both parties of the time and place, shall meet, view the premises and hear the parties and evidence, if desired, and thereupon make such decision or award as to them shall appear just and proper, and transmit such award and decision, together with the description of said land and the quantity taken, by whom owned and how situate, bounded and described, in writing, under the hands and seals of a majority of them, to the justice who appointed them, to be returned by him and filed, together with all the papers before him relating thereto, in the clerk's office of the county in which said land lies, there to be recorded and kept as a Proceedings in case company and owners cannot agree.

public record, and copies taken if required by either party; and if either party shall feel aggrieved by the decision of such commissioners, the party so aggrieved may appeal to the circuit court of the county in which said land lies, at the first term after such decision of the commissioners, by proceeding in the form of petition to the said court, with five days' notice in writing to the opposite party of such appeal, which proceeding shall vest in the circuit court full right and power to hear and adjudge the same, and if required shall award a venire in the common form for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of the said land, and all damages sustained, and for that purpose to view the land in question, if required by either party to do so; and if the said jury be demanded by the company, and they shall find a greater sum than the said commissioners, then judgment shall be given, with costs, against the said company, and execution issue, if need be; but if the said jury shall be demanded by the owner or owners, and shall find the same or a less sum than the commissioners awarded, then the costs shall be paid by the owner or owners, and shall be deducted out of the said sum so awarded, or execution issued therefor, as the court shall direct; and upon payment or tender of the sum so found by the commissioners or by the jury, with costs, if any, the said corporation shall be deemed to be seized and possessed in fee simple of all such lands and real estate so appraised as aforesaid.

Company may use public road.

10. *And be it enacted*, That the said president and directors of the said company are hereby authorized and invested with all the rights and powers necessary to occupy any public road which may lie in the course of the road mentioned in the eighth section as shall be deemed expedient and proper;

Proviso.

provided, that consent thereto shall be given by a majority of the freeholders of the township in which said public road lies, present at a meeting to be called by the chosen freeholders of said township for the purpose; and if such public road be so occupied, the inhabitants residing on the part so

taken shall not be assessed for the maintenance and repair of any such part or portion during its occupancy by the said company.

Payment of amount of award.

11. *And be it enacted*, That in case any owner or owners of such lands or real estate shall be femme covert, under age, non compos mentis, out of the state, or under any other disability which would prevent their agreement with the said company, then it shall be the duty of the said corporation to pay the amount of any award or report so made in behalf of any such person into the court of chancery (or supreme court, if there be no chancellor,) to the clerk thereof, subject to the orders of the said court, for the use of the said owner or owners, all which proceedings, as well under this as the last section of this act, shall be at the proper cost and charges of the said corporation, except in cases of appeal above provided for, and the said chancellor or court aforesaid shall and may direct the amount of costs and charges of such valuation, appraisement and witness fees.

Rates of toll.

12. *And be it enacted*, That the said company may erect gates and turnpikes across the said road, and demand and receive toll for each mile of the said road not exceeding the following rates, to wit:

For every carriage, sleigh or sled drawn by one beast, one cent.
For every additional beast, one cent.
For every horse and rider, or led horse or mule, five mills.
For every dozen calves, sheep or hogs, and so in proportion for greater or less number, one cent.
For every dozen of horses, mules or cattle, and so in proportion for greater or less number, three cents.

And it shall be lawful for any toll gatherer to stop any horse, mule, calves, sheep, hogs, carriage of burthen or pleasure, from passing through any of the said gates or turnpikes until the toll as above specified has been paid for them respectively.

Milestones to be erected.

13. *And be it enacted*, That before the said company shall demand or receive toll for travelling said road, they shall cause mile stones or posts to be erected and maintained, one for each and every mile on said road, and on each stone or

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post shall be fairly and legibly marked the distance the said stone or post is from the point of commencement of said road in Lambertville, and shall cause to be affixed and always keep up at the gate aforesaid, in some conspicuous place, a list of the rates of toll which may be lawfully demanded.

Penalty for injuring works

14. *And be it enacted*, That if any person shall wilfully break, throw down or deface any of the mile stones or posts erected on the said road, or shall wilfully cut, break down, destroy or deface, or otherwise injure any gate, turnpike, bridge, timber or plank that shall be erected, built, placed or laid down in pursuance of this act, or shall forcibly pass the same without having paid the legal toll at the gate or turnpike, such person or persons shall forfeit and pay a fine of twenty dollars, besides being subject to an action of damages for the same, to be recovered by the said company, to their use, in an action of debt, with costs of suit; and if any person shall with his team, carriage or horse turn out of said road to pass a gate or gates 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 gates, to be recovered by said company, to their use, in an action of debt, with costs of suit.

Penalty for taking illegal tolls.

15. *And be it enacted*, That if any toll gatherer shall unnecessarily delay or hinder any person passing at any of the gates, 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 for and recovered for the sole use of the person so unreasonably hindered or defrauded.

Penalty for obstructing passage.

16. *And be it enacted*, That all drivers of carriages, sleighs or sleds, whether of burthen or pleasure, or persons on horseback using the said road, shall keep their horses, carriages or sleds on the right hand of said road, in the passing direction, leaving the other side of the road free and clear for the other carriages or persons on horseback to pass; and if any person shall offend against this provision, such person or persons

shall, besides being liable to make compensation for all damages, forfeit and pay the sum of five dollars to any person or persons who shall be obstructed in his or her passage, and will sue for the same, to be recovered by an action of debt, with costs of suit.

17. *And be it enacted*, That this shall be deemed and taken as a public act, and shall at all times, in all courts and places whatsoever, be recognized as such, and shall be commenced within two years, and continue in full force for the term of fifty years. Public act.

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

Approved March 22, 1860.

CHAPTER CCXXI.

AN ACT to enable the inhabitants of South Dennis school district, in the county of Cape May, to collect money for school 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 two-thirds of the legal voters of South Dennis school district, Trustees to collect amount of tuition.

in the township of Dennis, in the county of Cape May, present at their next annual district school meeting, and at each annual school district meeting thereafter, to authorize the trustees of said district, whenever they may deem it necessary, to demand, collect, and recover of the parent, guardian or guardians of any child or children that may attend any public school or schools of said district, (for the benefit of said school or schools,) any sum of money not exceeding one dollar and twenty-five cents per term for each and every scholar that may attend any school of said district; except such indigent persons as a majority of the said meeting shall or may excuse from the payment thereof.

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

Approved March 22, 1860.

CHAPTER CCXXII.

AN ACT for the relief of Stephen Barton, of the county of Union, a soldier of the war of eighteen hundred and twelve.

Treasurer authorized to pay S. Barton, fifty-two 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 be and he is hereby authorized and required to pay Stephen Barton, of the county of Union, a soldier of the war of eighteen hundred and twelve, between the United States and

Great Britain, the sum of fifty-two 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 Stephen Barton, 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.

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

Approved March 22, 1860.

CHAPTER CCXXIII.

AN ACT to equalize taxation in the county of Ocean.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the assessors of the several townships of the county of Ocean shall, on or before the thirty-first days of August in each and every year hereafter, deliver to the chosen freeholder of the township his tax book or book of assessment, with his oath or affirmation endorsed thereon, to the effect that the within is his original and only book of assessment, and contains a true, full and just account of the persons, lands, estates, chattels and effects, and everything whatever liable by law to taxation in the township. Assessors to deliver books of assessment.

2. *And be it enacted*, That the chosen freeholders of the several townships of said county, shall meet at the hour of Freeholders to fix quota of tax.

ten in the forenoon of the first Monday in September, in every year, at the court-house of said county, and at such meeting shall produce the tax book of their respective townships, and by them shall adjust and fix the quota of state and county tax to be levied and collected in each township; and the said freeholders, or a majority of them, shall annex to the tax book of each township a statement of the amount of state and county tax to be paid by such township, and shall cause the said tax books to be delivered again to the respective assessors within five days after such meeting, and within fifteen days thereafter, the said assessors shall deliver to the township collector a true transcript of the assessment as required by law.

Annual meetings of assessors abolished.

3. *And be it enacted*, That the annual meeting of the assessors of the several townships of the county of Ocean, as now required by law to be held, be and the same is hereby abolished.

Abstracts to be delivered by freeholders.

4. *And be it enacted*, That the abstracts required by law to be made and delivered by the assessors of said county, at their meeting on the first Monday in September, be made and delivered by the chosen freeholders of such county.

Former acts repealed.

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

Approved March 22, 1860

CHAPTER CCXXIV.

Supplement to an act entitled, "An act to abolish the courts of the borough of Elizabeth.

Records to be deposited in clerk's office.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the person last holding the office, and exercising and performing the duties of clerk of the courts of the borough of Elizabeth, be and he is hereby authorized and required to deposit forthwith, in the office of the clerk of the county of Union, all books, papers, and records of the said courts, together with the seal thereof.

Clerk authorized to certify proceedings.

2. *And be it enacted*, That the clerk of the county of Union be and he is hereby authorized and empowered to certify to all proceedings, acts, and records of the said borough courts in as full and ample a manner as the clerk of the said courts might or could have done prior to the passage of the act to which this is a supplement; and the copies of all records, acts, and proceedings so certified by the said clerk of the county of Union, shall be received as evidence in all courts of this state.

Compensation of clerk for copies.

3. *And be it enacted*, That the said clerk of the county of Union be and he is hereby required to give to all persons requesting the same, certified copies of the said records and proceedings, and shall be entitled to receive for all such copies from the person receiving them, the same compensation as he is now entitled to receive for similar services.

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

Approved March 22, 1860.

CHAPTER CCXXV.

AN ACT to incorporate the Newark and Clinton Horse Car Railroad Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John S. Peshine, John Whitehead, Charles N. Lockwood, Frederick W. Allen, Josiah L. Baldwin, Henry N. Parkhurst, Anthony Q. Keasbey, David A. Hayes, Hubbel W. Risley, Nathan J. Bailey, William G. Lord, Samuel W. Bond, David S. Smith and such other persons as may be hereafter associated with them, shall be, and they are hereby made, ordained and constituted a body politic and corporate, in fact and in law, by the name of "the Newark and Clinton Horse Car Railroad Company," and shall be capable of purchasing, holding, and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient for the objects of this corporation.

Amount of capital stock.

2. *And be it enacted*, That the amount of capital stock of said company shall be fifty thousand dollars, with the privilege of increasing the same to one 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 by-laws direct.

Commissioners to receive subscriptions.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said company, 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 the county of Essex; and if more than fifty thousand dollars of stock be subscribed it shall be the duty of the said commis-

sioners to make a fair and just apportionment of the stock among the subscribers in such manner as they may think best calculated to secure the speedy construction of said road.

Election of directors.

4. *And be it enacted*, That at the time of subscribing for said stock ten per centum shall be paid upon the amount subscribed for, to the commissioners, or some one of them, and so soon as the sum of twenty thousand dollars of the capital stock is subscribed for, the said commissioners shall give ten days notice of the time and place of holding a meeting of the stockholders, by advertisements published in two of the newspapers published in the county of Essex, signed by any three of said commissioners, at which time and place the said stockholders shall choose thirteen directors, a majority of whom shall be chosen from the above named commissioners and shall be residents of this state; at such election the said commissioners, or any three of them, shall act as inspectors, and said stockholders may vote in person or by proxy, each share of the capital stock entitling the holder thereof to one vote, and the said thirteen persons so elected as aforesaid shall be the first directors of said company, and continue as such directors until such time in the year eighteen hundred and sixty-one as the said company by their by-laws may appoint for the annual election of directors; and the said directors, as soon as may be convenient after their election, and the directors chosen at every annual election of said company, shall from their own number elect a president, who shall be a resident of this state; and in case of the death, resignation, or removal of the president or any director such vacancy or vacancies may be filled for the remainder of the year in which they may happen by a majority of the said directors, and in the absence of the said president a majority of the said directors may appoint a president pro tempore, who shall have such powers and functions as the by-laws of the said company shall provide.

First meeting of directors.

5. *And be it enacted*, That the time and place of holding the first meeting of said directors shall be fixed by the said commissioners, and immediately upon the organization of the

said directors the said commissioners shall deliver over to them the subscription books and money paid in to them by the subscribers to said capital stock, after deducting all proper and necessary expenses previously paid or incurred by them.

Corporation not dissolved for failure to elect on day prescribed.

6. *And be it enacted*, That the number of the directors of the said company shall be thirteen, and in case an election of directors shall not be made upon the day provided by the by-laws of said company for such election, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time upon twenty days notice given by the directors or some officer of said company authorized by them to give such notice in two of the newspapers published in the county aforesaid, and the directors for the time being shall continue to hold their offices until others shall have been chosen in their places.

Payment of installments.

7. *And be it enacted*, That a majority of the directors of said company shall be competent to transact all business of the said corporation, and shall have power to call in the remaining stock of said company by such installments, and at such times as they may direct, by giving thirty days previous notice in two newspapers published in the county of Essex;

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provided, that no installment shall exceed ten dollars on each share, and that no two installments shall be required to be paid within thirty days of each other; and in case of the non-payment of said installments, or any one of them, the said directors shall have power to forfeit the share or shares upon which said default shall arise to said corporation; and said directors shall have power 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, effects and business 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 to the president, as to the said directors shall seem proper.

8. *And be it enacted*, That the president and directors of

said company be and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out and construct a railroad from some point on the boundary line between said township of Clinton and the city of Newark, and over, across, and along the line of the road of the Newark and Clinton Plank Road Company, or such part or parts thereof as they may deem necessary, with such branches as may be necessary, and to locate and construct said railroad, not exceeding one hundred feet in width; and it shall be lawful for said president and directors, their agents, engineers, superintendents, and others in their employ, to enter at all times upon lands for the purpose of exploring, leveling, surveying and laying out the route of such railroad, and of locating the same, and to make and erect all necessary works, buildings, and appendages thereof, doing no unnecessary damage to private property; and when the route and location of said railroad shall have been determined upon, and a survey thereof deposited in the office of the secretary of state, then it shall be lawful for said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, use, occupy and excavate any such lands, and to erect embankments and all other necessary works thereon, and to lay rails, and to do all other things which may be suitable and necessary for the completion or repairs of the said railroad, and to carry into full effect the objects of this act, subject to such compensation, and upon such terms as are hereinafter provided for.

Company authorized to construct road.

9. *And be it enacted*, That if the said railroad shall be located on any public street or highway belonging to any incorporated company, except for the purpose of crossing the same, the said company shall not lay any rails along said streets or highways, nor commence the work for that purpose, without first obtaining the consent and permission of the board of directors of said incorporated company, upon such conditions and restrictions as the said board of directors may im-

Company not to lay rails on public streets without permission.

pose; and if the said railroad shall be located on the road of the said the Newark and Clinton Plank Road Company, except for the purpose of crossing the same, the said company shall not lay any rails along said road of the said plank road company, nor commence the work for that purpose, without first obtaining the consent and permission of the board of directors of said plank road company, and if the said railroad shall be located on any public highway, except for the purpose of crossing the same, in the township of Clinton, the said company shall not lay any rails along such highway without first obtaining the consent, in writing, of the township committee, surveyors of the highways or chosen freeholders of said township, or a majority of them, to lay the same, which consent shall be filed in the office of the clerk of the county of Essex, and the said railroad and the rails thereof shall be constructed in such manner, and of such size and pattern, as to impair as little as practicable the ordinary travel in any street or highway in which the said road may be located.

Proceedings when company and owners cannot agree.

10. *And be it enacted*, That if the said company, or its agent or agents, cannot agree with the owner or owners of such required land, for the use or purchase thereof, or if by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land so required for the use of the said company in the construction of the said road shall be given in writing, under the oath or affirmation of some engineer or proper agent of said company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the judges of the inferior court of common pleas of the county of Essex, 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 ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named,

at which time and place, upon satisfactory evidence to him of the service or publication of such notice as aforesaid, he shall appoint under his hand and seal three disinterested, impartial and judicious freeholders, residents of this state, commissioners to examine and appraise the said lands and to assess the damages, upon such notice, not less than ten days, to be given to the persons interested, or otherwise, as shall be directed by the judge making the appointment of commissioners; and it shall be the duty of said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer the same, faithfully and impartially to examine the matter in question, and make a true report according to the best of their skill and understanding, to meet at the time and place appointed, and to proceed to view and examine the said lands, the said commissioners at the same time taking into consideration all the benefits to be derived from or in consequence of said railroad, as the case may be, to the said owner or owners, and to make a just and equitable appraisement of the value of the same, and an assessment of damages to be paid by the said company, which report shall be made in writing, under the hands and seal of said commissioners, or any two of them, and filed within twenty days thereafter, together with the aforesaid description of the lands, and the appointments and oaths or affirmations aforesaid, in the clerk's office of said county, to remain of record therein, which report, or in case of an appeal, the verdict of a jury and the judgment of the court, and a copy thereof certified by the clerk of said county, (the damages and costs assessed and adjudged being first paid as hereinafter mentioned,) shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess and enjoy the said lands, and either of the judges of the said court shall, on application of either party, on reasonable notice to the other, tax and allow such costs, fees and expenses to the judges of the said court, commissioners, clerks, and other persons performing any of the duties prescribed in

this section as he shall think equitable and just, and to order and direct by whom the same shall be paid.

Parties dissatisfied may appeal.

11. *And be it enacted*, That in case the said company, or owner or owners of the said lands shall be dissatisfied with the report made by the said commissioners named in the preceding section of this act, the party so aggrieved may appeal to the circuit court of the said county of Essex, at the first term after filing of the said report, by proceeding in the form of petition to said court, which proceedings shall vest in said circuit court full right and power to direct a proper issue for the trial of the said controversy, between the said parties, and order a jury to be empannelled and sworn as in other cases, and a view of the premises to be had, if either of the parties desire it, and the issue to be tried at the next term of said court to be holden in said county, upon like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the jury to assess the value of the said land and the damages sustained, and if they shall find a greater sum than the commissioners have awarded, or the company have offered to the said owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded thereon; and if the said appeal shall be applied for by the owner or owners, and the jury shall find the same or a less sum than the commissioners awarded or the company offered, then the said costs shall be paid by the said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the court shall direct, but such application shall not prevent the company from taking the said land upon filing the said report; *provided*, that in no case whatever shall said company enter upon or take possession of the lands of any person or persons for the purpose of actually constructing said railroad or of making any erections or improvements whatever, or otherwise appropriating said lands to the use of the company until they have paid the party or parties entitled to receive the same the amount found by the said commissioners as the value of the said lands or damages,

Proviso.

in case the report of the commissioners is not appealed from, or if the same is appealed from, then the amount which shall be found by the jury by whom the issue shall be tried; but in case the party or parties entitled to receive the amount assessed by the commissioners in case there shall be no appeal, or the amount found by the jury 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 payment of the amount assessed or found as aforesaid, into the circuit court of the county of Essex, 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 the same without being debarred thereby from an appeal from the report of the commissioners; and it shall be lawful for said company, and they are hereby authorized with their road to cross the line of any other railroad; *provided*, that the grade of the road hereby authorized, at the point or points of crossing such other railroad, shall correspond with the grade of the railroad so to be crossed, or otherwise at such point or points shall be constructed a viaduct, at such a height as not to interfere with the passage of the trains upon such other railroad. Proviso.

12. *And be it enacted*, That in case the said railroad is located on or across any road or highway, the said company shall restore such road or highway to such state or condition as not to impair its usefulness. Highway to be repaired.

13. *And be it enacted*, That the president and directors of said Newark and Clinton Horse Car Railroad Company shall have power to have constructed, or to purchase with the funds of the company and place and use on said railroad, cars, wagons, carriages or vehicles for the transportation of persons or any species of property, with such motive power as they may think reasonable, expedient or right, but that no steam power shall be used in passing on or over any public road or highway, without the permission of the public authorities of the city or township before mentioned; and they are hereby authorized to demand and receive such sum or Rates for transportation

sums of money for the transportation of persons and every species of property whatsoever thereon, as they from time to time shall think reasonable and proper; *provided*, that they shall not charge more than five cents per mile for each passenger, and twenty-five cents per ton per mile for the transportation of every species of heavy merchandize and goods as are usually weighed by the ton, in the carriages of the company, and for dry goods and packages such reasonable rates as shall be fixed by the board of directors, or six cents per ton per mile for every ton, four cents per mile for every passenger carried on said railroad in the carriages of others, and four cents per mile for every empty carriage not the property of the company; and that the road authorized by this act shall be and is declared a public highway, and free for the passage of any railroad carriage thereon with passengers or property, upon payment of the tolls prescribed by this act; *provided always*, that the carriages so used thereon shall be of the same description in the formation of the wheels and length of axles as those used by the company, and shall be regulated as to the time of starting and running and rates of traveling by the company in the same manner as the carriages of the company are, and the said railroad and its appendages, and the land over which the same shall pass, and all the works and improvements and all other property whatsoever, belonging to the company and their successors for and during the continuance of this charter; *provided always*, that in case the said company, after the road is completed, shall abandon the same or cease to use and keep it in repair for one successive year, in the city of Newark, that the charter shall be annulled so far as it affects said city of Newark, and the common council may remove the same and appropriate enough of the materials thereof to defray the expenses of such removal and for repairing said street or streets; that then and in that case this charter shall be annulled, and the title of the land over which the said railroad is located shall be reverted in the person or persons who would have been legally entitled thereto if the said rail-

Proviso.

Proviso.

Proviso.

road had not been located; but the superstructures of the said railroad, and the material of which the same are composed, shall in such case be deemed and taken to be personal property of the company, and shall be by them removed and disposed of within a reasonable time, to and for the use of the said company.

Dividends.

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

Company may hold real estate.

15. *And be it enacted*, That the said company may purchase, have, hold and occupy such real estate at or near the commencement and termination of said road, and at such points along the line of said road as may be necessary for the convenient transaction of business, not exceeding five acres in each place, and may erect and build thereon depots, warehouses, and such other buildings and improvements as they may deem expedient for the safety of their property and the necessary uses appertaining to their business.

Penalty for injuring works

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

State tax to be paid.

17. *And be it enacted*, That as soon as the said railroad is completed, the president of the said company shall file, under oath or affirmation, a statement of the amount of the cost of the said railroad, including all expenses, in the office of the secretary of state, and annually thereafter he shall, under oath or affirmation, make a statement to the legislature of this state of the proceeds and expenses of said road; and as soon as the said

company shall declare to their stockholders dividends equal to seven per centum per annum, from and after the commencement of the building of said road, and so long as the said company pays dividends of seven per centum per annum the said company shall pay to the treasurer of this state a tax of one half of one per centum on the cost of the said road, to be paid annually on the first Monday in January; *provided*, that no other tax or impost shall be levied or raised from said corporation by virtue of any law of this state.

Proviso.

Corporation may borrow money.

18. *And be it enacted*, That the said corporation shall have power to borrow, after fifty per cent. of the capital subscribed shall have been paid in, in cash, 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 company with all necessary rails, buildings, cars, vehicles and animals for the use and object of said corporation, and to secure the repayment thereof by bond and mortgage or otherwise, on the said road, land, franchises and appurtenances of or belonging to the said corporation, at a rate of interest not exceeding seven per centum per annum; *provided however*, that the said company shall not plead the statute of usury in consequence thereof.

Proviso.

Corporation may make contracts with other companies.

19. *And be it enacted*, That it shall be lawful for the said corporation, at any time during the continuance of its charter, to make contracts and engagements with any other company or corporation, or with individuals, for operating such railroad, for transporting or conveying any kind of goods, produce, merchandize, freight or passengers, and to enforce the fulfillment of such contracts, and also to demand and receive for the transportation of all passengers and freight by them carried and transported over the road of any other company, the same rates of fare and tolls as the said company are entitled to demand and receive by virtue of this act for transportation and passage over their own road.

Time for completion of road.

20. *And be it enacted*, That if the said railroad is not completed and in use within three years from the fourth day of July next, then and in that case this act shall become void.

21. *And be it enacted*, That the said company shall have power to connect with any other railroad now or hereafter built and established by any company incorporated by the legislature of the state of New Jersey, upon such terms and conditions as shall be agreed between them, and not inconsistent with their respective charters; *provided*, that no railroad company shall charge more than two cents for each passenger passing over the line of the said the Newark and Clinton Horse Car Railroad Company for passage over any railroad in the city of Newark, from said boundary line between the township of Clinton and city of Newark to any depot in said city of any railroad company now or hereafter established on any point on said railroad in said city between said boundary line and said depot, nor more than two-fifths of the price charged by any such railroad company for freight for each ton of merchandize or property carried over the line of the railroad of the said the Clinton and Newark Horse Car Railroad Company. Company may connect with other roads. Proviso.

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

Approved March 22, 1860.

CHAPTER CCXXVI.

AN ACT making an appropriation to enlarge the state prison.

Commissioners to erect wing to state prison.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Silas H. Kitchel, William V. Ward, William P. McMichael, Jonathan Pickel, and Joseph Cunningham, state prison inspectors, or a majority of them, are hereby authorized to erect and construct, by contract with some competent person or persons to erect and construct a wing, with additional cells, to the state prison, of the size, plan and specifications submitted by the joint committee on state prison accounts last year, to the inspectors of the state prison; the said plans, specifications and contracts to be first submitted to the governor and chancellor, and by them approved, before having force or effect.

Commissioners to advertise for proposals.

2. *And be it enacted*, That before making any contract, said commissioners shall advertise in four daily newspapers, one in the city of Trenton, one in the city of Camden, one in the city of Newark, and one in the city of Paterson, at least four weeks, for proposals, and the contract for building said wing shall be given to the lowest bidder or bidders who will give satisfactory security for the completion of the contract; *provided*, that neither of the commissioners herein named shall be in any wise interested in the contract to be given out or in furnishing materials or doing the work.

Proviso.

Treasurer to pay amount of contract to commissioners.

3. *And be it enacted*, That it shall be lawful for the treasurer of this state, upon the warrant of the governor, to pay out on the order of the persons named in the first section of this act, or a majority of them, at such times and in such sums, as they or a majority of them may order, and in proportion as the work shall advance, the amount of the contract, which in the aggregate shall not exceed seventeen thousand dollars, and the accounts to be audited according to law.

4. *And be it enacted*, That said commissioners shall receive for their services the same pay per diem as now allowed them by law as inspectors for each day they shall be actually engaged in superintending the work; *provided*, that no pay as state prison inspectors shall be allowed said commissioners for any day they shall act as such commissioner. Compensation to commissioners. Proviso.

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

Approved March 22, 1860.

CHAPTER CCXXVII.

A further supplement to an act concerning roads, approved April sixteenth, eighteen hundred and forty-six, and the several supplements thereto.

WHEREAS, excessive damages have in many instances been assessed on land or real estate taken for roads, under the provisions of the acts to which this is a supplement, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter whenever any road or highway shall be laid out or altered by the six surveyors, or a majority of them, mentioned in the acts to which this is a further supplement, the said surveyors shall immediately thereafter make an assessment of the damage, if any, the owner of any land or real estate other than the applicant or Surveyors to make assessment of damages.

applicants for such road will sustain by laying out or altering the same, over and above the advantage that will in their judgment accrue to said owner.

Parties aggrieved may appeal.

2. *And be it enacted*, That if any township committee, or any applicant for a private road, or any owner of land or real estate so taken, as aforesaid, shall be dissatisfied with the assessment of said surveyors, they may within twenty days after the return of said surveyors shall be filed in the clerk's office of the court by which they were appointed, file their notice of appeal therefrom in said office; after which, the said appellants may apply to the next term of said court, and in case the next term shall begin in less than twenty days after the surveyors' return was made, they may apply to the next succeeding term, which court shall appoint three disinterested chosen freeholders of the county or counties in which the road shall lie, always having regard to the chosen freeholders of the townships nearest to said road, to review the assessment made by the said surveyors, and lessen, increase or confirm the same as to them, after taking into consideration the advantage and disadvantage that will accrue to said owner, shall seem fit and just; and the report of the said three chosen freeholders, or a majority of them, made in writing under their hands, shall be filed in the office of the clerk of the county in which the lands taken shall lie, and shall be final and conclusive to the parties interested.

Notice of application to be given.

3. *And be it enacted*, That the party intending to make the application mentioned in the second section of this act shall give ten days' notice in writing to the other party, stating the objects of the said application, and the time and place of making the same; and the chosen freeholders appointed shall meet upon a like notice, and shall be duly sworn faithfully and impartially to execute the duties imposed upon them by this act before they enter upon the discharge thereof.

Owners of land may recover amount of assessment.

4. *And be it enacted*, That nothing herein contained shall be held to prevent the review by chosen freeholders, or the laying out or altering of any public or private road as heretofore, and the owner of such land shall be entitled to recover

the amount of the assessment made in his or her favor, without cost, in any court of competent jurisdiction, of any person made by this act liable therefor; the above act shall apply to all counties in the state, except such counties which the supplement to the act of eighteen hundred and fifty-nine does now or may hereafter apply.

5. *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. Former acts repealed.

Approved March 22, 1860.

CHAPTER CCXXVIII.

AN ACT concerning manufacturing corporations.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any corporation which is now, or that may be hereafter established, by or under the laws of this state, for the purpose of carrying on any kind of manufacture, shall have power to create and issue certificates for two kinds of stock, namely: general stock and special stock; that the special stock shall at no time exceed one half the actual capital paid in, and shall be subject to redemption, at par, at a fixed time, to be expressed in the certificates therefor; and the holders of such special stock shall be entitled to receive, and the said corporation shall be bound to pay Certificates of general and special stock may be issued

thereon, a fixed half yearly sum or dividend, to be expressed in the said certificate, not exceeding four per cent., before any dividend shall be set apart or paid on the said general stock; and in no event shall the holders of such special stock be individually or personally liable for the debts or other liabilities of said corporation; *provided always*, that no such corporation shall create or issue certificates for such special stock, except by authority given to the board of directors thereof, by a vote of at least two-thirds of the stock voted at a meeting of the general stockholders duly called for that purpose.

Proviso.

Approved March 22, 1860.

CHAPTER CCXXIX.

AN ACT to facilitate the foreclosure of mortgages given by the New York and Erie Railroad Company, and to aid the purchasers under such foreclosure in acquiring title.

Preamble.

WHEREAS, it is represented to the legislature of this state, that proceedings have been instituted in the supreme court of the state of New York, by James Brown and John C. Bancroft Davis, trustees for the holders of the fourth and fifth mortgage bonds of the New York and Erie Railroad Company, and Daniel Drew as mortgagee, plaintiffs against the New York and Erie Railroad Company and others as

defendants, to foreclose the said mortgages and the mortgage supplemental to said fifth mortgage, given to secure the said bonds; and that by the order of the said supreme court, a receiver has been appointed; and it is further represented that the said the New York and Erie Railroad Company were vested with certain rights, contracts, rights in action, leases, franchises, and property in the state of New Jersey; and it is further represented, that to carry out and effectuate said proceedings of foreclosure in the supreme court of New York, a bill has been exhibited in the circuit court of the United States for the district of New Jersey, by William Francis Splatt, holder of a large number of said fourth and fifth mortgage bonds, as complainant, against the New York and Erie Railroad Company and others as defendants; and that by the order of the court last aforesaid, the authority of the receiver appointed by the order of the supreme court of the state of New York has been recognized, and the same person so appointed receiver by the supreme court of the state of New York, has been appointed receiver of all and singular, the said roads, property, estate, contracts, covenants, agreements, franchises, powers and authority of the said the New York and Erie Railroad Company, in New Jersey, and in the said the New York and Erie Railroad Company vested and covered by, or mentioned in the said fourth and fifth and supplemental mortgages; and it is further represented that a sale may hereafter be made under the said proceedings, to foreclose one or more of said mortgages in the state of New York; and that it is desirable that the purchaser or purchasers at such sale shall be entitled to all and singular the road, property, estate, contracts, covenants, agreements, franchises, powers and authority of the said the New York and Erie Railroad Company in New Jersey, and in the said the New York and Erie Railroad Company vested and mentioned in, or covered by the said fourth, fifth and supplemental mortgages, or either of them —therefore,

Rights, estate, etc., vested in purchaser.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the purchaser or purchasers of the estate, rights, property and franchises of the New York and Erie Railroad Company, at any sale thereof which shall be decreed to be made by the supreme court of the state of New York, under said proceedings referred to, to foreclose the said fourth and fifth, and supplemental mortgages of the said company, or either or any of the said mortgages, shall, by virtue of such decree and sale, and any deed or deeds made in pursuance thereof, be vested with all the estate, rights, property, franchises, leases and contracts of the said the New York and Erie Railroad Company in this state, mentioned in and covered by the said fourth and fifth and supplemental mortgages, subject to such taxes and restrictions as now exist by the laws of the state of New Jersey, and also subject to such mortgages and liens as the supreme court of New York may order and decree, the same to be sold subject to, and as shall not be foreclosed by said decree; and the receiver appointed by any of the said courts, or who shall hereafter be appointed by any competent tribunal, shall be allowed to use the powers and authority heretofore vested in the New York and Erie Railroad Company, or in such receiver by the orders of his appointment, so as to operate the said road in New Jersey as heretofore, until his powers shall be divested by such purchaser or purchasers, or at the discretion of such purchaser or purchasers, subject to the orders of the court, until a new company shall be formed; and it shall be lawful for such receiver of the said the New York and Erie Railroad Company as has been appointed by the courts aforesaid, or shall hereafter be appointed by the said courts, or by any other competent tribunal of the state of New Jersey; and also for any other person or persons, body or bodies corporate, to make such deeds, conveyances, assignments and transfers to such purchaser or purchasers of all the said estate, rights, property, franchises, leases and contracts of the said the New York and Erie Railroad Company mentioned in, and covered by the said fourth and fifth and supplemental mortgages as

may be deemed advisable to carry out the purposes of this act; and any new corporation that may be organized under the laws of the state of New York, to receive and become vested with the property and estate covered by the said fourth, fifth and supplemental mortgages, may become vested with the property and rights herein mentioned, and acquired by their deed or deeds of purchase under said proceedings of foreclosure, subject only to such liens as were not effected by said proceedings of foreclosure; *provided however*, that the said mortgages hereinbefore mentioned and any sale as aforesaid to be had or made under or by virtue of the same or either of them, shall be subject to the contract made between "the Long Dock Company" and "the Hoboken Land and Improvement Company," for a right of way for a railroad through the Bergen tunnel and lands of said Long Dock Company, and for other purposes as in said contract is mentioned, the said Hoboken Land and Improvement Company having under said contract advanced money for the construction of said tunnel. Proviso.

2. *And be it enacted*, That the purchaser at such foreclosure sale, and said new corporation, when organized as herein mentioned, shall hold and be vested with the property included in said fourth and fifth mortgages, and said franchises, subject to the limitations, covenants and agreements relative thereto, made with the Long Dock Company or other corporations, before the date of said mortgages, that the New York and Erie Railroad Company would have been subject to, except so far as the parties in interest therein may be parties to and bound by the decree in any foreclosure suit, and also subject to the said contract between the Long Dock Company and the Hoboken Land and Improvement Company. Property included in fourth and fifth mortgages vested in purchasers.

3. *And be it enacted*, That this act shall be operative upon the New York and Erie Railroad Company when they shall file their acceptance thereof in the office of the secretary of state in this state. Act, when to be operative.

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

Act may be repealed, &c.

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

Approved March 22, 1860.

CHAPTER CCXXX.

AN ACT to change the name of Edward Broedersderff to Edward Augustus.

Name changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of Edward Broedersderff, of the city of Camden, in the county of Camden, be and the same is hereby changed to Edward Augustus, and by that name he shall possess and enjoy all the rights, powers and privileges which he would have possessed and enjoyed had he retained his original name of Edward Broedersderff;

Proviso.

provided, that nothing in this act contained shall in any manner effect any matter, thing or transaction heretofore had by or with, in favor of or adverse to the said Edward.

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

Approved March 22, 1860.

CHAPTER CCXXXI.

AN ACT in relation to unclaimed express freight in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any express company chartered by this state, to sell at public auction any unclaimed freight, articles or goods not perishable, which may have been in their possession for six months or over, and when the owner or owners, consignee or consignees, are unknown, cannot be found, or refuse to receive such freight, articles or goods; and may in like manner sell all articles of a perishable nature in five days if such articles would depreciate in value by being longer kept; *provided*, that before such sale shall be made, public notice shall be given by six insertions in the newspapers, and by notices set up in at least three of the most public places of the neighborhood at which such freight, articles or goods were directed to be left, and where the sale is to take place, naming the articles to be sold, the name of the person to whom directed, if known, and the time and place of sale, at least five days before the time of sale; and in case of sale of perishable articles, such notice shall be sufficient, if so set up at least three full days, and also advertise one insertion in a newspaper printed in the immediate neighborhood. Unclaimed freight may be sold. Proviso.

2. *And be it enacted*, That every sale made as provided in the foregoing section shall be made in some public place, between the hours of ten o'clock in the forenoon and four o'clock in the afternoon, and if the residence of the person to whom the article is directed be known, the company shall serve a copy of the notice of sale on such person before the sale; and it shall be the duty of every express company making a sale, as aforesaid, to keep a book in which shall be Sale, how conducted.

recorded a list of all articles sold by them, the price for which, and the name of the person to whom each article is sold, and the expenses of advertisement and sale, the name of the person or firm to whom it was directed, and the name of the owner and person by whom it was delivered to said company if known, and shall once in each year file a true transcript from said books in the office of the clerk of the county where such property is sold.

Disposition of proceeds of sale.

3. *And be it enacted*, That the proceeds of said sale shall go first to defray the costs and expenses of said sale, and then to the account of freight and charges of the express company on said freight, articles or goods, and the balance, if there be any, shall be paid over to the legal owner or owners; and if no person or persons shall, within one year after the sale, claim the net proceeds thereof, then said company shall pay the same over to the overseer of the poor of the city, township or borough where such sale is made.

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

Approved March 22, 1860.

CHAPTER CCXXXII.

AN ACT to authorize the trustees of "the Lumberton Council, number six, of the order of United American Mechanics," to sell and convey certain real estate situate in the village of Lumberton, in the county of Burlington.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Mahlon Tash, John Wright and Lorenzo D. Hammell, the present trustees of "the Lumberton Council, number six, of the order of United American Mechanics," or their successors in office, be and they are hereby authorized and empowered to sell and convey, either at public or private sale, all that lot of land situate in the village of Lumberton, in the county of Burlington, which was conveyed by William Brick and Rosamond, his wife, to the officers and members of the unchartered institution known by the title of "the Lumberton Council, number six, of the order of United American Mechanics," by deed bearing date the twenty-seventh day of September, in the year of our Lord one thousand eight hundred and forty-seven, together with the buildings and improvements thereon, with the appurtenances, for the best price they can obtain for the same, and to execute a good and sufficient deed for the same to the purchaser thereof. Trustees authorized to sell land.

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

Approved March 22, 1860.

CHAPTER CCXXXIII.

AN ACT to incorporate the United States Hotel Association.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Neligh, Benjamin H. Brown, George Woelper, and their associates, and all other persons who shall become subscribers and owners of the capital stock hereby created, shall be and they and their successors are hereby made and declared to be a corporation and body politic, in fact and in law, by the name of "the United States Hotel Association," and by that name shall have power to lease, purchase and hold real estate on Absecom beach, in Atlantic county, in this state, and also to purchase, have and hold a farm in said county, not exceeding in the whole one hundred acres, and to erect and maintain a hotel, and other buildings and improvements, on any part of said real estate, for the accommodation of strangers and visitors, and to transact all such business as may be incident or appertaining to the erecting, furnishing, conducting or leasing said premises, for the purposes aforesaid, or conveying the surplus of said real estate, not required for the aforesaid object, to any person or persons purchasing the same, in fee simple.

Amount of capital stock.

2. *And be it enacted*, That the said corporation shall have power to raise, by subscription, a capital stock of one hundred and fifty thousand dollars, with liberty to increase the same hereafter, whenever a majority of the directors of said corporation shall so determine, to any sum not exceeding two hundred thousand dollars.

Stock transferable.

3. *And be it enacted*, That the capital stock of said corporation shall be divided into shares of fifty dollars each, and shall be transferable in such manner as the by-laws of the said corporation shall direct; and each share of the said

capital stock shall entitle the bona fide owner thereof to one vote at all meetings of the stockholders.

Commissioners to receive subscriptions.

4. *And be it enacted*, That the persons named in the first section of this act are hereby appointed commissioners to receive subscriptions to said capital stock at such place in this state as a majority of them may appoint, and as soon as the whole of said stock is subscribed, the said commissioners shall call the first meeting of the stockholders for the purpose of organizing said company.

Election of directors.

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

Amount of liabilities.

6. *And be it enacted*, That the whole amount of debt which the said corporation shall at any one time owe, shall not exceed the amount of the capital stock subscribed for.

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

Approved March 22, 1860.

CHAPTER CCXXXIV.

A supplement to an act entitled, "An act to authorize the president and directors of the Trenton Water Works to convey their works and franchises to the city of Trenton, and to provide for the management of said works," approved March first, eighteen hundred and fifty-nine.

City may issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of paying the debts of the Trenton Water Works, and furnishing motive power for the use of said works, it shall and may be lawful for the common council of the city of Trenton to issue the bonds of the city for an amount not exceeding in the whole the sum of ten thousand five hundred dollars, which bonds shall not be disposed of at less than their par value, and 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 be levied or assessed by order of the common council of said city; *provided*, that such bonds shall not be issued in any case, except a majority of the whole number of said council shall concur therein.

Proviso.

Appropriation of proceeds of sale of bonds.

2. *And be it enacted*, That five thousand two hundred dollars of said bonds shall be delivered to the commissioners of said water works, and the proceeds thereof, when sold by the commissioners, shall be used for the purpose of procuring motive power for said water works, and for no other purpose whatever, the proceeds of the balance of said bonds, being the sum of five thousand three hundred dollars, shall be applied by said common council to reimburse the said city for any money advanced by them to pay interest on the water loan of the said city of Trenton, and the said sum of ten thousand five hundred dollars shall be considered a part of

the "water loan" mentioned in the act to which this is a supplement.

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

Approved March 22, 1860.

CHAPTER CCXXXV.

AN ACT relative to unclaimed dividends and deposits.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That each and every corporation in this state, on or before the fifteenth day of January next, and annually thereafter, shall cause to be published and continued for six weeks successively, in one newspaper having the largest circulation published in the county in which such corporation may be located, but if no newspaper is published in such county then in one published in an adjoining county, a true and accurate statement, verified by the oath of the president, treasurer, secretary, or other officer of the company, of all the dividends on the stock of the said company, which at the date of such statement shall have remained unclaimed by any person authorized to receive them, for three years then next preceding, which statement shall set forth the name of the person in whose favor the dividend may have been

Annual publication of unclaimed dividends.

declared, its amount and date, and upon what number of shares of the stock of said company.

Statement to be published of unclaimed deposits.

2. *And be it enacted*, That each and every incorporated bank of discount and deposit in this state shall publish, as provided in the first section of this act, a true and accurate statement, verified by the oath of the president or cashier of said bank, of all the balances due to depositors, or as dividends, which said balances, at the date of said statement, shall have remained unchanged in amount, and actually unclaimed by any person authorized to receive them, for three years then next preceding, and which shall exceed in the amount of each balance the sum of three dollars.

Expense of advertising, how defrayed.

3. *And be it enacted*, That in all cases the expense of advertising the same shall be deducted from the sums unclaimed, in proportion to the amount of each respectively.

Penalty for not complying with provisions of act.

4. *And be it enacted*, That any corporation failing to comply with the provisions of this act shall forfeit fifty dollars, to be recovered in an action of debt, with costs of suit, in any court of record in this state having jurisdiction of the same, to any person claiming the same.

Former act repealed.

5. *And be it enacted*, That the act entitled "An act relative to unclaimed dividends and deposits," approved March twenty-third, eighteen hundred and fifty-nine, be and the same is hereby repealed.

Approved March 22, 1860.

CHAPTER CCXXXVI.

Supplement to an act regulating schools, approved March the fourteenth, eighteen hundred and fifty-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any school district now incorporated, or that may hereafter be incorporated according to the provisions of the ninth section of the act approved March fourteenth, Anno Domini eighteen hundred and fifty-one, may be altered or abolished by the town superintendent with the assent of a majority of the legal voters of the district; *provided*, that one district shall not absorb another district or part thereof without the consent of said district. School district may be altered etc.

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

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

Approved March 22, 1860.

CHAPTER CCXXXVII.

A supplement to an act entitled "An act to erect an election district in the township of Newton, in the county of Camden," approved March eleventh, eighteen hundred and fifty-six.

Time of opening and closing polls.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the polls now held in the north-western precinct of the township of Newton, at the school house in the village of Stockton, shall be opened at eight o'clock in the morning and kept open until eight o'clock in the evening.

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

Approved March 22, 1860.

CHAPTER CCXXXVIII.

Supplement to an act entitled "An act to incorporate the Elastic Cone Spring Company," approved March fifteenth, eighteen hundred and fifty-nine.

Former act amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act enti-

tled "An act to incorporate the Elastic Cone Spring Company," approved March fifteenth, eighteen hundred and fifty-nine, is hereby amended so as to read as follows: that William C. Alexander, John J. Fields, Henry Day, James S. L. Cummins and Henry M. Alexander or the survivor or survivors of them, and all such persons as may hereafter be associated with them or the said survivors, their successors and assigns, are hereby constituted and declared a body politic and corporate, in fact and in law, by the name of the Elastic Cone Spring Company, for the purpose of manufacturing springs for cars and other springs, and carrying on the business incident thereto in all its branches, and that they and their successors by the same name, shall be able and capable in law to acquire, purchase, receive, have, hold and enjoy any lands, tenements, hereditaments, goods and chattels, of whatever kind or quality whatsoever, and the said lands, tenements, hereditaments, goods and chattels, or any part thereof, to sell, grant, demise, alien, mortgage, pledge or dispose of, to issue bonds, to sue and be sued, plead and be impleaded, to make and use a common seal, and to transact their business, hold their meetings and keep their office and books at any place or places within this state or elsewhere, as the interests of said company may require.

Approved, March 22, 1860.

CHAPTER CCXXXIX.

AN ACT to revive the act entitled, "An act to incorporate the Rocky Hill Railroad and Transportation Company."

Former act revived.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled, "An act to incorporate the Rocky Hill Railroad and Transportation Company," passed the seventeenth of February, eighteen hundred and fifty-three, be and the same is hereby revived, and is declared to be in full force and effect for the term of five years from the time of the approval of this act, in all respects as if it then had become a law.

Approved March 22, 1860.

CHAPTER CCXL.

AN ACT to incorporate the Newton and Union Gas and Water Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John K. Roberts, Richard Snowden, Samuel C. Smith, Samuel E. Shivers, William M.

Collister, John M. Paschall, Eli Tompkins, and such other persons as may be hereafter associated with them, and their successors, shall be and they are hereby ordained, constituted and declared a body politic and corporate, in fact and in law, by the name of "the Newton and Union Gas and Water Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels necessary or proper for the object of the corporation hereby created.

Amount of capital stock.

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

Commissioners to receive subscriptions.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times and place or places as they, or a majority of them, may think proper, giving at least twenty days' notice of the same in a newspaper printed and published in the county of Camden, 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 forty thousand dollars of the capital stock shall be subscribed and paid in, such commissioners, or a majority of them, shall give like notice for a meeting of the stockholders to choose five 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, each share of the capital stock entitling the holder thereof to one vote, and the said above named persons, or any two of them, shall be inspectors of the first election of directors of said corporation, and shall certify under their hands the names of the persons duly elected, and deliver over the subscription books and moneys paid in, deducting all necessary expenses previously incurred, to the said directors,

and the time and place of holding the first meeting of the said directors shall be fixed by the persons named in the first section of this act, or any of them, and the directors chosen at such meetings shall hold their offices until the first Monday in April following said election, and until their successors shall be chosen, and there shall be an annual election of directors by the stockholders on the first Monday in April in every year thereafter, at such time and place as the board of directors for the time being shall direct and appoint, of the time and place of holding which election at least ten days' public notice shall be given in a newspaper published in the city of Camden, and the said board of 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 number a president, who shall be a resident of this state; and in case of the death, resignation, or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year in which they may happen by the board of directors, or a majority of them.

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 shall not be made during the day when, pursuant to this act, it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but an election may be held at any other time in the manner provided by law, and the directors for the time being shall continue to hold their offices until others shall have been chosen in their places.

Duties and powers of directors.

5. *And be it enacted*, That a majority of the board of directors of the said corporation shall be competent to transact all the business of 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 such installments, or any one of them, to forfeit the share or shares upon which such default shall arise, and to open the books for further subscription of stock until the whole stock subscribed amounts to the sum of three hundred thousand dollars, and to make and prescribe such

by-laws, rules and regulations as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate and effects of the said corporation, and also shall have power to appoint such officers, clerks and servants as to them shall seem meet, and to establish and fix such salaries to said officers, clerks and servants as to the said board shall appear proper, and shall have power to take from said officers, clerks and servants appointed by them, such security for the faithful performance of their respective duties as they may think right and proper.

Company authorized to construct works.

6. *And be it enacted*, That the said corporation shall have power and authority to make, build, construct and erect any and all buildings, tanks, reservoirs, works and machinery for the manufacture of gas for lighting streets, buildings, manufactories, &c., from coal, resin or other materials, and necessary and requisite to supply the inhabitants of the townships of Newton and Union, in the county of Camden, with water and with gas, and shall have power to erect gas posts, burners and reflectors in the streets, roads, alleys, lanes and avenues in said townships of Newton and Union, and to lay down gas pipes and water pipes, or pipes for conducting the water and the gas in the streets, roads, alleys, lanes and avenues of the said townships of Newton and Union, and in the streets, roads, alleys, lanes and avenues that may be the boundaries of said townships, or may be the division between said townships, or either of them, and other townships or places; and the said corporation shall have power to do all other things necessary to light the said townships of Newton and Union, or any part of said townships, or either of them, and the dwellings, stores, factories, and other places therein, and to supply the inhabitants of said townships, or any part of said townships, or either of them, with water; *provided*, that the public travel shall at no time be unnecessarily affected or impeded by the laying of the said pipes or the erection of said posts, and the streets, roads, side and cross walks, lanes, alleys and avenues shall not be injured, but all be left in as good and perfect condition as before the laying of said pipes

Proviso.

Proviso. or the erection of said posts; *and provided also*, that no private lands shall be in any way injured or defaced without permission in writing first had and obtained from the owner or owners thereof.

Penalty for injuring works

7. *And be it enacted*, That if any person shall wilfully impair, injure, or wilfully do or cause to be done any act or acts whatsoever, thereby to injure any conduit, pipe, cock, machine, tank, reservoir, works, building or structure whatsoever, or any other thing appertaining to the works of the said corporation, or whereby the same may be stopped, obstructed or 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;

Proviso. *provided*, such criminal prosecution shall not in any wise impair the right of action for damages by a civil suit hereby authorized to be brought for such injury as aforesaid, by and in the name of said corporation, in any court having cognizance of the same.

Books of account to be kept.

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

Limitation.

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

Approved March 22, 1860.

CHAPTER CCXLI.

AN ACT to regulate and determine the grade, grading, paving and curbing of the highways, streets, &c., in part of the township of Newton, in the county of Camden.

Street commissioners appointed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John M. Slaney, junior, John M. Paschall, James P. Michellon and Jesse W. Starr, of the township of Newton, in the county of Camden, be and they are hereby appointed street commissioners for two years, whose duty it shall be to fix, regulate and determine the grade of the highways, roads, streets, lanes, alleys and gutters in all that part of the township of Newton lying northerly of the following described line: starting from the southeast corner of the Broadway or Woodbury road and Camden Ferry, called Market street or Kaighn's avenue; thence, along the south side of said Market street or Kaighn's avenue, in an easterly course, until the same intersects the Camden and Haddonfield turnpike road; thence, across said turnpike road, in a line with said south side of said Market street or Kaighn's avenue, in an easterly direction, to Cooper's creek, and in the line of division between the townships of Newton and Delaware; and also to fix and determine the proper height and position of all pavements or curbs hereafter to be laid or set within the limits aforesaid; *provided*, that the grade to be established by the said commissioners in that part of the said district that lies adjacent or contiguous to the city of Camden, shall conform as near as may be to the established grade of the said city.

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Report of commissioners to be recorded.

2. *And be it enacted*, That whenever the said commissioners shall establish the grade for the highways, roads, streets, lanes, alleys and gutters of said district, or any part thereof, they shall make a report thereof in writing, signed by said

commissioners, or any three of them, and deliver the same to the clerk of the said township of Newton, who shall record the same in the minute book of the said township, which record shall be evidence of the grade as established by the said commissioners; and the said clerk shall send a copy of said report to all parties to be affected thereby, said copies being deposited in the post office, directed to the parties, at the post office nearest their place of residence, shall be deemed a sufficient sending, for which the clerk shall receive five cents for each copy served, to be paid by the township; and the service of said reports, as aforesaid, shall be sufficient notice to the said parties, and shall then be binding.

Grades of streets, roads, etc.

3. *And be it enacted*, That the said commissioners shall have power to require the owners of property in said district to grade the highways, roads, streets, lanes, alleys and gutters in front of their property; and that the overseers of the highways, and all inhabitants of said district, or the owners of lands therein, their workmen, servants and agents shall conform to the grade and regulations to be fixed and adopted by the said commissioners, or any four of them, so to be made as aforesaid, and shall alter, if need be, the same as directed by the said commissioners; and if any person or persons shall refuse to submit to the decision and regulations of the said commissioners, or any four of them, so made as aforesaid, or shall make any grade or lay any pavement, gutter or curb, or shall remove or deposit any earth or other materials in any of the highways, roads, streets, alleys or lanes of said district in a manner different from the grade and regulations adopted by the said commissioners as aforesaid, he, she or they so offending shall and may be prosecuted in any court of competent jurisdiction, in the name of the inhabitants of the township of Newton, and on conviction shall pay a fine not exceeding one hundred dollars, nor less than ten dollars, at the discretion of the court before whom trial shall be had, said moneys to be appropriated to the use of the township of Newton.

Compensation to commissioners.

4. *And be it enacted*, That the said commissioners shall have power to employ a competent surveyor or engineer to

survey the highways, roads, streets, lanes, alleys, &c., in said district, whose fees shall be paid by the said township of Newton; and that the said commissioners shall be allowed at the rate of one dollar per day when actually employed in the duties of their appointment, which fees shall be paid by the said township of Newton; and that all moneys paid by said township of Newton for the surveying of said district, or for fees of said street commissioners, shall be raised by a street tax, to be assessed on the estates of the inhabitants of said district, within the boundaries before described, and on all lands liable to be taxed therein, in the same manner as township taxes are assessed.

5. *And be it enacted*, That nothing in this act contained shall be construed to compel any person or persons in the said district to curb or pave in front of his or her lands, where the same is not now curbed or paved. Curbing and paving.

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

Approved March 22, 1860.

CHAPTER CCXLII.

AN ACT concerning turnpike roads.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for Rates of toll.

any turnpike company in the counties of Camden and Gloucester, now entitled by law to charge toll for travelling on their turnpike road, to demand and receive toll for travelling each mile thereon, not exceeding the following rates, to wit: For every carriage, sleigh or sled drawn by one beast, one and a half cents.

For each additional beast thereto, one and a half cents.

For every horse or mule and rider, or led horse or mule, five mills.

For all horses, mules or cattle, in droves, each, two mills.

For all calves, sheep or hogs, in droves, each, half a mill.

And according to the same rates for travelling any fraction of a mile thereon, not less than half of a mile; *provided*, that no such company shall at any time hereafter declare or pay a dividend or dividends amounting to more than six per cent. in any one year, on the amount of the capital stock paid in; and shall not, directly or indirectly, retain on hand as a surplus or safety fund more than ten per cent. of such capital stock; *and provided further*, that this act shall in no wise affect any turnpike company in said counties until they shall have accepted the same, at a regular meeting of their board of directors, and certified such acceptance to the secretary of state, under their corporate seal, attested by their president and secretary.

Proviso.

Proviso.

Approved March 22, 1860.

CHAPTER CCXLIII.

A supplement to the act entitled, "An act to incorporate the Bergen Land and Improvement Company, approved February nineteenth, A. D. eighteen hundred and fifty-five."

Capital stock may be increased.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the Bergen Land and Improvement Company be authorized to increase their capital stock to the amount of five hundred thousand dollars, now one hundred and fifty thousand dollars, and that said company be authorized to build wharves, piers and docks, and to purchase all lands and water rights and easements necessary or proper for that purpose, or for any object specified in their charter, and to hold, improve, sell and dispose of all lands so purchased.

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

Approved March 22, 1860.

CHAPTER CCXLIV.

A supplement to an act entitled, "An act to incorporate the Hoboken and Weehawken Horse Railroad Company and to confirm the grants therein mentioned," approved February fourteen, eighteen hundred and sixty.

Preamble. WHEREAS, in the seventeenth section of said act the first time the word "not" occurs, the said word was inserted by mistake—therefore,

Seventeenth section amended. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said section shall be so amended as to read "may exercise" instead of may "not" exercise, and the said word "not" where it first occurs in said section is hereby repealed.

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

Approved March 22, 1860.

CHAPTER CCXLV.

AN ACT to authorize Amelia Brandriff and Ellen Brandriff to convey a certain tract of land.

Preamble. WHEREAS, John Brandriff (late of Atlantic county, in this

state,) did in his lifetime hold the title to a certain tract of land, situate in said county, containing about one hundred and seventy acres, more or less, near to and adjoining lands of David Gifford and others, which said lands had been conveyed to him by Stephen Colwell and wife, by deed dated the sixteenth day of January, A. D. one thousand eight hundred and fifty-seven; and whereas, Hosea Joslin, of said county, was the owner and in possession of the one undivided half part of said lands, and the said John Brandriff had agreed to divide the same; and whereas, the said lands had already been run out by a surveyor, and the deed thereof made under the order and direction of the said Brandriff to the said Hosea Joslin, his heirs and assigns, for the one undivided half thereof; but that the said Brandriff departed this life intestate before the execution thereof, leaving a widow and two children (one of whom is a minor) him surviving; and whereas, the said Hosea Joslin is now and has been since the division of said premises in the peaceable possession of the said half part thereof, all which satisfactorily appears—therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Amelia Brandriff, widow, and Ellen Brandriff, of full age and one of the heirs-at-law of the late John Brandriff, deceased, be authorized to convey unto the said Hosea Joslin, his heirs and assigns, the piece of land set off to him in the division above specified and approved of by the said John Brandriff in his lifetime, as fully to all intents and purposes as if said deed had been executed by said John Brandriff in his lifetime. Conveyance of land authorized.

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

Approved March 22, 1860.

CHAPTER CCXLVI.

AN ACT to incorporate the Merchants' Bank of the city of Trenton.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George S. Green, Charles Scott, Robert C. Hutchinson, Ralph H. Shreve, Harper Crozer, Henry D. Phillips, Joseph Whitaker, Charles Brearley, Isaac Stephens, Theodore W. Hill, Albert J. Whitaker, Charles Moore, Samuel R. Smith, Daniel R. Bowers, and their associates, shall be and they are hereby created a body politic and corporate, by the name of the Merchants' 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, merchandize 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 rates, fraction 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.

Proviso.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of the said corporation shall be three hundred thousand dollars, with liberty to increase it to five hundred thousand dollars, and shall be divided into shares of fifty dollars each; that George S. Green, Charles Scott, Ralph H. Shreve, Charles Moore, Harper Crozer, Robert C. Hutchinson, Henry D. Phillips, and Theodore W. Hill, or a majority of them, shall be and they

are hereby appointed commissioners to open at Trenton books of subscription for, and to receive subscriptions to said capital stock, giving at least twenty days notice in one or more of the newspapers printed in the county of Mercer, 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 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.

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 first Tuesday in May 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 an advertisement in one or more of the newspapers printed in the county of Mercer; 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 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 to be 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.

First directors.

4. *And be it enacted*, That as soon as conveniently may be after the aforesaid capital stock shall have been subscribed for, the said commissioners, or a majority of them, shall call a meeting of the subscribers to the said capital stock, in the city of Trenton, 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 Mercer; 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 subscriptions 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 first Tuesday in May, in the year eighteen hundred and sixty-one, 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 advertising in one or more of the newspapers printed in the county of Mercer, 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 thirty days of each other.

Proviso.

Cashier to give bond.

6. *And be it enacted*, That there shall be a cashier of said bank appointed or re-appointed 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 re-appointment, 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.

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Transfers 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 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 cease to be directors, either by resignation or otherwise, if the said corporation was insolvent when they ceased to be directors;

and it shall not be lawful for any director to assign or transfer his stock or other property to avoid such liability; and in case of the payment of any such bills or notes by any of said directors, the other directors who may be liable shall account in the same way as other joint debtors are accountable to each other; *provided*, that no property that shall or may be levied on or taken in execution under or by virtue of any judgment or decree in favor of any receiver or receivers under the provisions of this act, shall be sold until after the expiration of four months from the date of said judgment or decree.

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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.

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Actions against directors or stockholders.

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

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the said declaration, setting forth that the said action or suit is under and by virtue of the provisions of this act, specifying the aggregate amount claimed, the names of the president and cashier subscribed to the bills or notes declared on, and the number and denominations thereof.

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 imprisonment 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 Mercer, 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.

Affidavits to be filed of 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 one hundred thousand dollars of the capital stock of said corporation has 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 22, 1860.

CHAPTER CCXLVII.

AN ACT to incorporate "the Egg Harbor Bank," in Atlantic county.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William Schmoele, P. M. Wolsieffer, Ebenezer Westcott, Abraham L. Izard, William Moore, Frederic Clever, Charles Herman, Elias Wright, Louis Ertell, William Sooy, John Fritchy, Andrew K. Hay, Augustus Heil, Edmund Taylor, Moritz Stutzbach and George S. Woodhull, and their associates, shall be and they are hereby created a body politic and corporate, by the name of "the Egg Harbor 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, merchandize, or chattels, except such as may be necessary for the convenient transaction of its business, or shall be mortgaged or pledged to it as se-

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curity 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.

Amount of capital stock.

2. *And be it enacted*, That the capital stock of said corporation shall be one hundred thousand dollars, with privilege, in the board of directors, of increasing the same to two hundred thousand dollars, and shall be so divided into shares of twenty-five dollars each; that the said William Schmoele, Philip M. Wolsieffer, Ebenezer Westcott, Abraham L. Izard, William Moore, Frederic Clever, Charles Herman, Elias Wright, Louis Ertell, William Sooy, John Fritchy, Andrew K. Hay, Augustus Heil, Edmund Taylor, Moritz Stutzbach, and George S. Woodhull, or a majority of them, shall be and they are hereby appointed commissioners to open, at Egg Harbor City, in the county of Atlantic, books of subscriptions for, and receive subscriptions to, said capital stock, giving at least twenty days' notice, in two newspapers printed or circulating in Atlantic county, 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 subscribed for; and no person 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.

Election of directors.

3. *And be it enacted*, That the affairs of said corporation shall be managed by a board of nine directors, five of whom shall be a quorum for the transaction of business; that the said directors shall be stockholders, and shall, before entering upon the duties of their 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 office for one year, and until their successors shall be chosen; that the annual election of directors shall be on the second Tues-

day of June in every year, at the banking house of said corporation, in Egg Harbor City, in Atlantic county, 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 two newspapers printed or circulated in Atlantic county; 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, or the commissioners acting as such, 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 the directors so elected shall, at the first meeting thereafter, when a quorum shall be present, elect one of said nine directors 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 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 Egg Harbor City, 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 two newspapers printed or circulating in Atlantic county; 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 for the 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 the said commissioners to pay over to the said board all the moneys received by them for subscriptions to said capital stock, deducting therefrom only the necessary expenses incurred by them; and the receipt of said president and cashier for said moneys shall be a 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 office until the second Tuesday of June next after their election, and until their successors shall be chosen.

Payment of installments.

5. *And be it enacted*, That the capital stock of said corporation shall be deemed personal property, and shall be subject to such taxes as all the 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 said 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 an order or resolution of said board; *provided*, that at least twenty days' previous notice of the time and place for paying said installments shall be given by advertisement in two papers printed or circulating in Atlantic

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county, and that no installment of more than five 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.

Cashier to give bond.

6. *And be it enacted*, That there shall be a cashier of said bank appointed or re-appointed annually, liable, however, to be removed and another appointed in his stead, at the pleasure of said board of directors; and upon such appointment or re-appointment, 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 of by the board of directors, in the penal sum of at least twenty thousand dollars, conditioned for the faithful performance of his duties as cashier of said bank.

Notes and bills negotiable.

7. *And be it enacted*, That the said corporation shall not issue bills or notes of a 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, and at such other place or places as the laws of this state may direct.

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 cor-

poration as the said board may 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 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 notes 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 pain of forfeiting its charter, wholly discontinue and cease from banking operations until such bills or notes shall be fully paid; and shall, until such bills or notes be fully paid, be deemed and considered insolvent.

Assets liable for payment of notes.

12. *And be it enacted*, That if the said corporation shall at any time hereafter become insolvent, the whole of the assets of said corporation at the time of its becoming insolvent, shall be first liable for its bills or notes then in circulation, and shall be first applied to the payment thereof; and in case of a distribution of the assets of said corporation among the creditors thereof, under the order or decree of the court of chancery or other court, the holders of such bills or notes shall be equal in priority, and shall have a preference over all 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 cease to be directors, either by resignation or otherwise, if the said corporation was insolvent when they ceased to be directors; and it shall not be lawful for any director to assign or transfer his stock or other property to avoid such liability; and in case of the payment of any such bills or notes by any of said directors, the other directors who may be liable, shall account in the same way as other joint debtors are accountable to each other; *provided*, that no property that shall or may be levied on or taken in execution under or by virtue of any judgment or decree in favor of any receiver or receivers, under the provisions of this act, shall be sold until after the expiration of four months from the date of said judgment or decree.

Proviso.

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 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 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

Proviso.

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.

Actions against directors or stockholders.

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 imprisonment, not less than one year nor more than five years, in the discretion of the court.

Statements to be published.

18. *And be it enacted*, That it shall be the duty of said corporation after commencing the business of banking, to publish in at least two newspapers published or circulating in the county of Atlantic, a statement, under oath or affirmation, of the actual condition of said corporation, conforming as nearly as may be with the annual and quarterly 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.

Stockholders to be residents

19. *And be it enacted*, That a majority of the stockholders shall be residents of this state.

Affidavit to be made of payment of capital stock.

20. *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 at least twenty-five thousand dollars of the capital stock of said corporation had been subscribed for and paid in, in specie, conformable to the provisions of this act.

Limitation.

21. *And be it enacted*, That this act shall 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 22, 1860.

CHAPTER CCXLVIII.

AN ACT to incorporate the Beverly Bank, at Beverly, in the county of Burlington.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of*

the State of New Jersey, That Benjamin Ridgway, Jarrett Stokes, William Bryan, M. D., A. H. Nichols, A. W. Burns, Abraham Perkins and William C. Stokes, and their associates, shall be and they are hereby created a body politic and corporate, by the name of "the Beverly Bank," and by that name they shall have and exercise banking powers and the incidental corporate powers enumerated in the act concerning corporations; *provided*, that the said corporation shall not trade or deal in any thing except money, bills of exchange, promissory notes, and gold or silver bullion; and shall in no case hold any real estate, goods, wares, merchandize, 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. Proviso.

2. *And be it enacted*, That the capital stock of the said corporation shall be fifty thousand dollars, with the privilege of increasing it to one hundred thousand dollars, and shall be divided into shares of fifty dollars each; that the said Benjamin Ridgway, Jarrett Stokes, William Bryan, M. D., A. H. Nichols, A. W. Burns, Abraham Perkins and William C. Stokes, or a majority of them, shall be and they are hereby appointed commissioners to open, at the city of Beverly, books of subscription for and receive subscriptions to said capital stock, giving at least twenty days' notice in a newspaper printed at Burlington, or in the county of Burlington, 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 subscribed for; that upon 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 sub- Amount of capital stock.

scribing for said stock the respective subscribers shall pay to said commissioners five dollars for each share subscribed for.

Election of directors.

3. *And be it enacted*, That the affairs of said corporation shall be managed by a board of nine directors, who shall have resided in the state of New Jersey one year before they are eligible, five 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 their 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 a newspaper printed in the county of Burlington; 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 nine directors; and the directors so elected shall, at the first meeting thereafter when a quorum shall be present, elect one of said nine directors 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 directors.

4. *And be it enacted*, That as soon as conveniently may be after the aforesaid capital stock shall have been subscribed for, the said commissioners, or a majority of them, shall call a meeting of the subscribers to the said capital stock, in the city of Beverly, to elect the first board, by giving at least twenty days' notice of the time and place of said meeting, by advertisement in at least one newspaper printed in the county of Burlington; 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 for the 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 the said commissioners to pay over to the said board all the moneys received by them for subscriptions to said capital stock, deducting therefrom only the necessary expenses incurred by them, and the receipt of said president and cashier for said moneys shall be in 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 of said corporation shall be deemed personal property, and shall be subject to such taxes as all the 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 said 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 an order or resolution of said board; *provided*, that at least twenty days' previous notice of the time and place for paying said installments shall be given by advertisement in a newspaper printed in the county of Burlington; 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.

6. *And be it enacted*, That there shall be a cashier of said bank appointed or re-appointed annually, liable however to be removed, and another appointed in his stead, at the pleasure of the said board of directors, and upon such appointment or re-appointment, 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 of 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.

Notes and bills negotiable.

7. *And be it enacted*, That the said corporation shall not issue bills or notes of a 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 cash-

ier, 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, and at such other places as are now prescribed by law for the redemption of bills issued by the banks of the state of New Jersey.

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 said board shall deem advisable; but no dividend shall be made of any part of the capital stock.

Rates of discount.

Proviso.

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.

Transfers 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 notes 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

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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 pain of forfeiting its charter, wholly discontinue and cease from banking operations until such bills or notes shall be fully paid, and shall, until such bills or notes shall be fully paid, be deemed and considered insolvent.

Assets liable for redemption of 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 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.

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 cease to be directors, either by resignation or otherwise, if the said corporation was insolvent when they ceased to be directors; and it shall not be lawful for any director to assign or transfer his stock or other property to avoid such liability; and in case of the payment of any such bills or notes by any of said directors, the other directors who may be liable shall account in the same way as other joint debtors are accountable to

each other; *provided*, that no property that shall or may be levied on or taken in execution under or by virtue of any judgment or decree in favor of any receiver or receivers under the provisions of this act, shall be sold until after the expiration of four months from the date of said judgment or decree. Proviso.

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 realised from said assets and property shall be distributed ratably among the holders of the said bills and notes. Assets to be distributed pro rata.

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 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 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. Liability of stockholders. Proviso.

16. *And be it enacted*, That in case of any 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 denomiations thereof. Actions against stockholders or directors. Proviso.

17. *And be it enacted*, That the bills or notes issued by Amount of issue.

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 imprisonment, not less than one year nor more than five years, at the discretion of the court.

Quarterly statements to be published.

18. *And be it enacted*, That it shall be the duty of said corporation, on the first Monday of January, April, July and October, after commencing the business of banking, to publish in at least one newspaper published in the county of Burlington, 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.

Majority of stockholders to be residents of state.

19. *And be it enacted*, That a majority of the stockholders shall be residents of this state.

Affidavit to be filed of capital paid in.

20. *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 thirty thousand dollars of the capital stock of said corporation had been subscribed for and paid in, conformable to the provisions of this act.

Limitation.

21. *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 22, 1860.

CHAPTER CCXLIX.

AN ACT relative to the Iron Bank.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Sherman Broadwell, Horace Ayres, Ira B. Prudden, Barnabas K. Stickle, Samuel W. Corwin, Francis Lindsly, Courtland S. Hulse, James Holmes and Henry C. Pitney and their associates, shareholders in the Iron Bank, an association existing at Morristown, in the county of Morris, and organized under the provisions of an act of the legislature entitled "An act to authorize the business of banking," and their successors and assigns be and they are hereby constituted a corporation and body politic, by the name and style of the Iron Bank, and by that name 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, prommissory notes, and gold and silver bullion, stocks of the states or of the United States, and shall in no case hold any real estate, goods 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 of debt or debts due or owing to said corporation.

Names of corporators.

Proviso.

2. *And be it enacted*, That the capital stock of said corporation shall be one hundred thousand dollars, to be divided into shares of fifty dollars each; and that the owners of stock in said association so organized as aforesaid under the

Amount of capital stock.

provisions of the act entitled "An act to authorize the business of banking," shall be the stockholders in the corporation created by this act, and shall hold and be entitled to the same number of shares therein that they may hold in the said association at the passing of this act.

Former 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 cashier, under the seal of the 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 corporation created by this act, their successors and assigns, and with the same remedies at law and in equity, in respect thereto as if the original association and subscription to the stock had been made under this act; *provided*, that the new corporation shall be liable for all the debts and obligations of the said association; *and provided*, that the bills of the said association in circulation shall be redeemed in the manner pointed out by the provisions of the aforesaid act entitled "An act to authorize the business of banking," and the supplements thereto; and that the treasurer of this state, on being presented with any amount of the registered notes of said association not less at one time than the amount by him issued upon one of the state bonds deposited with him in pledge by said association, or a multiple thereof, and canceling the same, shall deliver up to the said corporation a corresponding number of said state bonds so deposited with him, to be selected by the treasurer.

Proviso.

Proviso.

First directors.

4. *And be it enacted*, That the affairs of the corporation hereby created shall be conducted and managed by a board of directors, not less than nine nor more than thirteen in number, all of whom shall be stockholders and citizens of this state, and who shall be annually elected in the manner hereinafter prescribed: *provided*, that Sherman Broadwell, Horace

Ayres, Ira B. Prudden, Barnabas K. Stickle, Samuel W. Corwin, Francis Lindsly, Courtland S. Hulse, James Holmes and Henry C. Pitney, at present directors of said association, shall be the first directors of the corporation created by this act, and shall hold their offices until their successors are duly elected.

Election of directors.

5. *And be it enacted*, That the first election for directors of the said corporation created by this act shall be held on the second Tuesday of October next, and on the same day annually thereafter, at the banking house of said corporation, in Morristown, at such hour in the day as the directors shall appoint, of which election at least fourteen days' notice shall be given by the cashier, in a newspaper printed at Morristown; for the well ordering of which 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 are elected; that the said election shall be by ballot, and be made by such of the stockholders as shall attend for that purpose, either in person or by proxy, and each stockholder shall be entitled to one vote for each share of stock held in his, her or their names, at least one month next before the election; and the persons to the number to be elected, who shall have the greatest number of votes, shall be directors; and if it shall happen that two or more persons have an equal number of votes, so that the proper number of persons of those voted for cannot be chosen, who have received a majority or plurality of votes, then the directors of the preceding year, or a majority of them, shall proceed by ballot and plurality of votes to determine which of the persons so having an equal number of votes shall be the director or directors, so as to complete the whole number; and the directors so elected, as soon as may be thereafter, shall proceed to elect by ballot, and by a majority of votes, one of their number for president; and whenever any vacancy or vacancies shall happen among the directors by death, resignation or otherwise, such vacancy or vacancies

shall be filled for the remainder of the year by such person or persons as the other directors for the time being, or a majority of them, shall appoint; and if at any time it shall happen that an election of directors shall not take place on the day herein prescribed, the said corporation shall not for that reason be deemed to be dissolved, but an election shall be had as soon as conveniently may be thereafter, upon like notice, and at the place and in the mode before specified.

Stock transferable.

6. *And be it enacted*, That the capital stock of said corporation shall be deemed personal property, and shall be transferable on the books of the corparation, in the manner prescribed by the by-laws of said corporation, and no stockholder from whom any debt is due to the said bank, or who is drawer or endorser upon any bill of exchange or note discounted by said bank, and not yet due, shall be allowed to transfer his said stock without the consent of the said board of directors, but all such stock shall be and remain liable for the payment of such notes or bills of exchange when they mature.

Amount of Issue.

7. *And be it enacted*, That the said corporation shall not issue bills or notes of a 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, and when so signed and issued, promising the payment of money to any person or to his order, or to the bearer, shall be binding and obligatory upon said corporation, in all respects as if made by a natural person or persons, but 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, shall be liable to indictment therefor, and upon conviction thereof shall be punished by imprisonment in the state prison of not less than one year, nor more than five years, at the discretion of the court.

8. *And be it enacted*, That there shall be a cashier of said bank appointed annually, liable however to be removed and another appointed in his stead, at the pleasure of said board of directors, such appointment or removal only to be made by a majority of the directors; and every cashier, upon such appointment, and before he enters upon the duties of his office, shall be required to give bond, with good and sufficient security to be approved by the board of directors, in a sum not less than twenty thousand dollars, with condition for the faithful performance of his duties as cashier of said bank. Cashier to give bond.

9. *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. Dividends.

10. *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. Rates of discount. Proviso.

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 may then be due and payable, the said corporation shall thereupon, under the pain of forfeiting its charter, wholly discontinue and cease from banking operations, and shall until such bills or notes shall be fully paid, be deemed and considered insolvent. Charter void if bills are not redeemed.

12. *And be it enacted*, That if the said corporation shall at any time hereafter become insolvent, the whole assets of the said corporation, at the time of its becoming insolvent, shall be first liable for its bills and 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 Assets liable for redemption of notes.

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 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 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 if in the case of payment of any such bills or notes by any of said directors, the other directors who may be liable thereon shall account to them in the same way as other joint debtors are accountable to each other; *provided*, that no property that shall or may be levied upon or taken in execution under or by virtue of any judgment or decree in favor of any receiver 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 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 cor-

poration at the time of its becoming insolvent, other than said directors, shall be jointly and severally liable to any receiver or receivers that shall or may be appointed as aforesaid, to any amount sufficient to redeem the said bills 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 may become 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.

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 number and denominations thereof. Actions against directors or stockholders. Proviso.

17. *And be it enacted*, That it shall be the duty of said corporation, on the first Mondays in the months of January, April, July and October in every year, to make the statements required to be made by the other banks of this state, by the act entitled "A supplement to an act entitled 'An act to punish frauds committed on the incorporated banks of this state, and for the better regulation of said banks,' approved April sixteenth, eighteen hundred and forty-six." Quarterly statements to be made.

18. *And be it enacted*, That three-fourths of the stockholders in value of said corporation shall be residents of this state, and that this act shall continue in force for twenty years, but it shall be lawful for the legislature at any time Limitation.

hereafter to alter, modify or repeal the same, whenever in their opinion the public good shall require it.

Treasurer to deliver over plates, &c.

19. *And be it enacted*, That the treasurer of this state be, and he is hereby authorized and required to deliver to the order of the president of said bank, on the acceptance of this charter, the plates, dies and materials connected with and belonging to the said Iron Bank, held by him.

Approved March 22, 1860.

CHAPTER CCL.

AN ACT authorizing the secretary of state to insure the state library.

Secretary of state authorized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the secretary of state be and hereby is authorized to effect an insurance against fire on the state library, in a sum not exceeding fifteen thousand dollars, which insurance shall be effected by insuring in three or more different insurance companies, in a sum not exceeding five thousand dollars each.

Treasurer to pay premiums

2. *And be it enacted*, That it shall be the duty of the treasurer and he is hereby authorized to pay such premium or premiums as shall be necessary to effect such insurances, upon certificate of the secretary of state, that such insurance or insurances have been effected.

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

Approved March 22, 1860.

CHAPTER CCLI.

AN ACT extending the provisions of an act entitled, "A further supplement to 'An act to authorize the inhabitants of the township of Bloomfield, in the county of Essex, to raise money for the support of free schools,' approved March first, one thousand eight hundred and forty-nine, to the West Bloomfield school district, in the township of Bloomfield, in the county of Essex."

Provisions of former act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act to which this is a supplement, be and the same are hereby extended to the "West Bloomfield school district," in the township of Bloomfield, in the county of Essex.

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

Approved March 22, 1860.

CHAPTER CCLII.

AN ACT to authorize the board of chosen freeholders of the county of Camden to borrow twenty thousand dollars, for the purpose of establishing a workhouse in said county.

Freeholders authorized to borrow money

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 Camden" shall have power to borrow such sum of money as they may deem proper and necessary, not exceeding in the whole the sum of twenty thousand dollars, for the purpose of purchasing a site for and erecting and establishing a workhouse in the said county of Camden, under the provisions of an act entitled, "An act for the establishment of workhouses in the several counties of this state," passed the twentieth of February, seventeen hundred and ninety-nine, and for defraying the necessary and proper expenses incident to such erecting and establishing, and the carrying on of the same.

Freeholders may issue bonds.

2. *And be it enacted*, That for the purpose of securing the payment of any sum or sums which may be borrowed under the authority of the preceding section, the said "the Board of Chosen Freeholders of the county of Camden," may issue bonds for any sum not exceeding in the whole twenty thousand dollars, and the bonds of the said board to the amount aforesaid, issued by the order of the said board, under their corporate seal, and signed by the directors of the said board, shall be held to be valid and binding in all courts of law and equity, and the payment of the said bonds may be provided for by the said board out of any moneys raised by tax in said county for county purposes, and if not paid at maturity may be sued in the same manner as other bonds for the payment of money, and the payment of any final judgment obtained on such bonds may be enforced by execution against and sale

of any property held by the said board, to and for the use of the said county, in the same manner as the payment of judgments against private persons may or can be enforced by execution against and sale of their private property.

Approved March 22, 1860.

CHAPTER CCLIII.

AN ACT to increase the per diem of constables while attending court in the counties of Essex and Union and Hudson.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the constables of the counties of Essex and Union, shall hereafter receive one dollar and fifty cents for every day's attendance upon the sessions of the courts holden in said counties, to be paid to them as provided for, in lieu of the compensation now by law given them for the same duty. Compensation to constables.

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

Approved March 22, 1860.

CHAPTER CCLIV.

AN ACT to incorporate the Morris County Agricultural Society.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That George J. Cobb, Alfred M. Treadwell, Henry M. Olmstead, Nathan A. Cooper, Joseph B. Bassinger, Nelson H. Drake, and Martin S. Van Ness, of the county of Morris, and their associates and successors, shall be and they are hereby constituted and appointed a body politic and corporate, by the name of "the Morris County Agricultural Society."

Society may make by-laws.

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

Proviso.

Corporation may hold real estate.

3. *And be it enacted*, That the said corporation may purchase, use, hold, possess and enjoy such real and personal estate as they may from time to time deem necessary for the well being and to promote the interest and objects of this society, and the same or any part or parts thereof from time to time to sell, mortgage, lease or otherwise dispose of at pleasure; *provided*, that such real and personal estate so held shall not exceed in its value the sum of twenty thousand dollars.

Proviso.

Property not liable to taxation.

4. *And be it enacted*, That all land or other property which may hereafter be owned or held, by lease or otherwise, by said

society, and used for the purpose of promoting its objects, shall not be liable to have any taxes assessed or levied upon the same for any purpose or purposes whatsoever.

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

Approved March 22, 1860.

CHAPTER CCLV.

AN ACT to authorize the State Treasurer to pay a certain sum therein specified, for the use and benefit of the library of the State Prison.

Treasurer authorized to pay three hundred dollars to inspectors.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state be, and he is hereby authorized and directed to pay out of any moneys in his hands not otherwise appropriated, to the inspectors of the State Prison, the sum of three hundred dollars, to be used and appropriated under the direction of said inspectors for the purposes of completing and replenishing the library of the prison with such books and publications as they may deem proper.

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

Approved March 22, 1860.

CHAPTER CCLVI.

AN ACT to authorize the inhabitants of the several townships of this state 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 several townships of this state authorized by law to vote at town meetings, are hereby authorized and required when a majority of the legal voters assembled at any annual town meeting, shall decide that the next or subsequent annual town meetings thereafter shall be held by ballot, to so hold their elections, and not otherwise, which election by ballot shall be so held until it shall be determined in the same manner that their next or subsequent annual town meetings thereafter shall not be held by ballot; and when held by ballot, it shall be lawful to elect 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 or more chosen freeholders, two surveyors of the highways, three commissioners of appeal, one or more overseers of the poor, as many overseers of the highway as there are road districts, one or more pound keepers, a township committee consisting of three or more persons, a town superintendent of public schools, as many justices of the peace as the township may be constitutionally entitled to elect, one or more constables; and shall also, upon the same ballot, vote for the amount of money to be raised for the support of the poor, for school purposes, for the repair of roads, the amount of dog tax, and all other money necessary for township purposes, and for the places of holding the next annual town meetings, and the election of state and county 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 town meetings.

3. *And be it enacted*, That the judge of election elected at the last or any future town meeting, shall preside at and conduct the election at the next ensuing annual town meeting, and the clerk of the said township shall be the clerk thereof.

Mode of conducting elections.

4. *And be it enacted*, That the election shall open at nine o'clock in the morning and close at three o'clock in the afternoon of said 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 qualification for voters shall be required, and the result ascertained in the same manner, and stated according to law.

Town committee to fill vacancies, &c.

5. *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 of the state and county elections, but a majority of all the votes cast shall be required to determine an amount of money to be raised or specified; and in case there shall be a neglect or failure to elect any officer by the town meeting, or to fix the place of holding the next town meeting, or state and county elections, or in case of the refusal of any person elected to accept 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, and in that case shall have power to call such special town meeting as now provided by law.

Clerk to notify persons appointed.

6. *And be it enacted*, That when the township committee shall fill a vacancy, or elect in case of a tie between candidates, they shall immediately notify the clerk of the township, who shall enter the same on the township book containing the minutes of the proceedings of the town meetings, and shall also notify the person or persons appointed or chosen, and shall transmit a statement thereof to the clerk of the county.

Reports of the overseers of the poor and superintendent of schools to be filed.

7. *And be it enacted*, That the reports of the township committee, the overseers of the poor and town superintendent of public schools, shall be presented to the township committee and filed and preserved by the town clerk; in posting up the list of officers elected, as required by law, the clerk shall add thereto the result of the election in other particulars; the first election under this act shall be held at the place appointed at the last town meeting, 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.

Act not to apply to certain townships.

Proviso.

8. *And be it enacted*, That nothing in this act contained shall be so construed as applying to, nor shall the provisions of this act apply to any township in this state in which the right to vote by ballot is now allowed by law; *provided*, that this act shall be in force and apply only to the counties of Camden, Salem, Cumberland, Sussex and Warren.

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

Approved March 22, 1860.

CHAPTER CCLVII.

AN ACT regulating the election of overseers of highways in the townships of Frelinghuysen and Washington, in the county of Warren.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the overseers of the highway of the several road districts in the townships of Frelinghuysen and Washington, in the county of Warren, shall be elected by the legal voters of the several districts, as they may be arranged from time to time by the township committee in said townships, and for the purpose of carrying this provision into effect, it shall be the duty of the township committee of the said townships to give public notice of the time and place of holding the first district road meetings under this act, and which meetings shall be held on the Saturday next previous to the annual town meetings in said townships; 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 road 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 in the road 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 by ballot to elect an overseer of the highway for such road district; the moderator of each district meeting shall notify the township committee at their first meeting after such election, in writing, of the election of such overseer; and in case of the failure of any district to elect

Election of overseers of highways.

an overseer, or of the person so elected to accept of the appointment, the township committee shall fill such vacancy and furnish a list of the names of said overseers of the highways so elected or appointed to the clerk of the township, and it shall be his duty to publish the same, with the names of the officers and proceedings of said first town meeting after the election of said overseers.

District road meetings, how called.

2. *And be it enacted*, That all subsequent district road meetings in said township shall be called by the overseers of the respective road districts, upon notice posted up in some conspicuous place in such road district, at least five days before the time of holding such meeting; and all such subsequent district road meetings shall be held on Saturday preceding the annual town meetings in said township; and should the overseer of any district fail to call such meeting, or the individual elected refuse to accept such appointment, or in case of a vacancy arising from any other cause, the township committee shall fill such vacancy, and cause the names of the persons so elected or appointed to be published as aforesaid.

Approved March 22, 1860.

CHAPTER CCLVIII.

AN ACT to extend the provisions of an act to prevent horses, cattle, sheep and swine from running at large in certain parts of the township of Pequannock, and in the township of Chatham, in the county of Morris.

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, be extended to that part of the township of Pequannock, in the county of Morris, within the following limits: commencing at what is called the Old Horse Neck Bridge, that crosses the Passaic river near the dwelling house of Henry Cole, esquire; thence in a straight line to a place called Whitehall; thence in a straight line through Jacksonville to Pequannock river, near the dwelling house of widow Ann Lozier; thence along said Pequannock river to the Two Bridges, where it intersects the waters of the aforesaid Passaic river; thence along said river to the place of beginning; and also the township of Chatham, in the county of Morris. Provisions of former act extended.

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

Approved March 22, 1860.

CHAPTER CCLIX.

AN ACT to prevent failure of justice in certain cases.

Proceedings in case of vacancy in office of chief justice.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case of the death, absence, or inability to act, of the chief justice of this state, or of a vacancy in that office, the chancellor of this state may perform any act which is or shall be required to be performed by the said chief justice, in and by any charter of incorporation, or other special law, such act not belonging to his ordinary duties as such chief justice.

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

Approved March 22, 1860.

CHAPTER CCLX.

AN ACT to amend an act entitled, "An act to incorporate the Hoboken Fire and Marine Insurance Company," passed March twenty-third, eighteen hundred and fifty-nine.

Second section amended.

1. BE IT ENACTED *by the Senate and General Assembly of*

the State of New Jersey, That the words "in such securities on real estate or other securities, as the commissioners hereinafter named shall deem sufficient," contained in the second section of said act, are hereby repealed, and the following words substituted in their stead: "in cash or first bonds and mortgages on unincumbered real estate, within the states of New Jersey or New York, worth fifty per centum more than the amount of said bonds and mortgages, or in state stocks of either of said states, or in Hoboken city water scrip, or in the city stocks of New York, Brooklyn or Jersey City."

Eighth section amended.

2. *And be it enacted*, That the words, "the directors shall decide," contained in the eighth section of said act, are hereby repealed, and the following words substituted in their stead, "provided for by the general insurance law of this state."

Fifth section amended.

3. *And be it enacted*, That the fifth section of said bill be amended by the insertion of the name of William H. Peckham in the place of Edmund Charles, and by the insertion of the name of Adam D. Logan in the place of Albert Mann.

Approved March 22, 1860.

CHAPTER CCLXI.

AN ACT to incorporate the Belleville Horse Railway Company.

Names of corporators.

1. BE IT ENACTED *by the Senate and General Assembly of*

the State of New Jersey, That Jonathan Bird, Andrew Le massena, Samuel Adams, Theodore Runyon, John C. Lloyd, James McCracken, James F. Bond, Theodore Sandford, John Van Rensselaer, Alfred Keene, Joseph P. Bradley, Adolphus W. Waldron, and John Eastwood, and such other persons as may be hereafter associated with them, shall be and they are hereby ordained, constituted and declared a body politic and corporate, in fact and in law, by the name of "the Belleville Horse Railway Company," and shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels necessary or proper for the objects of this corporation.

Amount of capital stock.

2. *And be it enacted*, That the amount of the capital stock of said company shall be one hundred thousand dollars, with the privilege of increasing the same to two 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 by-laws direct.

Commissioners to receive subscriptions.

3. *And be it enacted*, That the above named persons, or a majority of them, shall be commissioners to open books to receive subscriptions to the capital stock of said company, 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 the county of Essex; and at the time of subscribing for said stock ten per centum shall be paid upon the amount subscribed for, to the commissioners, or some one of them; and as soon as the sum of twenty-five thousand dollars of the capital stock is subscribed for, such commissioners shall give notice for a meeting of the stockholders, to choose eleven directors, a majority of whom shall be chosen from the above named commissioners, and 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 said corporation, and shall certify under their hands the names of those persons duly elected, and deliver over the subscription books and money paid in, deducting all expenses previously incurred, to the said directors; and the time and place of holding the first meeting of said directors shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at such meeting, or at the annual election of said corporation, shall, as soon as may be after every election, choose out of their own number a president, who shall be a resident of this state; and in case of the death, resignation or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year in which they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

Corporation not dissolved for failure to elect on day prescribed.

4. *And be it enacted*, That the number of the directors of the said company shall be eleven, and five of whom shall reside in the township of Belleville; and in case it shall happen that an election of directors should not be made during the day when, pursuant to the by-laws of said company it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time, on giving at least twenty days' notice in two of the newspapers published in the county aforesaid; and the directors for the time being shall continue to hold their offices until others shall have been chosen in their place.

Payment of installments.

5. *And be it enacted*, That a majority of the directors of said company shall be competent to transact all business of said corporation, and shall have power to call in the remaining stock of said company by such installments and at such times as they may direct, by giving thirty days' previous

notice in two of the newspapers published in the county of Essex; *provided*, that no installment shall exceed ten dollars on each share, and that no two installments shall be required to be paid within thirty days of each other; and in case of the non-payment of said installments, or any one of them, they shall have power to forfeit the share or shares upon which said default shall arise, to the said corporation; and the said directors shall have power 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, effects and business 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 to the president as to the said directors shall seem proper.

Proviso.

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 suitable point in the township of Belleville at or near the Spring Garden road, to some suitable point on Broad street, not south of the Morris and Essex railroad depot, and to locate and construct said railroad, not exceeding one hundred feet in width; and it shall be lawful for said president and directors, their agents, engineers, superintendents, and others in their employ, to enter at all times upon lands for the purpose of exploring, leveling, surveying and laying out the route of such railroad, and of locating the same, and to make and erect all necessary works, buildings and appendages thereof, doing no unnecessary damage to private property; and when the route and location of said railroad shall have been determined upon, and a survey thereof deposited in the office of the secretary of state, then it shall be lawful for said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, use, occupy and excavate any such lands, and to erect embankments and all other necessary

works thereon, and to lay rails and to do all other things which may be suitable and necessary for the completion or repairs of the said railroad, and to carry into full effect the objects of this act, subject to such compensation and upon such terms as are hereinafter provided for.

Company not to lay rails on public streets without permission.

7. *And be it enacted*, That if the said railroad shall be located on any public street or highway, except for the purpose of crossing the same, in the city of Newark, the said company shall not lay any rails along said streets or highways, nor commence the work for that purpose, without first obtaining the permission of the common council of said city, upon such conditions and restrictions as the said common council may designate to lay the same, and if the said railroad shall be located on any public highway, except for the purpose of crossing the same, in the township of Belleville, the said company shall not lay any rails along such highway without first obtaining the consent in writing of the township committee, surveyors of the highways and chosen freeholders of said township, or a majority of them, to lay the same, which consent shall be filed in the office of the clerk of the county of Essex, and the said railroad and the rails thereof shall be constructed in such manner and of such size and pattern as to impair as little as practicable the ordinary travel in any street or highway in which the said road may be located.

Proceedings when company and owners cannot agree.

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

mon pleas of the county of Essex, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown or out of this state, to make publication thereof as he shall direct, for any time not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time and place, upon satisfactory evidence to him of the service of publication of such notice as aforesaid, he shall appoint under his hand and seal, three disinterested, impartial and judicious freeholders, residents of this state, commissioners to examine and appraise the said lands, and assess the damages, upon such notice, not less than ten days, to be given to the persons interested, or otherwise, as shall be directed by the judge making the appointment of commissioners, and it shall be the duty of said commissioners (having first taken and subscribed an oath or affirmation before some person duly authorized to administer the same,) faithfully and impartially to examine the matter in question, and to make a true report according to the best of their skill and understanding, to meet at the time and place appointed, and to proceed to view and examine the said lands, the said commissioners at the same time taking into consideration all the benefits to be derived from or in consequence of said railroad, as the case may be, to the said owner or owners, and to make a just and equitable appraisement of the value of the same, and an assessment of damages to be paid by the said company, which report shall be made in writing, under the hands and seals of said commissioners, or any two of them, and filed within twenty days thereafter, together with the aforesaid description of the lands, and the appointments and oaths or affirmations aforesaid, in the clerk's office of said county, to remain of record therein, which report, or in case of an appeal the verdict of a jury and the judgment of the court, and a copy thereof, certified by the clerk of said county, (the damages and costs assessed and adjudged being first paid as hereinafter mentioned) shall at all times be considered as plenary evidence of the right of said company to have, hold,

use, occupy, possess and enjoy the said lands, and either of the judges of the said court shall, on application of either party, on reasonable notice to the other, tax and allow such costs, fees and expenses to the judges of the said court, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as he shall think equitable and just, and to order and direct by whom the same shall be paid.

Parties dissatisfied may appeal.

9. *And be it enacted*, That in case the said company or owner or owners of the said lands shall be dissatisfied with the report made by the said commissioners named in the preceding section of this act, the party so aggrieved may appeal to the circuit court of the said county of Essex, at the first term after filing of the said report, by proceeding in the form of petition to said court, which proceedings shall vest in said circuit court full right and power to direct a proper issue for the trial of the said controversy between the said parties, and order a jury to be empannelled and sworn as in other cases, and a view of the premises to be had, if either of the parties desire it, and the issue to be tried at the next term of said court to be holden in said county upon like notice, and in the same manner as other issues in the said court are tried; and it shall be the duty of the jury to assess the value of the said land and the damages sustained, and if they shall find a greater sum than the commissioners have awarded, or the company have offered to the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded thereon; and if the said appeal shall be applied for by the owner or owners, and the jury shall find the same or a less sum than the commissioners awarded or the company offered, then the said costs shall be paid by the said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the court shall direct, but such application shall not prevent the company from taking the said land upon filing the said report; *provided*, that in no case whatever shall said company enter upon or take possession of the

Proviso.

lands of any person or persons for the purpose of actually constructing said railroad or of making any erections or improvements whatever, or otherwise appropriating said lands to the use of the company, until they have paid the party or parties entitled to receive the same, the amount found by the said commissioners as the value of the said 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 said commissioners in case there shall be no appeal, or the amount found by the jury 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 payment of the amount assessed or found as aforesaid into the circuit court of the county of Essex 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 the same without being debarred thereby from an appeal from the report of the commissioners; and it shall be lawful for said company, and they are hereby authorized, with their road, to cross the line of any other railroad; *provided*, that the grade of the road hereby authorized at the point or points of crossing such other railroad shall correspond with the grade of the railroad so to be crossed, or otherwise at such point or points, or shall be constructed a viaduct, at such a height as not to interfere with the passage of the trains upon such other railroad.

Proviso.

Highways to be repaired.

10. *And be it enacted*, That in case the said railroad is located on or across any road or highway, the said company shall restore such road or highway to such state or condition as not to impair its usefulness.

Rates of transportation.

11. *And be it enacted*, That the president and directors of said Belleville Horse Railway Company shall have power to have constructed, or to purchase with the funds of the company, and place and use on said railroad, cars, wagons, carriages or vehicles for the transportation of persons or any

species of property, with such motive power as they may think reasonable, expedient or right, but no steam power shall be used in passing on or over any public road or highway without the permission of the public authorities of the city or township before mentioned; and they are hereby authorized to demand and receive such sum or sums of money for the transportation of persons and every species of property whatsoever thereon as they from time to time shall think reasonable and proper; *provided*, that they shall not charge more than five cents per mile for each passenger, and twenty-five cents per ton per mile for the transportation of every species of heavy merchandise, and goods usually weighed by the ton, in the carriages of the company, and for dry goods and packages, such reasonable rates as shall be fixed by the board of directors, or six cents per ton per mile for every ton, four cents per mile for every passenger carried on said railroad in the carriages of others, and four cents per mile for every empty carriage not the property of the company; and that the road authorized by this act shall be and is declared a public highway, and free for the passage of any railroad carriage thereon with passengers or property, upon payment of the tolls prescribed by this act; and said company shall not charge more than ten cents for conveying a passenger in their cars from Belleville to any terminus of their railroad in Newark, and vice versa; *and provided always*, that the carriages so used on said railroad shall be of the same description in the formation of the wheels and length of axle as those used by the company, and shall be regulated as to the time of starting and running and rates of travelling by the company in the same manner as the carriages of the company are, and the said railroad and its appendages, and the land over which the same shall pass; and all the works and improvements and all other property whatsoever belonging to the company, shall continue to be the property of the company and their successors, for and during the continuance of the charter; *provided always*, that in case the said company, after the road is completed, shall abandon the same or cease to use and keep it in repair for one year continuously in the city of Newark,

Proviso.

Regulations for running, etc.

Proviso.

that the charter shall be annulled so far as it affects said city of Newark, and the common council may remove the same and appropriate enough of the materials thereof to defray the expense of such removal and for repairing the street; and then and in that case this charter shall be annulled and the title of the land over which the said railroad is located shall be re-vested in the person or persons who would have been legally entitled thereto if the said railroad had not been located, but the superstructure of the said railroad and the material of which the same is composed, shall in such case be deemed and taken to be personal property of the company, and shall be by them removed and disposed of within a reasonable time to and for the use of the said company.

Dividends.

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

Company may hold real estate.

13. *And be it enacted*, That the said company may purchase, have, hold and occupy such real estate, at or near the commencement and termination of said road, and at such points along the line of said road as may be necessary for the convenient transaction of business, not exceeding five acres in each place, and may erect and build thereupon depots, warehouses and such other buildings and improvements as they may deem expedient for the safety of their property and the necessary uses appertaining to their business.

Penalty for injuring works

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

15. *And be it enacted*, That as soon as the said railroad is finished, the president of the said company shall file, under oath or affirmation, a statement of the amount of the costs of the said railroad, including all expenses, in the office of the secretary of state, and annually thereafter he shall, under oath or affirmation, make a statement to the legislature of this state of the proceeds and expenses of said road; and, as soon as the said company shall declare to their stockholders dividends equal to seven per centum per annum, from and after the commencement of the building of said road, and so long as the said company pays dividends of seven per centum per annum, the said company shall pay to the treasurer of this state a tax of one-half of one per centum on the cost of the said road, to be paid annually on the first Monday in January; *provided*, that no other tax or impost shall be levied or raised from said corporation by virtue of any law of this state. State tax to be paid. Proviso.

16. *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 company with all necessary rails, buildings, cars, vehicles and animals for the use and object of said corporation, and to secure the repayment thereof by bond and mortgage, or otherwise, on the said road, land, franchises and appurtenances of or belonging to said corporation, at a rate of interest not exceeding seven per centum per annum; *provided however*, that the said company shall not plead the statute against usury in consequence thereof. Corporation may borrow money. Proviso.

17. *And be it enacted*, That it shall be lawful for the said corporation, at any time during the continuance of its charter, to make contracts and engagements with any other company or corporation, or with individuals, for operating said railroad, for transporting or conveying any kind of goods, produce, merchandise, freight or passengers, and to enforce the fulfillment of such contracts: and also to demand and receive for the transportation of all passengers and freight by them carried and transported over the road of any other company, the Corporation may make contracts with other companies.

same rates of fare and tolls as the said company are entitled to demand and receive by virtue of this act, for transportation and passage over their own road; and it shall also be lawful for said company, at any time after said railroad shall be completed, to extend it to Paterson, or any intervening point, under the regulations and restrictions hereinbefore laid down.

Time for completion of road.

18. *And be it enacted*, That if the said road is not completed and in use within two years from the time when consent is given by said common council of the city of Newark, then and in that case this act shall become void; and further, that said company shall, without unnecessary delay, seek permission from the common council of the city of Newark to lay their rails in said city, from the Morris and Essex Railroad depot to the line of said township of Belleville.

Company may connect with other roads.

19. *And be it enacted*, That the said company shall have power to connect with any other railroad hereafter built and established by any company incorporated by the New Jersey legislature, upon such terms and conditions as shall be agreed on between them, and not inconsistent with their respective charters.

Act may be repealed.

20. *And be it enacted*, That the legislature may alter, amend, modify or repeal this act whenever, in their opinion, the public good may require it.

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

Approved March 22, 1860.

CHAPTER CCLXII.

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, who have not been furnished therewith, shall be entitled to a Vienna writing box; *provided*, the cost of the same shall not exceed the sum of ten dollars each, which amount shall be paid out of the state treasury in the same manner prescribed by the law to which this is a supplement. Pupils to be furnished with writing desk.

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

Approved March 22, 1860.

CHAPTER CCLXIII.

A supplement to the act entitled "An act to secure to mechanics and others payment for their labor and materials in erecting any building," approved March eleventh, eighteen hundred and fifty-three.

1. BE IT ENACTED *by the Senate and General Assembly of*

Construction of certain words in former act.

the State of New Jersey, That the words "fixtures for manufacturing purposes," as used in the said fifth section of the said act to which this is a supplement, shall be construed to include any building, erection or construction of whatever description attached or annexed, or intended to be attached or annexed to any land or tenement, and designed to be used in the building or repairing of vessels, whether the same be permanently attached to the freehold, or so built as to be removed from place to place, and only temporarily attached to the land, and whether the same be intended and designed for use on land or water.

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

Approved March 22, 1860.

CHAPTER CCLXIV.

A supplement to an act entitled, "An act to establish the city of Elizabeth," approved March thirteenth, eighteen hundred and fifty-five, and supplement thereto, approved March fifteenth, eighteen hundred and fifty-nine.

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 acts to which this is a supplement as requires the election of a collector of taxes in each ward, be and the same is hereby repealed.

2. *And be it enacted*, That the qualified voters in each ward of said city shall, at their election on the second Monday in April next, and annually thereafter, give their votes for a receiver of taxes at large for the said city, who shall be called, the receiver of taxes of the city of Elizabeth; and the said receiver of taxes of the city of Elizabeth shall hold his office for one year, and it shall be his duty to perform in said city the duties, and he shall be entitled to receive the same fees and emoluments which the collectors of taxes of the several wards are required to perform in their respective wards, and are entitled to receive by the acts to which this is a supplement. Election of receiver of taxes.

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

Approved March 22, 1860.

CHAPTER CCLXV.

A supplement to the act entitled, "An act for the limitation of actions," approved April, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any prosecution to be had or commenced upon any bond heretofore given, or hereafter to be given, by any justice of the peace and his securities, according to the eleventh section of the act entitled, "An act relating to Prosecution of bonds of justices of the peace.

justices of the peace," approved April seventeenth, eighteen hundred and forty-six, shall in no wise operate against, or in any manner affect the said securities named and bound in said bond, their heirs, executors, or administrators, unless such prosecution shall be commenced within ten years after the date of said bond, and not after.

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

Approved March 22, 1860.

CHAPTER CCLXVI.

A supplement to the act entitled "An act to incorporate the Standard Mutual Life Insurance Company," approved March ninth, eighteen hundred and fifty-nine.

Election of vice-president

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of directors may elect from among themselves a vice president, who shall have power to perform the duties of president when he from any cause is unable to act.

Guaranteed capital authorized.

2. *And be it enacted*, That the third and fifth sections of the act to which this is a supplement, shall be construed as giving power to the said company to provide in their by-laws for a guaranteed capital, which shall be raised and held in

such manner as the board of directors may deem expedient, and for the better security of the insured.

3. *And be it enacted*, That the sum mentioned in the proviso of the fourth section of the act to which this is a supplement shall be increased to three hundred dollars. Sum increased

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

Approved March 22, 1860.

CHAPTER CCLXVII.

A supplement to an act entitled "An act to determine the number of chosen freeholders, and providing for the election of a county collector in the county of Camden," approved March eighteenth, eighteen hundred and fifty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That after the term for which the present county collector was elected, the county collector shall receive as full compensation for his services the sum of two hundred dollars. Compensation to collector.

2. *And be it enacted*, That all acts and parts of acts conflicting with the provisions of this act, be and they are hereby repealed. Former acts repealed.

3. *And be it enacted*, That the boards of chosen freeholders of Gloucester and Camden counties shall meet in the Meetings of freeholders.

county court house, in the city of Camden, on the first Tuesday of December next, at eleven o'clock A. M., for the purpose of electing a steward and other officers for the almshouse; and if either of the boards should neglect to be present, then the board present shall proceed to elect the same as if both boards were present, and they shall then determine at what time and where the next joint meeting shall be held.

Number of votes.

4. *And be it enacted*, That at such joint meetings of the board each of the said counties shall be entitled to cast an equal number of votes.

Approved March 22, 1860.

CHAPTER CCLXVIII.

A further supplement to the act entitled, "An act for the limitation of actions," approved April sixteenth, eighteen hundred and forty-six.

Time elapsed since vacancy in office of chancellor not to be part of limitation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the time which has elapsed since the vacancy occurred in the office of chancellor, shall not be considered or taken as part of the period of limitation, within which any action, suit, or proceeding whatever, in the court of chancery, is required by any law of this state to be commenced or prosecuted.

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

Approved March 22, 1860.

CHAPTER CCLXIX.

A further supplement to an act entitled, "An act to incorporate the city of Rahway," approved February twenth-sixth, one thousand eight hundred and fifty-eight.

Council authorized to raise money by tax.

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 Rahway, to raise by tax every year a sum not exceeding one thousand dollars, to be applied as follows—that is to say, the sum of seven hundred dollars for the general use and purposes of the fire department, and the sum of three hundred dollars for keeping in order and good and sufficient repair the cisterns, engine houses, and building such other cisterns and engine houses as the mayor and common council may from time to time build and erect, or cause to be built or erected, and for keeping the same in good and sufficient repair.

Tax for survey of city.

2. *And be it enacted*, That it shall be lawful to raise by tax every year, for three years, in addition to the sums authorized by the act to which this is a supplement, an additional sum, not exceeding in the whole the sum of five hundred dollars, to defray the expenses of a general survey of said city of Rahway, erecting monuments to mark the boundaries thereof, and making and lithographing a map or maps of the same.

Parts of former act repealed

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

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

Approved March 22, 1860.

CHAPTER CCLXX.

AN ACT to defray Incidental Expenses.

Treasurer authorized to pay certain incidental charges.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the treasurer of this state to pay the several persons hereinafter named, the following amounts, viz:

1. To David S. Anderson, for blinds to the assembly chamber, sixty-nine dollars and seventy-four cents, ($69.74).

2. To David S. Anderson, for labor and materials for the state library, one hundred and seventy-five dollars and fifty-five cents, ($175.55).

3. To Charles Scott & Company, for stationery furnished for the use of the engrossing clerk of the house of assembly, eighty-eight dollars and fifty-seven cents, ($88.57).

4. To Charles Scott & Company, for stationery furnished to Charles P. Smith, clerk of the supreme court, one hundred and thirty-four dollars and thirty-eight cents, ($134.38).

5. To Charles Scott & Company, for stationery furnished for the secretary of state, fifty-four dollars and eighty-three cents, ($54.83).

6. To Charles Scott & Company, for stationery furnished to the house of assembly per order of J. P. Harker, late clerk, one hundred and four dollars and fifty-three cents, ($104.53).

7. To Charles Scott & Company, for stationery furnished for the use of the quartermaster-general, four dollars and thirty cents, ($4.30).

8. To Charles Scott & Company, for stationery furnished executive department, fifty-six dollars and seventy-seven cents, ($56.77).

9. To Charles Scott & Company, for stationery furnished

to the late governor, William A. Newell, seventy-eight dollars and fifty cents, ($78.50).

10. To Charles Scott & Company, for stationery furnished for the use of the senate, per order of secretary, two hundred and ninety-four dollars ($294.00).

11. To Charles J. Ihrie, for extra services, express charges, &c., as state librarian, three hundred and forty-seven dollars and forty-three cents, ($347.43).

12. To S. C. Ashbrook, for publishing proclamation of speaker, calling election for the second assembly district, in the county of Gloucester, six dollars, ($6.00).

13. To C. Barricklo & Company, for articles furnished the senate and house of assembly, forty-two dollars and ninety-five cents, ($42.95).

14. To A. Rowley, for sundries furnished to the senate and house of assembly, and also the different offices throughout the state house, ninety-three dollars and forty-four cents, ($93.44).

15. To W. Sanderson & Son, for one large swivel chair for the use of the president of the senate, twenty-two dollars and thirty-seven cents, ($22.37).

16. To Andrew Mead, for advertising a proclamation for a special election in the second assembly district of Passaic county, ten dollars, ($10.00).

17. To Vanderhoven & Irish, for advertising military notice for convention, and proclamation for a special election in the second assembly district of Passaic county, thirteen dollars, ($13.00).

18. To David Clark, for stationery furnished for the clergymen of the city of Trenton, per resolution of the senate, one hundred and eighty-seven dollars and fifty cents, ($187.50).

19. To Austin H. Patterson, for three hundred bushels of marl, and freight, for the use of the state house yard, thirty-nine dollars, ($39.00).

20. To J. S. Fish, for six days' service as appraiser at the state lunatic asylum, eighteen dollars, ($18.00).

21. To James Murphy, for soap and brushes for the use of state house, one dollar and thirty-six cents, (1.36).

22. To William A. Wheeler, for stationery furnished to the members of the general assembly, twelve hundred and nine dollars and twenty-five cents, ($1,209.25).

23. To Benjamin S. Disbrow, for repairs of chairs in the court room, and for book case for state library, twelve dollars, ($12.00).

24. To David Clark, for books and stationery furnished to the treasury office, thirty-three dollars and fifteen cents, ($33.15).

25. To William A. Carr, for stationery furnished to the senate, five hundred and thirty-two dollars and fifty cents, ($532.50).

26. To Upton & Miller, for work done at state house, and for hardware furnished, two hundred and thirty-five dollars and nine cents, ($235.09).

27. To Willet Hicks, for articles furnished to the chancery office and supreme court office, six dollars and six cents, ($6.06).

28. To the Trenton Gas Light Company, for gas furnished to state house and street lamps, one hundred and twenty-nine dollars and seventy-five cents, ($129.75).

29. To Benjamin K. McClurg, for music furnished on the occasion of the celebration of Washington's birth-day, forty-two dollars, ($42.00).

30. To William T. Nicholson, for furnishing and binding reports for the clerk of the supreme court, seventy-one dollars, ($71.00).

31. To the Trenton Water Works Company, for the water supplied to state house, as per agreement, one hundred dollars, ($100.00).

32. To John M. Van Cleve, for six days' services as appraiser of the personal property at the lunatic asylum, eighteen dollars, ($18.00).

33. To Upton & Miller, for stationery furnished for the

use of house of assembly, two hundred and eighty-four dollars and twenty-five cents, ($284.25).

34. To Fish & Green, for stationery furnished for the use of the state, forty-five dollars and seventy-six cents, ($45.76).

35. To Joshua Jefferies, for painting and paints used at the state house, thirty-three dollars and seventy cents, ($33.70).

36. To Phillips & Boswell, for printing circulars for members of military commission, four dollars, ($4.00).

37. To Charles B. Cogill, for articles furnished to the state librarian for the library, forty-eight dollars and twenty-eight cents, ($48.28).

38. To Phillips & Boswell, for printing notices for quartermaster general, thirteen dollars, ($13.00).

39. To Phillips & Boswell, for printing calendar for supreme court, seven dollars, (7.00).

40. To William A. West, for ice furnished for the use of the courts and offices, for the year eighteen hundred and fifty-nine, thirty dollars and forty-seven cents, (30.47).

41. To S. & E. Roberts, for clocks furnished to the clerk of the supreme and chancery court, and for thermometer and other articles for assembly room, fifteen dollars, ($15.00).

42. To Biles & Hunt, for lumber, work and nails for fence, one dollar and twenty-five cents, ($1.25).

43. To Upton & Miller, for stationery furnished for the use of the senate, two hundred and eleven dollars and fifty cents, ($211.50).

44. To Hutchinson & Wagoner, for gas fixtures and labor at state house, twenty-eight dollars and nine cents, ($28.09).

45. To George Whildey, for services rendered at the celebration of Washington's birth-day, by order of the committee of the senate and house of assembly, eight dollars, ($8.00).

46. To M. L. Mount, for crape and ribbon furnished for the use of the house of assembly, ten dollars and twenty-five cents, ($10.25).

47. To S. Van Sickell, for articles furnished and work

done in the state house, thirty-one dollars and twenty-five cents, ($31.25).

48. To Margaret Cody, for cleaning the court rooms and offices in the state house, six days' work at one dollar per day, six dollars, ($6.00).

49. To Aaron Lawshe, for horses and carriages to take committee to the asylum in eighteen hundred and fifty-nine, five dollars, ($5.00).

50. To Titus H. Stout, for making fires in senate chamber, assembly room and committee rooms, and for hoisting flag, &c., one hundred and fifty dollars, ($150.00).

51. To Toms & Lawshe, for horses and carriages to take committee to the asylum in eighteen hundred and sixty, ten dollars, ($10.00).

52. To Toms & Lawshe, for horses and carriages to take committee to the prison in eighteen hundred and sixty, ten dollars, ($10.00).

53. To William Pippin, for carting marl for state house grounds, three dollars, ($3.00).

54. To Charles Scott & Company, for books and stationery furnished for the use of the treasurer's office, one hundred and two dollars and forty-one cents, ($102.41).

55. To Charles Scott & Company, for Nixon's Forms and Cushing's Manual, for the use of the legislature, one hundred and eighty-eight dollars and fifty cents, ($188.50).

56. To Israel Wells, for books and binding for supreme court office, thirty-three dollars, ($33.00).

57. To Charles P. Smith, clerk of the supreme court, for cash paid D. V. Garit for engraving and printing envelopes, ninety-eight dollars, ($98.00).

58. To Charles Morgan Herbert, for services as private secretary of the governor during the present session of the legislature, eighteen hundred and sixty, three hundred dollars, ($300.00).

59. To David Naar, for cash paid for express charges on report of committee of senate on temperance, sent to various

members of senate, and for printing two hundred copies of senate check list, ten dollars and sixty-four cents, ($10.64).

60. To David Naar, for printing for state library, and for subscription to daily True American from January one, eighteen hundred and fifty-three, seven years, for file in state library, thirty-eight dollars and fifty cents, ($38.50).

61. To David Naar, for printing two hundred and fifty copies of blank reports for town superintendents of public schools, nine dollars and fifteen cents, ($9.15).

62. To David Clark, for stationery furnished to the court of errors and appeals, forty-five dollars and five cents, ($45.05.)

63. To David Naar, for advertising invitation to clergy of Trenton, five dollars and seventy cents, ($5.70).

64. To the Elizabeth Unionist, for publishing a proclamation for the person who committed an assault upon the person of Thomas P. Condell, of the city of Elizabeth, one dollar and sixty cents, ($1.60).

65. To A. Kessler, for locks and keys furnished house of assembly during the years eighteen hundred and fifty-nine and sixty, fourteen dollars and thirty-six cents, ($14.36).

66. To David Clark, for stationery furnished to the engrossing clerk of the senate, nine dollars and eighty-seven cents, ($9.87).

67. To Isaac D. James, for mucilage, &c., during the years eighteen hundred and fifty-nine and sixty, twenty-three dollars and seventy cents, ($23.70).

68. To David Naar, for advertising governor's thanksgiving proclamation, seventeen dollars, ($17.00).

69. To David Clark, for stationery furnished to the executive chamber, two dollars, ($2.00).

70. To Joseph Cunningham, for horses and carriages to take committee to the asylum, ten dollars, ($10.00).

71. To Edward Williams, for painting and materials at the state house, one hundred and seventy-four dollars and fifty-seven cents, ($174.57).

72. To David Clark, for stationery furnished for the use of

the senate, two hundred and seventy dollars and thirty-six cents, ($270.36).

73. To the Newark Mercury, for publishing notice of reward and proclamation, seventeen dollars, ($17.00).

74. To Upton & Miller, for stationery furnished house of assembly, seven dollars, ($7.00).

75. To A. Barricklo & Company, for erection of workshops in the state prison yard, three thousand five hundred and sixty-nine dollars and thirty-nine cents, ($3,569.39).

76. To David Clark, for stationery furnished to the state library, twenty-six dollars and fifty-six cents, ($26.56).

77. To William A. Benjamin, for postage stamps and envelopes to members of the senate and assembly, session of eighteen hundred and sixty, fourteen hundred and sixty-eight dollars and twenty-eight cents, ($1,468.28).

78. To David Clark, for stationery furnished to the engrossing clerk of the house of assembly, forty-four dollars and eighty-eight cents, ($44.88).

79. To C. Truax, J. H. Maguire, and David Campbell, for appraising personal property at state prison, twenty-two days each, at three dollars per day, one hundred and ninety-eight dollars, ($198.00), and to F. Snowden, as clerk of board of appraisers, twenty-two days, at three dollars per day, sixty-six dollars, ($66.00), the whole amounting to two hundred and sixty-four dollars, ($264.00).

80. To Benjamin K. McClurg, assistant secretary of the senate, in full for his services, five hundred dollars, ($500.00).

81. To David Clark, for stationery furnished to the supreme court office, sixty-seven dollars and thirty-five cents, ($67.35).

82. To quartermaster-general for sundry items for fuel, materials and repairs to arms and arsenal, &c., as per vouchers, viz: to Randolph & Brothers, seventeen dollars and fifty-eight cents, ($17.58); J. R. Grinslade, two dollars, ($2.00); D. S. Anderson, twenty-one dollars and fifty cents, ($21.50); A. C. Morin, three dollars, ($3.00); George L. Farrel, eight dollars and eighty-five cents, ($8.85); George P. Hammell,

three dollars, ($3.00); William T. Nicholson, one dollar and twenty-five cents, ($1.25); J. T. Rice, twelve dollars and fifty cents, ($12.50); Henry J. Ashmore, six dollars, ($6.00); Handy & Company, one dollar and fifty-cents, ($1.50); Robert S. Green, ten dollars, ($10.00); S. D. Bellerjeau, five dollars, ($5.00); M. Malone, three dollars, ($3.00); Edward Gordon, four dollars and fifty-six cents, ($4.56); Howard & Company, thirty-eight cents, ($0.38); making the sum of one hundred dollars and twelve cents, ($100.12).

83. To Trenton Locomotive Works, for repair of arms for arsenal, two dollars and ten cents, ($2.10).

84. To Camden and Amboy Railroad Company, for freight on state arms, seventeen dollars and fifty cents, ($17.50).

85. To Andrew Hammell, for cartage on arms, to and from the arsenal, eight dollars, ($8.00).

86. To Joseph G. Brearley & Co., for hardware furnished to the state arsenal, twenty-nine dollars and fifty-eight cents, ($29.58).

87. To Charles Brearley & Co., for oil furnished to the arsenal, three dollars and seventy-four cents, ($3.74).

88. To Newark Evening Journal, for printing thirty bills for military law, twenty-eight dollars, ($28.00).

89. To William A. Benjamin, for stamps furnished to the quartermaster-general, ten dollars, ($10.00).

90. To Joseph McPherson, for satchels furnished to the secretary of the senate and clerk of the house of assembly, ten dollars, ($10.00).

91. To David Clark, for stationery furnished to the house of assembly, per order of clerk, three hundred and thirteen dollars and eighteen cents, ($313.18).

92. To Charles Scott & Co., for stationery furnished to the house of assembly, per order of the clerk of the house, one hundred and seventeen dollars and sixty-four cents, ($117.64).

93. To David Clark, for stationery furnished to the state arsenal, two dollars and three cents, ($2.03).

94. To William W. Norcross, for sperm candles furnished

New Jersey State Library

to the state house, thirteen dollars and ninety-five cents, ($13.95.)

95. To John C. Grant, for stone furnished and for work done at the state house, one hundred and nine dollars and fifty-eight cents, ($109.58).

96. To George Henry Dean, for nine days' work as page of Governor Newell, thirteen dollars and fifty-cents, ($13.50.)

97. To Charles Scott & Company, for stationery furnished for the use of the engrossing clerk of the senate, ninety-four dollars and two cents, ($94.02).

98. To Joseph McPherson, for thumb stalls, &c., for the arsenal, four dollars and seventy-five cents, ($4.75).

99. To Isaac D. James, for articles furnished to the clerk of the house of assembly, five dollars and forty-eight cents, ($5.48).

100. To Titus & Scudder, for oil cloth furnished to assembly room and state house, ten dollars and sixty-three cents, ($10.63).

101. To William Ashmore, for services rendered as page to Governor Olden, ninety-nine dollars, ($99.00).

102. To Camden and Amboy Railroad Company, for freight and cartage for Lippincott's Gazetteer, three dollars and eight cents, ($3.08).

103. To Brewer & Ott, for carriages for prison committee in eighteen hundred and sixty, twenty dollars, ($20.00).

104. To Brewer & Ott, for carriages to convey militia committee to arsenal, fourteen dollars, ($14.00).

105. To William A. Benjamin, for envelopes and stamps furnished to the senate for the clergy, sixty-nine dollars and ninety-six cents, ($69.96).

106. To Isaac D. James, for paste and other articles furnished to the house of assembly, two dollars and sixty-five cents, ($2.65).

107. To the "Gazette and Republican," for advertising thanksgiving proclamation, printing circulars for governor, and other printing, amounting to sixty-five dollars and sixty cents, ($65.60).

108. To the "True Democrat," for advertising governor's proclamation, proposals for coal for state house, and other printing, amounting to thirty dollars and fifty-cents, ($30.50).

109. To Brewer & Ott, for horse and carriage for Governor Olden, to go to the state prison, one dollar, ($1.00).

110. To Brewer & Ott, for carriage to asylum, five dollars, ($5.00).

111. To David Clark, for one satchel furnished to the assistant secretary of the senate, five dollars, ($5.00).

112. To Rev. David W. Bartine, for delivering an address on Washington's birth-day, fifty-dollars, ($50.00).

113. To Charles Scott & Co., for stationery furnished to order of the committee on stationery for the house of assembly twenty-seven dollars and seventy-five cents, ($27.75).

114. To William H. Rhodes, for services as assistant clerk of the house of assembly for the year eighteen hundred and sixty, five hundred dollars, ($500.00).

115. To the Mechanics' and Manufacturers' Bank, for interest on warrant of the governor for thirteen hundred dollars, on the treasurer, in favor of the Normal School, sixteen dollars and twenty-four cents, ($16.24.); interest on warrant of the governor for twelve hundred dollars, on the treasurer, in favor of the Normal School, thirty-seven dollars and thirty-one cents, ($37.31); interest on warrant of the governor for fifteen hundred dollars, on the treasurer, in favor of the Normal School, fourteen dollars and ninety-one cents, ($14.91); amounting to sixty-eight dollars and forty-six cents, ($68.46).

116. To the Trenton Banking Company, for interest on warrant of the governor for twelve hundred dollars, on the treasurer, in favor of the Normal School, fifty-nine dollars and twenty-nine cents, ($59.29); interest on warrant of the governor for eighteen hundred dollars, on the treasurer, in favor of the Normal School, forty-six dollars and forty-one cents, ($46.41); interest on warrant of the governor for fifteen hundred dollars, on the treasurer, in favor of the Normal School, seventy-one dollars and eighty-eight cents, ($71.88),

amounting to one hundred and seventy-seven dollars and fifty-eight cents, ($177.58).

117. To J. H. Duffield, member of assembly, for mileage and services as member of the house of assembly, sixty-eight dollars, ($68.00).

118. To Charles Scott & Company, for stationery furnished for the house of assembly, twenty dollars, ($20.00).

119. To the Daily Newark Mercury, for advertising thanksgiving proclamation one month, ten dollars, ($10.00).

120. To Charles J. Ihrie, for brackets and lamps for state library, and other articles, one hundred and forty-one dollars and eighty-eight cents, ($141.88).

Treasurer and quarter-master-general to settle certain accounts.

2. *And be it enacted*, That the treasurer and the quarter-master general of this state, are hereby authorized and directed to settle and adjust the account between Hitchcock & Company, of the city of New York, and S. R. Hamilton, late quarter-master general, for the alteration, exchange and sales of arms, and that the balance, if any, be paid by the treasurer of this state.

Approved March 23, 1860.

JOINT RESOLUTIONS.

NUMBER I.

Relative to the case of Charles E. Fleming, late a lieutenant in the United States navy.

Preamble.

WHEREAS, Charles E. Fleming, a native of this state, and late a lieutenant of the United States navy, by reason of the finding of a court martial and the confirmation of the same by the then president of the United States, was in February, eighteen hundred and fifty-seven, dismissed the service; and whereas, upon an examination of an official copy of the evidence in this case it is made apparent that the finding of the court was not warranted by the testimony, the weight of the evidence leaning strongly to a perfect exculpation of the accused from all the specifications, and more particularly from the second and fifth, upon which alone he was found guilty; and whereas, in the opinion of the first legal talent of this state, who have carefully weighed and sifted the entire testimony in the case, that testimony is declared to "to have been vague, full of

contradictions, and a great part of it unsatisfactory, so that the cause of truth and justice would have been more certainly subserved by a different finding on the part of the court;" and we, the representatives of the people, being unwilling that one who is by birth a Jerseyman, and who, in his own person, during twenty years' connection with the navy, maintained a high character and distinguished himself in the Florida and Mexican wars, should be thus stricken down in the midst of his usefulness, and his hitherto fair fame tarnished by what we conceive to have been a most unwarranted and harsh sentence—therefore,

Reinstatement of Lieut. C. E. Fleming.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That our senators and representatives in congress be and they are hereby requested to use their utmost efforts to induce the president of the United States to review the case of the said Charles E. Fleming, or if he should decide that he has not the power to go behind the record, so as to enable him to order a re-hearing, then and in such case he be respectfully urged to send his name into the senate for a lieutenancy in the navy, to fill one of the vacancies now existing, and that has occurred by reason of the provisions of the act of eighteen hundred and forty-two; and we do not hesitate to say, that such nomination would receive the unanimous and cordial approbation of every citizen of this state familiar with the peculiar hardships of the case, and would be hailed with gratification by all his former brother officers, whose exertions in his behalf have been unremitting, and whose heartfelt sympathies have been with him since that unfortunate hour when he was deprived of his rank, and his good name given to reproach by the finding and sentence of a court martial.

Governor to transmit copies.

2. *And be it resolved*, That the governor of this state be requested to transmit a copy of the foregoing preamble and resolutions to the president of the United States, and to each of our senators and representatives in congress.

Approved February 2, 1860.

NUMBER II.

Concerning the establishment of a government foundry in the state of New Jersey.

WHEREAS, the Congress of the United States is considering the propriety of establishing one or more government foundries, for the purpose of encouraging the manufacture of American iron, &c. Preamble.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the natural and artificial advantages of Kaighn's Point, on the river Delaware, in the county of Camden, in this state, strongly suggest the propriety of that site for the erection of such a work, inasmuch as, first, it is upon a water of free and easy navigation, while it is sufficiently inland to be secure from foreign invasion; second, it is in close proximity to the navy yard at Philadelphia, one of the principal in the United States; third, it is convenient to the coal and iron deposits of Pennsylvania and New Jersey, among the richest in the world; and fourth, it is at a point where every facility exists for communication with the departments at Washington, being upon one of the great thoroughfares of travel to and from the seat of government. Kaighn's point.

2. *And be it resolved*, That Trenton, in the county of Mercer, and Florence and Beverly, in the county of Burlington, on the Delaware river, are also suitable sites for the above named purpose, combining as they do security from the dangers of foreign invasion, and the advantages of navigation for all necessary purposes, having sand and loam of the best quality (an important item in a foundry,) in great abundance, directly on the ground, being in close proximity to the iron of New Jersey, and most conveniently situated as regards the coal and iron of Pennsylvania; located between two of Trenton, Florence and Beverly.

the largest cities of the United States—New York and Philadelphia—and on the great line of railroad north and south, thereby affording every facility to the departments at Washington to receive and transmit any information required.

Copies to be transmitted.

3. *And be it resolved*, That the governor of this state be and he is hereby respectfully requested to cause to be transmitted to each of our senators and representatives in Congress a copy of these resolutions, requesting them to use every proper effort to secure one of said foundries to be located at one of the points above indicated.

Approved March 17, 1860.

NUMBER III.

Concerning the duties on Imported Merchandise.

Revision of tariff.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That our senators and representatives in congress be requested to use all honorable means to revise the present tariff, so that the revenues arising from duties on imported merchandise shall be sufficient to defray an economical administration of the federal government, and soon extinguish our national debt, discriminating so as to protect our own manufactures.

Copies to be transmitted.

2. *And be it resolved*, That the governor of this state be and he is hereby respectfully requested to cause to be trans-

mitted to each of our senators and representatives a copy of these resolutions.

Approved March 22, 1860.

NUMBER IV.

For the improvement of navigable waters on the Atlantic Coast.

WHEREAS the county of Ocean, in the state of New Jersey, extends south from Squan Inlet, nearly fifty miles, embracing a territory equal to more than one-third part of the entire sea-coast of New Jersey, from Sandy Hook to Cape May; and whereas, the main land of said territory for nearly the whole distance, is separated from the ocean by a large body of water known as Barnegat Bay, and narrow strips of land eastward of said bay, known as Squan Beach, Long Beach, &c.; and whereas said bay and the inlets to it through the beaches, are susceptible of great improvement by clearing and deepening the channels, and concentrating and regulating the waters, thereby affording greater facilities to our domestic commerce, especially affording safe inlets, and a safe and commodious harbor to the coasting trade and to all small class vessels, and at the same time providing some of the best means for the preservation of life and property; and whereas the county of Ocean is centrally located between New York Bay and Preamble.

Delaware Bay, as are also the points at which the within named improvements are sought to be made, and have long been sensibly realized as necessary and urgently called for, therefore,

Appropriations for improvements.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That our senators and representatives in Congress be and they are hereby requested to urge the passage of an act appropriating the amounts hereinafter specified for their respective objects, as follows:

I. For deepening and otherwise improving the channel in Barnegat Bay, from near the mouth of Toms River to Barnegat Inlet, ten thousand dollars.

II. For opening, clearing, and improving Metedeconk Inlet, opposite the Metedeconk river, and for the erection of a dam at the most convenient points near the head of Barnegat Bay, to aid the same, provided no injury to private property may result from said dam, ten thousand dollars.

III. For straightening the channel and concentrating the waters of Manasquan river in the counties of Monmouth and Ocean, to improve Squan River Inlet, five thousand dollars.

Copies to be transmitted.

2. *And be it resolved*, That his Excellency the governor be and he is hereby requested to have transmitted a copy of the above preamble and resolutions to each of our senators and representatives in Congress, and to any others, at his discretion.

Approved March 22, 1860.

NUMBER V.

Relative to the removal of obstructions in the river Delaware.

Preamble

WHEREAS, it has been represented that the frequent and sudden rise of the water, and the great ice freshets in the river Delaware, forces the water out of the natural channel of said river, and around the islands therein which lie between the cities of Trenton and Camden and Philadelphia, leaving the natural current slacker, as well as filling up the same, and causing a cross set of currents below said islands where the water from said freshets meets the main channel, creating bars of sand and earth therein, to the great impediment, and it is feared, eventually, to the total deprivation of the use of said river for purposes of navigation between the cities named, unless immediate measures be taken to remove the subsisting obstructions in the channel; and being well satisfied that if the channel is once properly improved so as to shut off these drift-ways, the whole weight of the water, at all seasons of the year, would keep the channel free from shoals and bars, and facilitate the navigation of the river to and from the capital of this state; and whereas, the navigation of the Delaware river, at the mouth of Salem river, and the navigation of the Passaic river and bay, is impeded and endangered by obstructions deposited there, and the commerce of the port materially interfered with, and upon which two valuable steamboats have been wrecked, and the lives of their passengers placed in imminent peril—therefore,

Removal of obstructions.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That our senators and representatives in congress be and hereby are requested to use their exertions to have an appropriation made for the purpose of removing obstructions and improving the channel of the river

Delaware between the cities of Trenton and Camden and Philadelphia, and also at the mouth of Salem river, and to improve the navigation of the Passaic river and bay.

Copies to be sent to senators and representatives.

2. *And be it resolved*, That the Governor be requested to transmit copies of these joint resolutions to our senators and representatives, for presentation to the national congress.

3. *And be it resolved*, That the Governor is hereby requested to invite the co-operation of the state of Pennsylvania to effectuate the object of these resolutions.

Approved March 22, 1860.

NUMBER VI.

Relative to public lands.

Preamble.

WHEREAS, it is expedient that the public lands of the United States should be held for the equal benefit, in limited quantities, of all such persons as shall be willing to settle upon and cultivate the same; and whereas, also, it is the true policy of American institutions that the great mass of the American people should be identified in interest with the soil, by the unconditional ownership of a reasonable but limited amount thereof—therefore,

Lands for actual settlers.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That our senators and representatives in congress be and they hereby are requested to use all

honorable means to procure the passage of an act by the congress of the United States, by which the public domain shall be granted, in quantities of not more than one-half, nor less than one-quarter of a section, free of charge, to each actual settler thereupon, and the title to the same confirmed to him and his family for a homestead; *provided however*, that the act be so guarded as not to defeat or interfere with the rights of persons to whom land warrants have been or shall hereafter be granted for services under the government of the United States. Proviso.

2. *And be it resolved*, That the governor of this state is hereby requested to forward an attested copy of these resolutions to each of our senators and representatives in congress, that the same may be presented to the national legislature for its consideration. Copies to be transmitted.

Approved March 22, 1860.

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